

## SUBCHAPTER 15. (RESERVED)

## SUBCHAPTER 16. CERTIFIED EDUCATIONAL FACILITIES MANAGER

**6A:26-16.1 Certified educational facilities manager**

(a) Effective September 1, 2002, no person shall be employed by a district board of education to supervise buildings and grounds unless he or she meets the criteria established in N.J.S.A. 18A:17-49 et seq.

(b) An applicant for certification as an educational facilities manager shall submit to the Division documentation demonstrating compliance with one of the criteria in N.J.S.A. 18A:17-49 et seq. After verifying compliance with one of the criteria, the Division shall issue to the applicant an authorization to serve as an educational facilities manager and shall add the applicant to the Division's master list of certified educational facilities managers.

(c) When a vacancy occurs in a position in which the duties of a supervisor of buildings and grounds are performed, a district board of education may select a person who is not a certified educational facilities manager to perform the duties of a supervisor of buildings and grounds for a period not to exceed two years commencing on the vacancy date. At the expiration of the two-year period, the district board of education shall employ to supervise its buildings and grounds a person certified by the Division as an educational facilities manager.

Amended by R.2013 d.145, effective December 16, 2013.  
See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).  
Rewrote the section.

## SUBCHAPTER 17. APPEALS

**6A:26-17.1 Appeals of Commissioner determinations**

(a) All appeals of final determinations made by the Commissioner pursuant to EFCFA and this chapter shall be pursuant to N.J.A.C. 6A:4, Appeals.

(b) Appeals arising from decisions of the Department's Division of Administration and Finance may be requested in writing, and an opportunity given for an informal hearing before the Assistant Commissioner or other designated official. A written request for an informal hearing shall be made within 30 days of the school district's receipt of the Division's decision.

(c) In the event of an adverse decision after an informal hearing under (b) above, or if a school district determines not to seek an informal hearing, a school district may request, within 90 days of the decision of the Assistant Commissioner or the Division's determination if an informal hearing is not

sought, a formal hearing pursuant to N.J.S.A. 18A:6-9 and 18A:6-24 and N.J.A.C. 6A:3, Controversies and Disputes.

Amended by R.2001 d.367, effective October 1, 2001.  
See: 33 N.J.R. 1809(a), 33 N.J.R. 3482(a).

Rewrote (a).  
Petition for Rulemaking.  
See: 34 N.J.R. 3868(a), 34 N.J.R. 4474(a).  
Amended by R.2004 d.214, effective June 7, 2004.  
See: 36 N.J.R. 243(a), 36 N.J.R. 2733(b).

In (b), substituted "Finance" for "Facilities and Transportation" following "the Division of".

Amended by R.2007 d.81, effective March 19, 2007.  
See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

In (a), inserted ", Appeals"; and in (c), inserted "school" preceding "district" two times and inserted ", Controversies and Disputes".

Amended by R.2013 d.145, effective December 16, 2013.  
See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

Section was "Appeals of Commissioner's determinations". In (a), deleted "to the New Jersey State Board of Education" following "be"; and rewrote (b) and (c).

## SUBCHAPTER 18. SECTION 15 GRANTS FOR REGULAR OPERATING DISTRICTS, INCLUDING COUNTY VOCATIONAL SCHOOL DISTRICTS

**6A:26-18.1 Eligibility for section 15 grants for RODs, not including county vocational school districts**

(a) Any ROD applying for a section 15 grant shall conform at a minimum with the requirements of this subchapter, as applicable.

(b) Any eligibility determination for a section 15 grant shall be subject to the availability of funds.

(c) If the school facilities project or a portion of it is eligible for State support, the ROD may request State debt service aid pursuant to N.J.S.A. 18A:7G-9 in lieu of a section 15 grant.

(d) All of the following conditions shall apply regarding eligibility for a section 15 grant:

1. A ROD shall have an approved LRF, pursuant to N.J.A.C. 6A:26-2.1(b).

2. The school facilities project has been approved pursuant to N.J.A.C. 6A:26-3.3 and has no excess costs.

3. The proposed school facilities project shall fall within one or more of the priority project categories described below.

i. Level 1 are school facilities projects that address the most critical operational building needs, including health and safety issues, and program mandates. The projects shall consist of one or more of the following:

(1) Upgrades to essential building systems;

(2) Repair or replacement of a building skin element;

- (3) Fire or life safety building code issues;
- (4) Upgrades consistent with the Americans with Disabilities Act;
- (5) Hazardous materials abatement;
- (6) Security and communication systems;
- (7) Site drainage to correct existing conditions;
- (8) Upgrades to existing elementary school playgrounds as per N.J.A.C. 6A:26-3.2(a)5;
- (9) Renovated or up to a maximum of six new early childhood classrooms; or
- (10) Special population needs.

ii. Level 2 are school facilities projects that address the rehabilitation of existing buildings, the easing of overcrowding, and/or improving the quality of existing instructional spaces. The projects shall consist of one or more of the following:

- (1) Repair or replacement of existing building systems and components not included in Level 1;
- (2) Existing site upgrades excluding upgrades to athletic fields or tracks; or
- (3) Renovation or new construction of capacity-generating classrooms to address overcrowding or a substandard condition.

iii. Level 3 are school facilities projects that are either new construction or rehabilitation that also qualifies as reconstruction. For purposes of this subsection, "reconstruction" means reconstruction as defined in the UCC, N.J.A.C. 5:23-6.3. Reconstruction and/or new construction projects shall be evaluated based upon the following attributes:

- (1) Districtwide unhoused students and overcrowding;
- (2) Early childhood program accommodations;
- (3) Compliance with facilities efficiency standards;
- (4) Use of temporary or leased facilities;
- (5) Building age;
- (6) Project scope; and
- (7) Prior section 15 funding.

(e) If the school facilities project fits into more than one of the priority project categories, the entire school facilities project shall be deemed to fall within the lowest category for which it qualifies.

(f) If a ROD submits more than one application for a section 15 grant for a school facilities project that includes

new construction, all applications for section 15 grants shall not have any excess costs to qualify for a section 15 grant.

(g) A ROD shall be eligible to receive a section 15 grant for a school facilities project involving the replacement of a building system that was all or part of a school facilities project that previously received State support, provided the building system to be replaced has approached or exceeded its life expectancy. The school district shall provide documentation concerning the building system's life expectancy, including, but not limited to, the original installation date or the building system manufacturer's warranty.

(h) A ROD may request on a Department-supplied form a preliminary ROD grant eligibility determination for the scope of work of a school facilities project.

(i) RODs may take one of the following actions, as applicable, for a school facilities project that has been submitted to the Department for approval or has received approval from the Department prior to the deadline established pursuant to N.J.A.C. 6A:26-18.3(a):

1. A ROD that has submitted to the Office of School Facilities an application for approval of a school facilities project but has not yet received project approval may submit an application for a section 15 grant pursuant to this subchapter in accordance with the grant deadlines set forth in this subchapter.

2. If a ROD plans to submit an application for a section 15 grant pursuant to this subchapter for a project that previously was reviewed pursuant to N.J.A.C. 6A:26-3.12 as an "other capital" project, the ROD shall withdraw from the Office of School Facilities the prior application and resubmit a new one.

3. If a ROD plans to submit a school facilities project for a section 15 grant pursuant to this subchapter for a school facilities project that previously was approved for State debt service aid and has accepted the preliminary eligible costs as the final eligible costs prior to the deadline established pursuant to N.J.A.C. 6A:26-18.3(a), the ROD shall withdraw from the Office of School Facilities the prior application and resubmit a new one.

4. If a ROD plans to submit a school facilities project for a section 15 grant pursuant to this subchapter for a school facilities project that previously was approved for State debt service aid but has not accepted the preliminary eligible costs as the final eligible costs prior to the deadline established pursuant to N.J.A.C. 6A:26-18.3(a), the ROD may request that the school facilities project be considered for a section 15 grant instead of State debt service aid.

5. If a school facilities project is cancelled pursuant to this subsection and an application for a section 15 grant for the project is then submitted, the school facilities project must meet the eligibility requirements and deadlines set forth in this subchapter.