



# ACLU

**AMERICAN CIVIL LIBERTIES UNION  
of NEW JERSEY**

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**BY MAIL & FACSIMILE (609) 292-7225**

May 8, 2013

Alan Guenther, Records Custodian  
New Jersey Higher Education  
P.O. Box 542  
Trenton, NJ 08625-0542

Dear Mr. Guenther:

This letter is a request made pursuant to the Open Public Records Act, *N.J.S.A. 47:1A-1 et seq.* (OPRA), and the common law right of access to public records, *Keddie v. Rutgers*, 148 *N.J.* 36, 48-54 (1997). It satisfies all requirements for an OPRA request, as I am not required to fill out an official form. *See Renna v. Cty. of Union*, 407 *N.J. Super.* 230, 232 (App. Div. 2009).

This request seeks records pertaining to the \$750 million General Obligation construction bond authorization described in the press release from the Office of the Governor attached hereto (or referred to as the "Building Our Future Bond Act"), the Higher Education Capital Improvement Fund, the Higher Education Facilities Trust Fund, the Higher Education Technology Infrastructure Fund, and the Higher Education Equipment Leasing Fund.

Please provide copies of the following records made, maintained, kept on file, or received by your agency:

1. **Records documenting the amounts proposed to be distributed from each of the above-listed Higher Education funding programs or awards, including but not limited to the award of funds described in the attachment entitled "Higher Education Capital Financing Grant Programs" (attached hereto);**
2. **All applications for funding pursuant to the above-listed programs or funds, submitted in 2012 and 2013, by each of the "Private Institutions" named in the NJ Higher Education Financing Grant Programs release attached hereto;**
3. **All scoring sheets and other such records used or relied upon to determine the eligibility for and amount awarded to each of these applicants; and**
4. **All written and electronic correspondence, from January 2012 to the present, between employees of NJ Higher Education and representatives of the "Private Institutions" named in the NJ Higher Education Financing Grant Programs release attached hereto.**

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As you may know, OPRA generally requires a custodian of records to grant access or deny a request for access "as soon as possible, but not later than seven business days after receiving the request." *N.J.S.A.* 47:1A-5(i). If you need more time, you must contact me during this seven-day period to suggest a *reasonable* date for completing your response. *See N.J.S.A.* 47:1A-5(g) & -5(i).

If you determine that any portions of the requested records are exempt from disclosure, please redact only that which you believe is exempt and provide the remaining, non-exempt portions. *See N.J.S.A.* 47:1A-5(g). Also, you must send me an *index* detailing the specific exemptions that justify each redaction or withheld document. *See Paff v. N.J. Dep't of Labor*, 392 *N.J. Super.* 334, 341 (App. Div. 2007).

I ask that you send these records to me as *PDF files by e-mail*, which ordinarily are free of charge pursuant to OPRA. *See N.J.S.A.* 47:1A-5(b). If you feel that unusual circumstances warrant a special charge for providing the particular items in my request, please advise me beforehand so that we can discuss arrangements.

Thank you for your prompt attention to this matter. Please send all responses to me at [ebarocas@aclu-nj.org](mailto:ebarocas@aclu-nj.org). If you have any questions, please contact me at 973-854-1717.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Barocas', written over a horizontal line.

Ed Barocas

Legal Director



# STATE OF NEW JERSEY OFFICE OF THE GOVERNOR

## **Governor Christie Announces \$1.3 Billion for Higher Education Construction, Putting Thousands to Work and Improving Facilities for 350,000 Students** *176 Projects Sent to Legislature For First Statewide, Voter-Approved Higher Education and Other State-Led Capital Construction in 25 Years*

For Immediate Release  
Monday, April 29, 2013

Contact: Michael Drewniak  
Colin Reed  
609-777-2600

**Trenton, NJ** – Moving forward to ensure the future of higher education in the Garden State, Governor Christie today announced that Secretary of Higher Education Rochelle Hendricks has sent the Legislature a list of 176 higher education capital construction projects, the first concerted contribution to New Jersey's higher education infrastructure in decades. The projects, many of which are shovel-ready, include cutting edge research laboratories, the latest computerized classrooms, and cyber networks that will allow students and faculty to interact with colleagues around the world through long-overdue construction, maintenance and attention to the State's higher education community.

"Today, we begin a new era of opportunity for New Jersey's colleges and universities," Governor Christie said. "To keep more of our best students in the State and to make our colleges more attractive research partners for industries looking to bring good paying jobs and businesses here, we need modern facilities to remain competitive."

Last August, the Governor signed legislation placing a \$750 million General Obligation construction bond question on the ballot. Voters approved the bond authorization in November and Secretary Hendricks took swift action and proposed regulations in December. In addition, Secretary Hendricks announced that the State would also be making available bond proceeds from the reauthorization of four other higher education funding programs – the Higher Education Capital Improvement Fund (CIF); the Higher Education Facilities Trust Fund (HEFT); the Higher Education Technology Infrastructure Fund (HETI); and the Higher Education Equipment Leasing Fund (ELF). The combined capacity of these programs is more than \$1.3 billion. During the process, Secretary Hendricks sent out a solicitation package and hosted an information session in February, and by March 25, 2013, colleges and universities submitted more than 250 applications for funding.

A team of experts from the Educational Facilities Authority, the Economic Development Authority, the Schools Development Authority and the Department of Treasury reviewed and recommended the approval of projects to Secretary Hendricks, who then compiled the list that best reflects the State's higher education goals and priorities. Selected projects targeted academic programs, especially science, technology, engineering and math. Institutions were required to detail how projects served students and aligned with New Jersey's workforce needs.

"Our team looked for innovative projects that were in line with the missions of the colleges and New Jersey's needs. I'm proud that higher education institutions in every region of our state will benefit," Secretary Hendricks said. "We had 46 institutions submit applications for \$2.1 billion in funding, and I want to commend the higher education community for the impressive quality of the applications."

The full list of projects transmitted to the Legislature for consideration is attached and a breakdown of proposed awards by institution is below:

**HIGHER EDUCATION CAPITAL  
FINANCING GRANT PROGRAMS**  
(by institution type)

New Jersey Institute of Technology	\$99,842,923
Rowan University	\$117,813,926
Rutgers University ( <i>all campuses</i> )	\$357,231,074
UMDNJ	\$67,030,705

Kean University	\$53,812,500
Montclair State University	\$93,812,912
New Jersey City University	\$34,585,004
Ramapo College of New Jersey	\$18,598,000
Richard Stockton College of NJ	\$53,957,950
The College of New Jersey	\$57,450,035
Thomas Edison State College	\$16,621,000
William Paterson University	\$31,983,521

Beth Medrash Govoha	\$10,635,747
Bloomfield College	\$2,517,500
Caldwell College	\$3,846,182
Centenary College	\$2,267,000
Drew University	\$6,811,109
Fairleigh Dickinson University	\$10,160,188
Felician College	\$4,375,000
Georgian Court University	\$8,439,985
Princeton Theological Seminary	\$645,323
Princeton University	\$6,452,500
Rider University	\$4,555,000
Saint Peter's University	\$2,766,000
Seton Hall University	\$11,713,532
Stevens Institute of Technology	\$7,250,000
The College of Saint Elizabeth	\$2,391,888

Atlantic Cape Community College	\$8,211,657
Bergen Community College	\$15,844,000
Brookdale Community College	\$15,884,865
Burlington Community College	\$4,573,881
Camden County College	\$8,313,296
County College of Morris	\$10,437,512
Cumberland County College	\$2,492,400

Essex County College	\$19,103,490
Gloucester County College	\$19,008,315
Hudson County Community College	\$11,615,985
Mercer County Community College	\$9,697,050
Middlesex County College	\$14,810,400
Ocean County College	\$12,510,572
Passaic County Community College	\$6,111,199
Raritan Valley Community College	\$16,418,794
Salem Community College	\$3,000,000
Sussex County Community College	\$2,331,600
Union County College	\$1,405,848
Warren County Community College	\$917,000