

CHAPTER 22

SCHOOL FACILITY PLANNING SERVICE

Authority

N.J.S.A. 18A:1-1, 18A:4-15, 18A:18A-16, 18A:18A-18, 18A:18A-39, 18A:20-36, 18A:33-1 et seq., and 52:27D-130.

Source and Effective Date

R.1999 d.3, effective December 4, 1998.
See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

Executive Order No. 66(1978) Expiration Date

Chapter 22, School Facility Planning Service, expires on December 4, 2003.

Chapter Historical Note

Chapter 22, School Facility Planning Services, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 22 expired on July 1, 1984.

Chapter 22, School Facility Planning Service, was adopted as new rules by R.1985 d.527, effective October 21, 1985. See: 17 N.J.R. 650(a), 17 N.J.R. 2540(a), 18 N.J.R. 1457(b).

Pursuant to Executive Order No. 66(1978), Chapter 22, School Facility Planning Service, was readopted as R.1990 d.394, effective July 16, 1990, and Subchapter 1, General Provisions, was recodified and Subchapter 1, Approval of Plans and Specifications by the Department of Education, Bureau of Facility Planning Services, was adopted as new rules by R.1990 d.394, effective August 6, 1990. See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Pursuant to Executive Order No. 22(1994), the expiration date of Chapter 22, School Facility Planning Service, was extended from July 16, 1995 to January 16, 1997. See: 26 N.J.R. 3783(a), 26 N.J.R. 3942(a).

Pursuant to Executive Order No. 66(1978), Chapter 22, School Facility Planning Service, was readopted as R.1997 d.10, effective December 10, 1996. See: 28 N.J.R. 4299(a), 29 N.J.R. 125(a).

Pursuant to Executive Order No. 66(1978), Chapter 22, School Facility Planning Service, was readopted as R.1999 d.3, effective December 4, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. APPROVAL OF PLANS AND SPECIFICATIONS BY THE DEPARTMENT OF EDUCATION, DIVISION OF FINANCE

6:22-1.1 Types of building construction work requiring Department of Education review

(a) Types of building construction work requiring a review by the Department of Education are as follows:

1. New school buildings including pre-fabricated facilities;
2. An addition to an existing school building;
3. A change involving the total number of instructional spaces or the number of any one kind of instructional space;

4. A change in the dimensions (volume and/or area) of any instructional space;
5. A change of use as defined in N.J.A.C. 6:22-5.2;
6. The utilization of pre-manufactured trailers and vans; and
7. Any site or school building change or alteration for the purpose of making the site and school barrier free and accessible to handicapped persons as per N.J.A.C. 5:23 and Section 504 of the Federal Rehabilitation Act of 1973.

(b) Other construction projects that do not require a review for educational adequacy shall be submitted to the local municipal construction enforcing agency in accordance with N.J.A.C. 5:23-2.

6:22-1.2 Educational specifications for building construction or modifications

(a) Educational specifications shall be prepared in writing detailing all the facilities considered for the construction program and shall be submitted to the Department of Education, Division of Finance for approval.

(b) Estimates of dimensions and square feet for each area of new or modified construction shall be provided, together with an explanation of the proposed area utilization and relationships, and shall be signed by the president of the local district board of education and chief school administrator as evidence of certification of approval by the local district board of education.

(c) Educational specifications and subsequent revisions must be approved prior to the submission of plans. Incomplete educational specifications will not be accepted.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (a), substituted a reference to the Division of Finance for a reference to the Bureau of Facility Planning Services.

Case Notes

Question for Commissioner of Education was presented as to whether Bureau of Facility Planning Service's prior approval was needed before condemnation. Board of Educ. of City of Asbury Park v. Murnick, 224 N.J.Super. 504, 540 A.2d 1318 (A.D.1988), certification denied 111 N.J. 625, 546 A.2d 541.

Whether property was appropriate school site was one arising under school laws and fell within scope of Commissioner of Education's special expertise. Board of Educ. of City of Asbury Park v. Murnick, 224 N.J.Super. 504, 540 A.2d 1318 (A.D.1988), certification denied 111 N.J. 625, 546 A.2d 541.

6:22-1.3 Architectural plans and specifications; general

(a) Architectural plans and specifications for the temporary and permanent construction, erection, reconstruction, alteration, conversion and renovation of public school facilities shall be submitted to the Department of Education, Division of Finance.

(b) A New Jersey registered architect or licensed engineer, as prescribed by N.J.S.A. 45:4B-1 et seq. which defines the practice of architecture and engineering, shall submit the architectural plans and specifications on behalf of the local district board of education.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (a), substituted a reference to the Division of Finance for a reference to the Bureau of Facility Planning Services.

6:22-1.4 Submission of schematic plans prior to local funding

(a) One set of schematic plans drawn to a scale of not less than $\frac{1}{16}$ inch per foot shall be approved before funds are authorized locally via a bond referendum, lease-purchase agreement, gift or any other means of financing building construction, erection, reconstruction, alteration, conversion or renovation.

(b) Schematic plans shall be reviewed for conformance with the educational specifications and shall include layouts of the built-in and moveable furniture and equipment for all occupied spaces drawn to a scale of not less than $\frac{1}{8}$ inch. A list of the built-in and moveable furniture which shows the dimensions and square feet of each item for any occupied space which is typical of any kind of occupied space may be included in lieu of plans of furniture and equipment layouts. Whenever site work is required, a completed plot plan shall be submitted and on it shall be shown the intended location of the school and a layout of the locations of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set back zones, and parking areas.

1. The review for educational adequacy shall take into consideration the suitability of the site; size, location and number of instructional and ancillary spaces; furniture and equipment; and provisions for the handicapped.

2. Room sizes shall meet or exceed the prescribed minimum acceptable net and gross areas as required in N.J.A.C. 6:22-5.5.

(c) Schematic plans shall be signed and sealed by a New Jersey registered architect or licensed engineer and signed by the president of the district board of education and chief school administrator.

(d) This set of plans shall be submitted to the Division of Finance with a site plan whenever site work is being affected, a project cost estimate (including a construction cost estimate escalated to the mid-point of construction), a project schedule, a transmittal letter indicating plan submission

to the county superintendent, and local planning board, when applicable, and a five-year long-range facility plan in accordance with N.J.A.C. 6:22-7.1, including a current five-year enrollment projection.

(e) The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEQ questionnaire, in accordance with Federal regulations, from the district and make a positive recommendation in writing to the Division of Finance before schematic plans can be approved.

Amended by R.1991 d.423, effective August 19, 1991.
See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Standard base on occupied space; site plan requirements added.
Amended by R.1999 d.3, effective January 4, 1999.
See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (d) and (e), substituted references to the Division of Finance for references to the Bureau of Facility Planning Services; and in (e), substituted a reference to the Office of Bilingual Education and Equity Issues for a reference to the Office of Equal Educational Opportunity.

6:22-1.5 Submission of preliminary plans following local funding authorization

(a) One set of preliminary plans shall be submitted by a New Jersey registered architect or licensed engineer on behalf of a local district board of education after funds are authorized locally. This set of plans shall include:

1. A site plan whenever site work is being affected, drawn to scale, giving overall dimensions;
2. Floor plans, drawn at not less than $\frac{1}{16}$ inch per foot, giving overall dimensions;
3. The location, size and present or intended use of all areas of the plans;
4. The tentative layout of built-in and moveable furniture and equipment drawn at a scale of not less than $\frac{1}{8}$ inch per foot;
5. A statement giving the general method of heating, lighting, and ventilation of all spaces;
6. Planned locations of sanitary facilities;
7. Location of all exits;
8. Building elevations and sections indicating the finished floor elevations and ceiling heights and their relationship to the finished outside grade; and
9. Documentation that the local district has applied to the Department of Environmental Protection for review of the methods of sewerage disposal and water supply such as a copy of the letter of transmittal.

(b) Preliminary plans shall be signed and sealed by a New Jersey registered architect or licensed engineer, and signed by the president of the local district board of education and chief school administrator.

Amended by R.1991 d.423, effective August 19, 1991.
See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).
Stylistic changes.

6:22-1.6 Submission of final plans

(a) When written receipt of preliminary plan approval has been received by the architect or engineer and the local

district board of education, one set of final plans, drawn to a scale of not less than $\frac{1}{8}$ inch per foot, and specifications, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the president of the local district board of education and chief school administrator shall be submitted to the Division of Finance for review and approval. This submission shall include the following:

1. A completed final application;
2. A completed fee schedule as specified in N.J.A.C. 5:23-4.20;
3. A check payable to the "Treasurer, State of New Jersey" for 20 percent of the total fee;
4. The results of soil analysis;
5. The appropriate documents indicating compliance with the energy subcode;
6. A copy of a letter requesting approval from the New Jersey Department of Agriculture regarding soil erosion control;
7. A copy of a letter requesting approval from the New Jersey Department of Environmental Protection regarding sewerage disposal, water supply, gas installations, major excavations and air contaminant control apparatus or equipment;
8. Room layouts for all typical spaces;
9. A completed "Checklist: Subcodes of the State Uniform Construction Code to Assist in the Design Completion of Public School Buildings," as provided by the Department of Education, Division of Finance, signed by the architect or engineer certifying compliance and signed by the president of the local district board of education and chief school administrator; and
10. A copy of letters requesting approval from all State agencies having jurisdiction over wetlands, pinelands, and waterfront development applicable to site development and public school construction.
11. A properly executed copy of a "Release Form for School Construction Plans" for a district which chooses to have its local municipal code enforcing agency review its plans for conformance with the Uniform Construction Code, N.J.A.C. 5:23. This form must be signed by the district's chief school administrator and the municipal code enforcing agency chief. This form may be obtained from the Department of Education, Division of Finance, PO Box 500, Trenton, New Jersey 08625-0500.

(b) Copies of letters of approval from all other State agencies having jurisdiction over this project shall be required prior to receiving final approval from the Division of Finance. Upon written receipt of final approval to the architect or engineer and to the local district board of education, four sets of final plans and specifications, including a cover sheet signed by the president of the local district board of education and chief school administrator, shall be

submitted to the Division of Finance for approval and distribution.

1. Each page of the plans and the title page of the specifications shall bear the signature and embossed seal of the architect or engineer.

2. The name, signature and embossed seal of the consulting engineers shall be placed on their own plans.

(c) The scope of the review of final plans shall include those code sections specifically identified in the "Plan Review Record" of the Building Officials and Code Administrators (BOCA) International, Incorporated, for the building, fire, mechanical and structural codes. Plans shall also be reviewed for compliance with the barrier-free subcode N.J.A.C. 5:23-7, electrical code N.J.A.C. 5:23-3.16 and plumbing code N.J.A.C. 5:23-3.15.

(d) If a district chooses to have a local municipal code enforcing agency review its plans for conformance with the Uniform Construction Code, N.J.A.C. 5:23, the Division of Finance will review the plans for conformance with N.J.A.C. 6:22 only. Upon approval by the Division, plans will be stamped: "APPROVED, New Jersey Department of Education, Division of Finance, N.J.A.C. 6:22 Regulations Only," and released to the local code enforcing agency for review and approval for conformance with the Uniform Construction Code, N.J.A.C. 5:23. The Department of Education will charge only that portion of the fee associated with the review for conformance with N.J.A.C. 6:22. Upon final review and approval by the local code enforcing agency, both the local code enforcing agency and the local district board of education shall certify to the Department of Education that the plans and specifications are in compliance with both the Uniform Construction Code (U.C.C.) and N.J.A.C. 6:22, Facility Planning Service Code. A final set of approved plans and specifications shall be forwarded to the Division of Finance for their files along with the required certification.

New Rule, R.1986 d.281, effective July 21, 1986.

See: 18 N.J.R. 526(a), 18 N.J.R. 1457(b).

Repealed and replaced by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

The rule formerly at 1.6 concerned publications of the Bureau of Facility Planning Services.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Requirements for local enforcing agency review added at (a)11 and (d).

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

Substituted references to the Division of Finance for references to the Bureau of Facility Planning Services throughout.

6:22-1.7 Bids, construction permits and variances

(a) Bids may be advertised, received, and contracts awarded only after the receipt of final plans, specifications and written approval from the Education Unit of the Department of Community Affairs, Division of Codes and Standards and the local enforcing agency if it performs the Uniform Construction Code review in accordance with N.J.A.C. 5:23.

(b) Following approval referred to above, the local district board of education may sign contracts and apply to the municipal construction enforcing official for the required building permits.

(c) When there are difficulties involved in meeting the requirements of the State Uniform Construction Code, the designated and licensed construction official in the Education Unit of the Department of Community Affairs, Division of Codes and Standards, may vary the rules provided the spirit and intent of the rules are observed and the public welfare and safety are ensured.

1. Variations to the State Uniform Construction Code may be acted upon in accordance with N.J.A.C. 5:23-1.

2. Fees will be submitted for each variance request as per the fee schedule of the Department of Community Affairs, Division of Codes and Standards in accordance with N.J.A.C. 5:23-4.20(c)4ix.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Text conformed to P.L. 1990 d.23.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (a) and the introductory paragraph of (c), substituted references to the Education Unit of the Department of Community Affairs, Division of Codes and Standards for references to the Department of Education, Bureau of Facility Planning Services; and in (c)2, substituted a reference to the Department of Community Affairs, Division of Codes and Standards for a reference to the Bureau of Facility Planning Services.

Case Notes

Question for Commissioner of Education was presented as to whether prior approval of Bureau of Facility Planning Services was required before condemnation. Board of Educ. of City of Asbury Park v. Murnick, 224 N.J.Super. 504, 540 A.2d 1318 (A.D.1988), certification denied 111 N.J. 625, 546 A.2d 541.

SUBCHAPTER 2. ACQUISITION AND DISPOSAL OF LAND

6:22-2.1 Approval of land acquisition for school sites

(a) No local district board of education may conduct a referendum for land acquisition, secure board of school estimate approval, or enter into a lease agreement or otherwise acquire land without prior school site approval from the Department of Education, Division of Finance.

(b) Before any action is taken to purchase or otherwise acquire or lease land, approval of the adequacy of the land from the Department of Education, Division of Finance is required. To consider the approval of such land, the Assistant Commissioner of the Division of Finance shall be provided with the following:

1. A written request for approval from the local district board of education, which includes a statement indicating the immediate and ultimate proposed uses of the land in terms of grade organization and potential maximum enrollment;

2. Statements from the State Department of Environmental Protection or a local or county water/sewerage agency certifying that:

- i. The land can be adequately provided with the necessary water for the proposed maximum enrollment;
- ii. The land can be adequately provided with the necessary and acceptable sewerage disposal system for the proposed maximum enrollment; and
- iii. The land is not subject to wetlands, pinelands or the waterfront development acts.

3. A statement from a New Jersey registered architect or licensed engineer indicating that the land to be acquired is suitable for the proposed use;

4. A completed plot plan of the land to be acquired showing topographical and contour lines, all adjacent properties and access roads. The acreage and dimensions of the tract proposed for acquisition shall be included as per the application of the standards for minimum acceptable school site sizes in (c) below;

5. A map of the school district showing the location of the land and the location of existing schools in the district;

6. Recommendations of the county superintendent of schools based on the requirements specified in this subchapter;

7. A map showing the attendance area to be served by the school and the number of pupils who reside therein;

8. If existing buildings are located on the land to be acquired, the intended use and/or disposition of these buildings shall be indicated. Any building to be acquired and used must comply with the State Uniform Construction Code and all procedures and rules of the State Board of Education which apply to the construction of a new building;

9. Data regarding the impact of such a facility upon racial balance within the district's public schools;

10. Recommendations of the local planning board in the municipality which has an approved master plan or portion thereof as required by N.J.S.A. 40:55D-31, 18A:18-49 and 18A:18A-16;

11. Prior approvals of other agencies, if required, such as the State Departments of Agriculture and Environmental Protection and the Pinelands Commission;

12. Documentation that available data on soil conditions have been examined by the architect or engineer; and

13. Reports by the architect or engineer of actual soil test borings and percolation tests on any site located less than one mile from a landfill.

(c) School site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted, the acres shall be considered for single use. Only where specifically noted can the acres be designated for multiple use, for example, using the same acres for sports which occur at different times of the year.

(d) All school sites shall include the following:

1. Sufficient acreage for the following:

- i. The placement of the school building;
- ii. Expansion of the building to its maximum capacity;
- iii. The placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages and any other structure, above or below ground, which is to be placed thereon;
- iv. Basic multi-purpose physical education and recreation field(s) as defined by the educational specifications in N.J.A.C. 6:22-1.2;
- v. Walkways and roadways on which people and vehicles traverse the site;
- vi. Public and service access roads onto the site including, where warranted, a one-way school bus road of 30 foot width and a two-way road of 36 foot width; a school bus dropoff area; and 18 foot wide posted fire lanes for fire apparatus;
- vii. A 30 foot wide access around the entire building; and
- viii. The provision for the building to be set back and for buffer zones as required by local and State codes.

(e) Land owned by a local district board of education which does not meet the standards of this section may be supplemented by adjacent municipally-owned land so long as such land is formally leased on a long-term basis to the local district board of education for exclusive use during school hours.

(f) If a local district board of education does not have authority to acquire the land by bond referendum, an approved lease-purchase agreement or other statutory means within 18 months from the date of approval of a school site by the Division, the local district board of education shall resubmit the information required in (b) above for consideration and approval before any action is taken to conduct a bond referendum, purchase, lease-purchase or otherwise acquire the site.

Amended by R.1988 d.382, effective August 15, 1988.

See: 20 N.J.R. 1032(a), 20 N.J.R. 2056(a).

Added (c).

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-1.2; added references to other agency approvals and new (e) dealing with leasing of municipal land adjacent to school property.

Administrative Correction to (d)1vi adding "posted fire".

See: 23 N.J.R. 59(b).

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

Substituted references to the Division of Finance for references to the Bureau of Facility Planning Services throughout; and in (b), substituted a reference to the Assistant Commissioner of the Division of Finance for a reference to the Director of the Bureau of Facility Planning Services in the introductory paragraph.

Case Notes

Elementary school site approval valid. *Murnick v. Asbury Park Board of Education*, 92 N.J.A.R.2d (EDU) 347.

6:22-2.2 Approval for the disposal of land for school sites

(a) If an approved school site on which there is an operational school building is to be altered through sale, transfer or exchange of all or part of the total acreage, a written request for approval shall be made to the Department of Education, Division of Finance. A copy of the request shall be sent to the county superintendent of schools who shall make recommendations to the Division, with a copy of the recommendations to the local district board of education.

(b) Written approval or disapproval shall be given to the county superintendent with a copy to the local district board of education.

Amended by R.1990 d.110, effective February 5, 1990.

See: 21 N.J.R. 3210(a), 22 N.J.R. 366(c).

Deleted exceptions for private schools and State facilities for the handicapped.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-1.3; added new (b) requiring written approval or disapproval be given to county superintendent and copy to district board.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (a), substituted references to the Division of Finance for references to the Bureau of Facility Planning Services.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-1.4; added new (b) requiring off-site, emergency facilities to comply with N.J.A.C. 6:22-6.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

6:22-3.2 Approval for the closing of a school or schools

(a) The local district board of education shall provide the Department of Education, Division of Finance with the following assurances that with the closing of a school or schools:

1. Sufficient school building capacity exists to house district students following such closing for each of the succeeding five years;

2. The use of substandard spaces in the remaining schools does not result or increase from an overall facilities shortage caused by school closings; and

3. The re-assignment of pupils to other schools in the district neither produces, sustains nor contributes to unlawful segregation, separation or isolation of student populations on the basis of race or national origin.

(b) A letter of approval from the Division is required before the closing of a school or schools.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-1.5; editorial and stylistic changes made.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

Substituted references to the Division of Finance for references to the Bureau of Facility Planning Services throughout.

Case Notes

Decision to close smallest of four high schools; not bad faith, arbitrary, or abuse of discretion. *Glynos v. Board of Education of Union County Regional High School District No. 1*, 93 N.J.A.R.2d (EDU) 673.

SUBCHAPTER 3. ACQUISITION OF EXISTING BUILDINGS AND CLOSINGS

6:22-3.1 Approval for the acquisition of existing buildings

(a) A local district board of education planning to acquire any existing building or facility through purchase, gift, lease or otherwise shall comply with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 18A:20-4.2 and shall also have the building approved in accordance with the rules of this chapter which apply to the construction of a new building.

(b) Off-site facilities which are to be procured for temporary, emergency use must comply with N.J.A.C. 6:22-6 Substandard School Facilities.

Amended by R.1990 d.110, effective February 5, 1990.

See: 21 N.J.R. 3210(a), 22 N.J.R. 366(c).

Deleted reference to governing body of private school for handicapped.

SUBCHAPTER 4. APPROVAL OF PRIVATE SCHOOLS FOR HANDICAPPED PUPILS AND SCHOOLS FOR HANDICAPPED PUPILS OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES

6:22-4.1 Requirements for Department of Education approval of private schools for handicapped pupils and schools for handicapped pupils of the New Jersey State Department of Human Services

(a) This subchapter shall govern review of facilities for private schools for handicapped pupils which are approved or seeking approval pursuant to N.J.A.C. 6A:14-7 and schools for handicapped pupils operated by the Department of Human Services. Division of Finance review is required for the type of work set forth in N.J.A.C. 6:22-1.1(a).

(b) Submission and review of plans and specifications will be conducted as follows:

1. Educational specifications shall be prepared and submitted as per N.J.A.C. 6:22-1.2 except that they shall be signed by designated officials of the private schools for handicapped pupils or the State Department of Human Services.

2. A New Jersey registered architect or licensed engineer, as required by N.J.A.C. 5:23-2.15, shall submit the plans and specifications for the temporary and permanent construction, erection, reconstruction, alteration, conversion and renovation of facilities to the Division of Finance on behalf of the private schools for handicapped pupils and the State Department of Human Services for review and subsequent approval for compliance with this chapter.

3. For review and subsequent approval for compliance with the Uniform Construction Code (U.C.C.), N.J.A.C. 5:23, plans and specifications shall be submitted by the private schools for handicapped pupils to the local construction official of the municipality in which the facility will be constructed and by the State Department of Human Services to the Division of Building and Construction, State Department of the Treasury.

4. The plans and specifications shall be submitted to the Division of Finance as per N.J.A.C. 6:22-1.3, 1.4, 1.5 and 1.6.

(c) Variances to the State Uniform Construction Code shall be made according to N.J.A.C. 5:23-2.9 through 2.13. Requests for variances to N.J.A.C. 6:22-2.1, 5.4 and 5.5 shall be in writing to the Assistant Commissioner, Division of Finance who may approve them provided the spirit and intent of the standards are observed and the need for variances is satisfactorily documented.

(d) Acquisition of land for a school site shall be according to N.J.A.C. 6:22-2.1(b) through (e).

(e) Disposal of land used as a school site shall be according to N.J.A.C. 6:22-2.2.

(f) Existing buildings to be acquired for use as a school building shall meet the requirements of this subchapter and the State Uniform Construction Code, N.J.A.C. 5:23. The Division of Finance shall review plans and specifications for compliance with this chapter.

(g) Appeals and hearings arising from action of the Division of Finance shall be according to N.J.A.C. 6:22-8.

(h) Reviews of plans and specifications of facilities of private schools for handicapped pupils and schools for handicapped pupils operated by the State Department of Human Services shall be done to assure that the design adheres to:

1. School site sizes, N.J.A.C. 6:22-2.1;

2. Enhancements to Uniform Construction Code, N.J.A.C. 6:22-5.3;

3. Educational facility planning standards, N.J.A.C. 6:22-5.4(a) through (h);

4. School space sizes and capacity, N.J.A.C. 6:22-5.5; and

5. The State Uniform Construction Code, N.J.A.C. 5:23.

(i) Emergency provisions for accommodation of school pupils in substandard school facilities shall be according to N.J.A.C. 6:22-6.1.

New Rule, R.1990 d.110, effective February 5, 1990.

See: 21 N.J.R. 3210(a), 22 N.J.R. 366(c).

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-1.8; added new (i) regarding emergency provisions for accommodation of pupils.

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

Substituted references to the Division of Finance for references to the Bureau of Facility Planning Services throughout; in (a), changed N.J.A.C. reference; and in (c), substituted a reference to the Assistant Commissioner, Division of Finance for a reference to the Director, Bureau of Facility Planning Service.

SUBCHAPTER 5. APPLICATION OF THE UNIFORM CONSTRUCTION CODE

6:22-5.1 Model code adoption

(a) The State Board of Education hereby confirms that public school construction shall be done in accordance with the State Uniform Construction Code, hereafter referred to as the U.C.C.

1. This document is available for review at the Education Unit of the Department of Community Affairs, Division of Codes and Standards or at the Office of Administrative Law, Trenton, New Jersey.

2. This document may be purchased from the New Jersey Department of Community Affairs, Trenton, New Jersey.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-2.1; corrections made to address.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

Substituted a reference to the Educational Unit of the Department of Community Affairs, Division of Codes and Standards for a reference to the Offices of the Bureau of Facility Planning Services, Department of Education.

6:22-5.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Academic classroom” means an instructional space approved for use for general instructional purposes. This term differentiates the space from specialized instructional uses such as science labs and shops.

“Built-in equipment” means equipment that is constructed into the building and not easily removed from its location at the time of construction or added later.

“Change-of-use” means any change from the approved educational use or educational function of a space wherein the new use would be by the U.C.C. and this chapter require physical, mechanical or electrical changes. Some examples of a change-of-use are: classroom to laboratory or other specialized activity space, or storage room to classroom.

“Core facilities” means those spaces in a school building which serve directly or indirectly all or most of the students on a regular basis, such as library/ media center, auditorium, gymnasium, cafeteria or administrative offices.

“Department” means the New Jersey Department of Education, Division of Finance.

“Greenhouse” means an instructional space or non-instructional space which is used primarily for the growth and/or storage of plants.

“Instructional spaces or areas” means any space which is designed and approved for instructional use.

“Multi-purpose” means any space that has been approved for more than one non-simultaneous use, including instruction.

“Non-portable motorized equipment” means motorized equipment that is stationary equipment.

“Open space” means any portion of a building up to 30,000 square feet, other than a gymnasium, auditorium or cafeteria, designed for multiple teaching which may be subdivided into smaller areas by use of partial partitions, moveable partitions or moveable furniture and does not have defined permanent corridors.

“Portable or moveable equipment” means any equipment not secured to the building such as free-standing display cases and moveable furniture.

“Pre-manufactured, modular classroom” means a unit which is manufactured in modular sections or in pre-cut and pre-sized components which are assembled on a school site. It is designed to be a permanent facility, and is set upon a permanent foundation.

“School capacity formula” means the computational formula used in computing the capacity of a school building to derive the capacity for the building as per N.J.A.C. 6:22-5.5(a)i and ii.

“Trailers and vans” means pre-manufactured modular units which are designed to be used at more than one location during the life of the facility. Wheels and axles are a part of the unit, and the unit shall not be set upon a permanent foundation.

Amended by R.1990 d.394, effective August 6, 1990.
See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-2.2; amended “built in equipment”, “change-of-use”, “core facilities”, “department”, “multi-purpose”, “portable or moveable equipment”, “pre-engineered”, “relocatable classrooms” and “school capacity formula” and deleted “resilient floor covering”.

Administrative Correction to definition of multi-purpose.

See: 23 N.J.R. 59(b).

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In “Department”, substituted a reference to the Division of Finance for a reference to the Bureau of Facility Planning Services.

6:22-5.3 Enhancements to Uniform Construction Code (U.C.C.)

(a) Under the authority granted to it in P.L.1983, c.496, the State Board of Education hereby adopts the following enhancements to the Uniform Construction Code (U.C.C.):

1. All doors equipped with latching devices in buildings of use group E or portions of buildings used for assembly for educational purposes and which serve rooms or spaces with an occupant load greater than 50 shall be equipped with approved panic hardware.

2. Guardrails along stair runs and landings shall be at 42 inches above the tread nosing.

3. No fuel-fired heating appliances intended to supply domestic hot water or hot water/steam/air for space heating shall be located in any occupied space except for industrial arts and vocational education shops and laboratories.

4. An electric solenoid key-operated gas shut-off switch shall be installed in all gas supply lines to all instructional rooms, laboratories, shops or other spaces where gas is used by students.

5. An automatic fire detection system shall be installed in all new buildings, and additions or renovations to existing buildings, in accordance with applicable National Fire Protection Association standards in effect on the date of plan submission. The system shall utilize:

i. Combination fixed-temperature and Rate of Rise device in all enclosed classrooms and other spaces not covered in (a)5ii below;

ii. Devices to detect abnormal visible smoke densities or gaseous products of combustion are required in corridors and exit stairs;

iii. An automatic fire suppression system and, in areas where suppression is deleted, automatic detection devices; or

iv. A combination of the above three types of detection devices except that a fixed-temperature detector shall be permitted in approved locations, such as a boiler or incinerator room.

6. Manual fire alarms, in addition to BOCA requirements as amended, shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exterior exits that are required to serve 50 or more persons. Additional manual fire alarms shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and at all required exterior exits in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm.

7. Each instructional space and room of assembly which is illuminated with the use of high intensity discharge (HID) sources, such as mercury vapor, high pressure sodium and metal halide lamps, shall also be provided with a second source of illumination to provide illumination instantly upon activation of the circuit. All high intensity discharge (HID) lamps shall be of the fail-safe type which will permanently extinguish within two minutes after the outer glass of the bulb is broken. All fixtures including fluorescents shall be provided with a glass or plastic lens to protect the lamp.

8. All school buildings shall be equipped with a mechanical air supply and exhaust ventilation system which will provide, during periods of occupancy, standard tempered outdoor air supply and mechanical exhaust at the minimum rates set forth in the BOCA Basic National Mechanical Code in effect on the date of plan submission.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-2.3; reference made to applicable BOCA Basic National Mechanical Code and other editorial and stylistic changes.

Administrative Correction to (a)2 and 3.

See: 23 N.J.R. 59(b).

6:22-5.4 Educational facility planning standards

(a) The educational facility planning standards delineated in (b) through (h) below, in conjunction with the Uniform Construction Code, shall form the requirements for the design and construction of public schools.

(b) General design and construction requirements are as follows:

1. School buildings shall afford accommodations for general, class and laboratory work, library services, health and physical education, guidance and counseling, administration, and health services, the suitability of which shall be pursuant to the requirements of this section. In

addition, when the curriculum requires it, school buildings shall afford accommodations for industrial, vocational and homemaking instruction; food services; art and music education; and all other school services generally recognized in the approval of a school.

2. Instructional rooms with windows shall have no exterior obstructing wall within 20 feet of the major window wall.

3. Inner courts shall have a minimum width of 20 feet.

4. Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering.

5. Power tools and machines in shops which generate dust shall be provided with dust collecting equipment. Such equipment shall be either single or multi-use vacuum packs or a central dust collection system. Installed systems shall comply with National Fire Protection Association Standards, and New Jersey Department of Environmental Protection rules (N.J.A.C. 7:27-81).

6. The ceiling height of an academic classroom or other instructional space containing more than 300 square feet in area shall average nine feet six inches and no part of the ceiling or other obstruction shall be lower than eight feet. Instructional spaces of less than 300 square feet and areas of larger spaces devoted to clothing alcoves, storage or work space may have ceilings eight feet in height.

7. Heights of the ceiling or other obstruction in other areas shall provide a minimum clearance as listed below:

Gymnasium	22 feet
Auxiliary Gymnasium	14 feet
Weight Room	12 feet
Music Room (Vocal and/or Instrumental)	12 feet
or eight feet from the highest riser to the ceiling but in no case less than nine feet six inches	
Multipurpose Room	18 feet
Cafeteria	12 feet
Industrial Arts and Vocational Shop	12 to 15 feet
Library/Media Center	9½ feet

8. Public school corridors shall have a minimum ceiling height of eight feet.

9. A health unit shall be provided and shall include a nurse's area, waiting area, an examination area, a rest area with privacy, drinking water and toilet facilities sized and arranged so that physically handicapped persons requiring assistance will be able to receive such aid.

10. Instructional greenhouses shall meet the following standards in addition to the U.C.C. standards and requirements of the Fire Prevention Code:

- i. All doors shall be a minimum of three feet wide;
- ii. Drinking fountains shall not be located inside greenhouses;

iii. Greenhouses may be either attached to a school building or located no less than 20 feet from the school building;

iv. The storage of pesticides shall be in a locked metal cabinet and vented to the exterior.

11. Wherever chemicals are stored or used, an eyewash fountain or similar device, capable of providing a 15-minute continuous water flow, shall be provided.

i. Eyewash devices shall also be provided as per N.J.A.C. 6:3-1.14.

12. The minimum dimension of any instructional space shall be 10 feet.

(c) Exit requirements are as follows:

1. Minimum clear widths for primary corridors in elementary schools, grades kindergarten through eight, shall be:

i. Seven feet, wall to wall without lockers or wardrobes;

ii. Eight feet, wall to locker face with lockers or wardrobes on one side;

iii. Nine feet six inches, locker face to locker face with lockers or wardrobes on both sides;

2. Minimum clear widths at any point in secondary schools, grades seven through 12, shall be:

i. Seven feet six inches, wall to wall without lockers;

ii. Eight feet six inches, wall to locker face with lockers or wardrobes on one side;

iii. Ten feet, locker face to locker face with lockers or wardrobes on both sides.

3. Minimum clear widths for secondary corridors serving 50 or less occupants shall be five feet.

4. Doors from all spaces used by students and school staff, excluding lavatories, storage rooms, janitors' closets, instructional spaces under 300 gross square feet, and locker rooms, shall swing into the corridor and shall have a safety vision panel of $\frac{1}{4}$ inch glazing which is not less than 100 square inches.

(d) The environment requirement is as follows:

1. Windowless classrooms and other occupied instructional spaces (excluding gymnasiums, auditoriums and cafeterias) which do not have operable windows equal to at least four percent of the floor space shall be air conditioned.

(e) Safety requirements are as follows:

1. Glazing in fire-rated assemblies shall be in accordance with BOCA. All other interior glazing shall be safety glazing.

2. A check valve shall be installed in the line supplying gas to each classroom, laboratory, shop or the area where gas is used by students, except home economics rooms.

3. The sleeve of gas supply lines shall extend at least four inches outside and be vented above grade. Vent pipes shall terminate outside the building at a point not less than two feet measured vertically or horizontally from any window or other building opening. The outer end of vent pipes shall terminate in a weatherproof and securely fastened vent cap. Vent pipes shall terminate sufficiently above the ground to avoid being obstructed with snow and shall be secured firmly to the building. The entire installation shall be such that the gas piping can be readily replaced without damage to the building. Vents in courts shall extend at least five feet above the roof.

4. Science rooms, laboratories, shops and other instructional spaces, with the exception of home economic rooms, in which an open flame and/or the use of hazardous chemicals occurs shall be equipped with an emergency safety cold-water shower and a floor drain or a self-contained water receptacle or catch basin.

5. Materials provided at the base of playground equipment shall be of a soft composition such as sand or synthetic composition materials in order to prevent injuries.

6. When provided, ceiling paddle fans shall be a maximum of 18 inches from the ceiling or a minimum of eight feet above the floor and be enclosed with a metal guard.

(f) Electrical requirements are as follows:

1. Push-type emergency cut-out switches shall be provided at appropriate locations within shops to de-energize the electrical supply to nonportable machinery and shall have a clear unobstructed access of a minimum of 36 inches. These switches shall be provided on the basis of one for each 1,000 square feet or fraction thereof of floor area in the shop, but in no case less than two. Reset of the interrupted service shall be by a key-operated switch located within the shop. The cut-off and reset circuits shall be designed and installed to negate the possibility of the control circuit being de-energized, thereby being inoperative.

2. All nonportable motorized equipment and machinery shall be provided with magnetic-type switches to prevent machines from automatically restarting upon restoration of power after an electrical failure or activation of the above emergency cut-off.

3. Instructional spaces shall be provided with sufficient outlets to satisfy the program need with not less than two duplex outlets remotely located.

4. Large group areas such as assembly rooms, auditoriums and other large group instructional spaces shall be provided with convenience outlets at the location of portable projectors and built-in speaker cables at the above location as well as stage and platform areas.

5. All 125 volt, single-phase, 15 and 20 amp receptacles, when installed outdoors where there is direct grade level access, shall have ground-fault circuit interrupter protection. This shall apply, but is not limited to, all outlets on the exterior of buildings, athletic and playing fields, track areas, picnic areas, tennis courts and other similar areas.

6. All 125 volt, single-phase, 15 and 20 amp receptacles, when installed within a six foot radius of sinks, shall have ground-fault circuit interrupter protection. This shall apply, but not be limited to, classrooms, home economics laboratories, art rooms, science laboratories, vocational education shops, industrial arts shops, photography wet areas, lavatories, shower rooms and other wet areas.

(g) Lighting requirements are as follows:

1. Installed artificial lighting intensity shall comply with the following minimum footcandles which shall be maintained on the task at any time:

INSTALLED LIGHTING INTENSITY

Locations	Minimum Acceptable Footcandles
Classrooms and instructional areas-- study halls, lecture rooms, art rooms, offices, libraries, conference rooms, work rooms, shops, laboratories and secondary school cafeterias	50
Drafting, typing and sewing rooms	70
Reception rooms, gymnasiums, auditoriums, primary school cafeterias, all-purpose rooms and swimming pools	30
Locker rooms, washrooms, toilet rooms, corridors containing lockers, stairways	10
Corridors without lockers and storerooms	5
Classrooms for the partially sighted	70

(h) Plumbing requirements are as follows:

1. The number of plumbing fixtures and ventilation requirements, capacity of a school building and the student capacity of each instructional space and core facility within a school building shall be in conformance with the provisions of this chapter and be calculated according to N.J.A.C. 6:22-5.5(a)i and ii.

2. General pupil toilet rooms are those which are designed and labeled for pupil use, contain at least two of each required fixture and are directly accessible from a corridor or an open plan instructional space. Pupils housed within an instructional space which is in excess of 300 square feet shall not be required to travel through any other space except a corridor to reach a general pupil toilet room.

3. There shall be at least one general toilet room for each sex on each floor occupied by pupils or all instructional rooms shall have individual toilet rooms. Where classrooms, shops or physical education rooms are provid-

ed with self-contained individual facilities (water closet, lavatory and drinking fountains), the pupil capacity of these rooms shall not be counted in computing the number of fixtures required in the general pupil toilet rooms.

4. Toilet facilities for early intervention, pre-kindergarten and kindergarten classrooms shall be provided as follows:

i. An individual toilet room shall be provided in each classroom and shall meet the following criteria:

(1) Be located and equipped in such a way as to ensure privacy for the pupils;

(2) Be accessible to physically handicapped students and barrier free in design as per N.J.A.C. 5:23-7;

(3) Meet all other provisions of N.J.A.C. 6:22-2.4(b) which pertain to toilet room design;

(4) Pre-kindergarten and kindergarten classrooms shall contain a junior-juvenile size water closet suitable for children's use, equipped with an open front seat with a flood rim height no greater than 14 inches from the floor, and a lavatory (sink) with a flood rim height no greater than 26 inches from the floor; and

(5) Facilities for early intervention programs shall provide a diaper/clothes changing area.

ii. In lieu of providing an individual toilet room in each classroom as required in (h)4i above, toilet rooms may be provided adjacent to or outside the classroom if the following criteria are satisfactorily addressed:

(1) No child or group of children shall be left unsupervised at any time when traveling to or from the facilities. Provisions shall be made for adult supervision in a manner that will not infringe upon instructional time.

(2) Toilet facilities shall be readily accessible and the toilet room and signage shall be visible to a child from the classroom door.

(3) Toilet facilities for early intervention, pre-kindergarten pupils shall be designated for their exclusive use and shall be so identified.

(4) Toilet facilities shall be provided for both boys and girls and shall meet the requirements of (h)4i(4) above.

iii. If a school district chooses to provide toilet rooms adjacent to or outside the classroom in conformance with (h)4ii above, the chief school administrator shall certify to the county superintendent how the alternate method of compliance shall be addressed, on forms prescribed by the Commissioner. The completed form and a copy of a resolution by the local district board of education approving the alternate method of compliance shall be submitted to the county superintendent

for approval. Annually, thereafter, the chief school administrator shall resubmit the form certifying how the alternate method of compliance shall be addressed. Any changes to the approved alternate method of compliance shall be submitted to the county superintendent for approval.

5. Entrance to toilet rooms and locker rooms shall be screened to prevent visibility into the room.

6. Water closets shall be separated by individual stall partitions including doors which are of a smooth impervious material to permit effective cleaning.

7. Floors of all toilet rooms, shower rooms and drying rooms shall be water-tight and impervious to moisture. Floors shall be provided with an integral cove base at least four inches high.

8. Flooring materials, except for use in showers, of ceramic tile, quarry tile, sheet vinyl and plastic coatings designed for this purpose shall be deemed to meet the requirements of this subchapter. Resilient tiles or exposed concrete are not acceptable in toilet rooms.

9. Where showers are provided, benches shall be 30 inches apart, one shower head for each 10 students, with a shower head height of six feet, and shall provide 12 square feet per shower head.

10. Pre-kindergarten and kindergarten classrooms shall be equipped with a drinking water facility.

11. Arts and crafts classrooms shall be equipped with a water source, sink and appropriate sink trap.

(i) Pre-manufactured educational units, vans, trailers and/or other mobile units shall comply with the following:

1. Pre-manufactured units shall be reviewed and approved by the Division of Finance. The local enforcing agency shall inspect the installation and shall issue the certificate of occupancy. Pre-manufactured units shall:

i. Have a seal affixed by the manufacturer which indicates that it meets the educational construction standards for BOCA use group B in accordance with N.J.A.C. 5:23-4.25;

ii. Contain square footage appropriate to its use as specified in this chapter;

iii. Meet code requirements for educational buildings as specified in the U.C.C. and in N.J.A.C. 6:22-5.3 and 6:22-5.4;

iv. If the unit is a trailer in excess of 20 feet in length, the unit shall have two means of clear and unobstructed egress which are remote from each other, otherwise there shall be a single means of egress;

v. Have sturdy steps and be provided with a handrail and be barrier free;

vi. Have electric heat which provides a temperature of 68 to 72 degrees Fahrenheit;

vii. Have a ceiling height as follows:

(1) Vans and other mobile units—seven feet;

(2) Trailers—seven feet six inches minimum.

viii. Have provisions for the storage of students' clothing;

ix. Have a chalkboard and display board appropriate to the instructional program;

x. Have floor covering of either carpet which meets the requirements of the U.C.C. or asbestos-free vinyl tile;

xi. Have interior ceiling and wall materials which are certified free of toxic materials; and

xii. Be provided with an electric smoke detection unit which has an audible alarm for each 900 square feet or portion thereof or for each instructional space if the trailer is divided into more than one approved instructional space; and

xiii. Be situated on an approved site.

2. Nonconformance to requirements (i)1i through xiii above which is found during an evaluation of any pre-manufactured unit placed in service after June 4, 1986 or of a subsequent future inspection of a unit approved according to 1i through xiii above shall be corrected within 30 days of such evaluation. Staff of the Division of Finance or county offices of education may order a unit immediately abandoned if, as a result of an evaluation, it is concluded that a clear and present danger exists for students and staff. A clear and present danger shall be defined as deficiencies involving code requirements relating to construction materials, fire safety or exiting. Failure or inability to correct code deficiencies shall be cause to permanently abandon a pre-manufactured unit.

3. A pre-manufactured trailer unit being utilized as an emergency, temporary replacement for a regular classroom facility may be utilized for a maximum of two school years. As a pre-condition to the approval for the use of a trailer, a school district must have a plan approved by the county superintendent of schools for the provisions of permanent facilities, which includes an implementation schedule. A trailer utilized for the delivery of basic skills services to nonpublic school students under the Federal Education Consolidation Improvement Act, P.L.1977, c.1, 192 and 193, may be used as long as it meets the standards of this section and is evaluated and approved annually by the county superintendent of schools.

4. A self-propelled van and/or other mobile unit used for instruction shall:

- i. Have mechanical ventilation and exhaust which provides air change per occupant per hour in accordance with Section 1603.1 of the BOCA National Mechanical code;
 - ii. Have interior ceiling and wall materials that are certified non-toxic and non-combustible;
 - iii. Contain a minimum of 100 square feet;
 - iv. Have electric heat which provides a temperature 68 to 72 degrees Fahrenheit;
 - v. Provide at least 50 footcandles of uniformly distributed artificial illumination;
 - vi. Have a minimum ceiling height of seven feet;
 - vii. Have two means of clear and unobstructed egress which are remote from each other;
 - viii. Be provided with door hardware which is lever-operated and fully operable from the interior and exterior at all times;
 - ix. Be provided with an electric smoke detection unit which has an audible alarm that can clearly be heard within the unit;
 - x. Be furnished with an electric hook-up cable which is copper, a maximum of 28 feet in length and contain a 220 volt four-prong receptacle which is plugged into an approved twist-type outlet;
 - xi. Be furnished with a 2A-10BC fire extinguisher which is maintained in operating order at all times;
 - xii. Be furnished with electrical fixtures which meet the National Electrical Code, Section 551;
 - xiii. Have electrical wire of a minimum size to meet the National Electrical Code;
 - xiv. Have floor covering of either carpet which meets the requirements of the U.C.C. or asbestos-free vinyl tile;
 - xv. Be furnished with furniture and equipment which is stabilized while in transit;
 - xvi. Pass an annual inspection by the New Jersey Division of Motor Vehicles;
 - xvii. Be evaluated and approved annually by the county superintendent of schools;
 - xviii. Be furnished with wheel chocks to assure that the unit will not move in any direction when parked.
5. Nonconformance of code requirements (i)4i through xviii above which is found during an evaluation of any van and/or other mobile unit placed in service after June 4, 1986 or of a subsequent future inspection of a van and/or other mobile unit approved according to this subsection shall be corrected within 30 days of such evaluation. Staff of the Division of Finance or the county superintendent may order a van and/or other mobile unit immedi-

ately abandoned if, as a result of an evaluation, it is concluded that a clear and present danger exists for students and staff. A clear and present danger shall be defined as deficiencies involving code requirements relating to construction materials, fire safety and exiting. Failure or inability to correct code deficiencies shall be cause to order a permanent abandonment of a van and/or other mobile unit.

6. Pre-manufactured units in service prior to June 4, 1986 will be evaluated by the Division of Finance. If such evaluation indicates that a unit cannot meet the provisions of this section and/or requirements of the Uniform Construction Code as summarized in Department of Education specifications for vans or other mobile units, it shall be abandoned. If the evaluation indicates that code deficiencies can be corrected, districts will be permitted up to three years in which to correct the deficiencies. If the deficiencies are not corrected, the unit shall be abandoned.

7. A self-propelled van or other pre-manufactured mobile unit being utilized as an emergency, temporary replacement for a regular classroom facility may be utilized for a maximum of two school years. As a pre-condition to the approval for the use of a van or other mobile unit, a school district must have a plan, including an implementation schedule, approved by the county superintendent of schools for the provision of permanent facilities. A van or other mobile unit to be used for the delivery of basic skills services to nonpublic school students under the Federal Education Consolidation Improvement Act, P.L. 1977-1, sections 192 and 193, may be used as long as it meets the standards of this section.

(j) All buildings and structures and parts thereof, both existing and new, shall be maintained in a safe, sanitary and energy-efficient condition. All service equipment, means of egress, devices and safeguards which are required by the State Uniform Construction Code in a building or structure or which were required by a previous statute for a building or structure, when erected, altered or repaired, shall be maintained in good working order.

Amended by R.1986 d.281, effective July 21, 1986.

See: 18 N.J.R. 526(a), 18 N.J.R. 1457(a).

Text added in (a)18 "Where classrooms, shops . . ."; (a)33 added.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-2.4; option added to provide for out of classroom toilet facilities for early intervention, Pre-k and kindergarten programs, change to inspection of pre-manufactured units, vans and trailers by local building code officials.

Administrative Correction: Moved library services from one area of (b)1 to another.

See: 22 N.J.R. 2683(a).

Administrative Correction to (i)4v.

See: 23 N.J.R. 59(b).

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (i), substituted references to the Division of Finance for references to the Bureau of Facility Planning Services throughout.

6:22-5.5 School space sizes and capacity

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

“Capacity” of a school building means:

i. The sum of the capacities of each instructional space which is calculated by subtracting the square feet for program activity, built-in furniture and equipment and storage from the gross square footage to determine the net square feet per space and dividing that number by the net square feet per occupant as required in (b) below; plus

ii. The sum of the capacities of each instructional space which is calculated by dividing the gross square feet per space by the gross square feet per occupant as required in (b) below.

“Departmentalized elementary school” means a school in which any combination of grades is organized according to a departmentalized structure pursuant to N.J.A.C. 6:3-1.10(1)16 with students moving from teacher to teacher during the day.

“Minimum gross area in square feet” means the least amount of square feet required for a space in a school.

“Minimum square feet per pupil” means the least amount of square feet required for each pupil to be housed in a space in a school.

“Non-departmentalized elementary school” means a school that contains any combination of grades in kindergarten through eight in which pupils spend the majority of instructional time with one teacher.

“Pupil station” means the gross area in square feet required for one pupil.

(b) The minimum square feet for each instructional space shall be determined by the net and gross square feet values shown below together with the definitions of net and gross square feet presented in (c) below. The capacity of a school building shall be calculated according to definitions in (a) above.

Area	Minimum Required Floor Area in Square Feet per Occupant
Classrooms, including early intervention, pre-kindergarten, kindergarten	20 net
Classrooms (students with physical mobility problems, for example, wheelchair)	25 net
Science laboratories	20 net
Shops and laboratories for industrial arts and vocational education	50 net
Small group instruction, including music practice	20 net
Conference rooms	15 net
Auditorium, excluding stage	7 net
Cafeteria and faculty dining	
Food service	12 net
Assembly, unfixed seats	7 net

Area	Minimum Required Floor Area in Square Feet per Occupant
Gymnasium (all school types)	--
Spectator area	3 net
Physical education-athletics, with spectator area in gymnasium	100 net
Physical education-athletics, with no spectator area	125 net
Assembly, unfixed seats	7 net
Auxiliary gymnasium and/or weight room (20 student capacity base)	40 net
Locker room	20 net
Multi-purpose Room	
Spectator area	3 net
Physical education-athletics	80 net
Food service	12 net
Assembly, unfixed seats	7 net
Library/Media Center	--
Reading room	50 net
Seminar--small group	20 net
Stacks (.25 reading room capacity--elementary) (.33 reading room capacity--middle, junior/senior high school)	100 gross
Other support spaces	20 net
Health Center	--
Cot area	30 net
Examination room	20 net
Offices	60 net, first occupant; 15 net additional occupants

(c) Instructional and noninstructional spaces for which a maximum floor area per occupant is not delineated in (b) above shall be provided with sufficient square feet to accommodate their functions and are subject to approval by the Division of Finance.

(d) A net square feet per occupant figure is one which establishes the square feet for safety and exit facilities. The gross area in square feet per space is the capacity (highest number of occupants) multiplied by the net square feet per occupant, for activity areas, built-in furniture and equipment and storage.

(e) A gross square feet per occupant is one which establishes the required area in square feet for a defined purpose. The gross area in square feet required per space is the capacity (highest number of occupants) multiplied by the gross square feet per occupant.

(f) Spaces occupied but not previously approved prior to May 7, 1990, in order to be approved for capacity, must meet the following requirements:

1. Special education classrooms in private schools for the handicapped and in schools for the handicapped operated by the Department of Human Services shall be either a minimum of 40 square feet gross per student, as previously set forth in the Department of Education School Capacity Bulletin, or 20 net square feet per student as set forth in N.J.A.C. 6:22-5.5(b); and

2. Spaces, other than special education classrooms in private schools for the handicapped and in schools for the handicapped operated by the Department of Human Services, shall be either the square foot amounts previously set forth in the Department of Education’s School Capacity Bulletin or meet the standards set forth in N.J.A.C. 6:22-5.5(b).

Amended by R.1990 d.237, effective May 7, 1990.

See: 22 N.J.R. 277(c), 22 N.J.R. 1359(a).

Established alternative standards for special education and other spaces in private schools for the handicapped and those schools for the handicapped operated by the Department of Human Services.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-2.5; reference to "middle school" and "secondary school" deleted in (a) and Food Service changed from 15 to 12 net at (b).

Administrative Correction to (b) and (f).

See: 23 N.J.R. 59(b).

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Food service area requirements decreased.

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (a) and (d), deleted references to moveable furniture and equipment and to any other activities and items to be housed; and in (c), substituted a reference to the Division of Finance for a reference to the Bureau of Facility Planning Services.

Case Notes

Square footage requirements for educational areas in elementary schools contained in state's proposed educational adequacy standards (EAS) complied with applicable regulations and were comparable to those used in recently constructed elementary schools and elsewhere, and therefore comported substantially with statutory and regulatory policies defining constitutional guarantee of thorough and efficient education. *Abbott v. Burke*, 153 N.J. 480, 710 A.2d 450 (N.J. 1998).

SUBCHAPTER 6. SUBSTANDARD SCHOOL FACILITIES

6:22-6.1 Emergency provisions for accommodation of school pupils in substandard school facilities

(a) Substandard facilities shall be defined as:

1. All on-site facilities which have never received:

i. Approval of the State Board of Education as having met the requirements of this chapter, the rules in effect at the time the facilities were constructed, or the requirements of N.J.A.C. 5:23; or

ii. Approval of the local municipal construction official and sub-code officials as having met the State Uniform Construction Code which was in effect at the time the facilities were constructed or altered;

2. All off-site facilities being provided by local district boards of education or approved private schools for the handicapped for use by public school pupils;

3. All facilities not planned and constructed as school buildings which are rented or leased from private owners by local district boards of education or approved private schools for the handicapped for use as school buildings by public school pupils.

(b) All substandard educational facilities shall be initially approved by the county superintendent of schools in which the local district board of education or approved private

school for the handicapped is situated. Such approval shall be given for a maximum period of two years. No substandard educational facility, however, shall be approved for more than two consecutive years unless inspected by the Department of Education, Division of Finance to ensure that:

1. The facilities meet health, safety and educational adequacy standards for temporary, substandard facilities, as specified in this chapter;

2. The utilization of the facilities is temporary; and

3. A plan has been developed by the local district board of education or approved private school for the handicapped and approved by the county superintendent of schools to upgrade the facilities to standard, fully-approved conditions.

(c) The Division of Finance and the county superintendent of schools, when considering educational adequacy, shall apply the minimum standards of square feet per space and per pupil as contained in this chapter. In cases where a local district board of education or approved private school for the handicapped feels it must have relief from the minimum square feet requirements, such relief shall be determined upon application to the county superintendent of schools. The county superintendent of schools shall make recommendations to the assistant commissioners of the Divisions of Finance and Field Services who jointly may grant relief.

(d) County superintendents of schools will annually monitor the plans of local district boards of education or approved private schools for the handicapped to upgrade facilities to State-approved temporary substandard and/or fully approved, standard status.

(e) Local district boards of education or approved private schools for the handicapped must provide funds in the next immediate annual budget to correct deficiencies about which they are notified by the county superintendent of schools on or before October 1 annually. Failure to budget for the correction of deficiencies and to implement the corrections by the next September 1 following the October 1 notice, except as specified in (f) below, shall result in the facility being abandoned.

(f) If a local district board of education cannot afford to correct all identified deficiencies in one budget year because of the total costs associated with large numbers of substandard facilities, the local district board's long-range facility plan must include a sub-plan for the correction of the deficiencies. The sub-plan must be updated annually and identify funding sources such as an annual budget or a capital improvement authorization. Inclusion of a sub-plan to correct deficiencies in substandard facilities does not relieve a local district board of education from implementing the corrections in the shortest time possible or extend the use of substandard facilities beyond five years.

(g) In making a determination upon any application for the use of emergency substandard facilities, the following factors shall be taken into account:

1. Accommodations in an existing public school:

i. Safety factors:

(1) The floors, walls and ceilings of rooms used for instruction shall be free from moisture, peeling paint, plaster and potentially hazardous materials;

(2) Each instructional room housing more than 10 pupils and containing more than 300 square feet shall have a door opening directly into the corridor or an exit door opening directly to the exterior;

(3) The hardware on doors of any space occupied by pupils shall permit egress from the room at all times. Key-operated locks, thumb-turn locks, hasps or similar types of locking devices shall not be permitted;

(4) Doors opening into the corridor, transoms and sidelights shall be glazed with one-quarter inch wire plate glass; however, replacement vision panels may be the same material as originally approved;

(5) Every enclosed space shall be protected by an approved automatic fire or smoke detector or a fire suppression device tied into the total public school fire alarm system;

(6) Each instructional space shall have an approved exitway;

(7) Directions for exiting from the building in case of emergency shall be posted by the exit in each space;

(8) Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering.

ii. Ceiling height: The average ceiling height shall be at least eight feet for instructional spaces.

iii. Heating and ventilation:

(1) The room shall be heated to a temperature as established by the local school district;

(2) Each instructional room shall have natural light with one or more operative window sashes or the room shall have mechanical air supply and exhaust sufficient to provide not less than 10 cfm per person of tempered outside air and 15 cfm per person of recirculated air.

iv. Toilet facilities and drinking fountains: Toilet facilities shall be available within a reasonable distance, not more than one floor away, and shall be equipped with an exterior operating window sash or mechanical exhaust ventilation. Toilet facilities shall be provided for students in early intervention, pre-kindergarten and kindergarten programs as per N.J.A.C. 6:22-5.4(h)4.

v. Lighting: At least 50 footcandles of uniformly distributed artificial illumination shall be provided in all instructional areas.

vi. Equipment and supplies: Furniture and equipment which is in good condition and suitable for the age and size of the pupils and purposes of instruction shall be provided.

vii. Room size: Each instruction space shall provide at least 20 net square feet of open floor area per pupil with no dimension less than 10 feet. Local district boards of education shall consider the recommendations of the Department of Education in planning for facilities housing handicapped pupils.

viii. Instruction:

(1) Chalkboard, or other appropriate writing surface, and a display board suitable for the instructional program shall be provided;

(2) Sufficient electrical duplex outlets shall be provided to satisfy the program need with not less than one outlet per space.

2. Emergency provisions for accommodation of school pupils in off-site, rented or leased buildings:

i. Required documentation:

(1) A copy of the certificate of occupancy for the facility, indicating the current BOCA Use Group, issued by the local construction official shall be on file in the office of the county superintendent of schools, prior to occupancy; and

(2) A copy of the current annual inspection report from the local fire official and/or health official approving use of the facility shall be on file in the office of the county superintendent of schools prior to occupancy.

ii. Safety factors:

(1) The floors, walls and ceilings of spaces used for instruction shall be free from moisture, peeling paint, plaster and potentially hazardous materials;

(2) Provision shall be made for the storage of pupils' clothing in other than a corridor or exitway;

(3) Each instructional space containing more than 300 square feet shall have a door opening directly into the corridor or an exit door opening directly to the exterior;

(4) The hardware on doors of any space occupied by pupils shall permit egress from the room at all times. Key-operated locks, hasps or similar types of locking devices shall not be permitted;

(5) Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering;

(6) An off-site, rented or leased building shall be provided with an automatic and manual fire detection system which is interconnected to every space in use installed prior to occupancy by students and staff;

(7) Adequate and approved units of exit and exitways as required by the Uniform Construction Code shall be provided. The minimum clear width for corridors shall be six feet. Directions for exiting the facility under emergency conditions shall be posted by the exit in every instructional room;

(8) The boiler room interior entrance shall be equipped with a self-closing "C" label fire door lettered "Fire Door Keep Closed."

iii. Ceiling height: The average ceiling height shall be at least eight feet for instructional spaces.

iv. Heating and ventilation:

(1) The room shall be heated to a temperature as established by the local district board of education;

(2) Each instructional room shall have natural light with one or more operative window sashes or the room shall have mechanical air supply and exhaust sufficient to provide not less than 10 cfm per person of outside air and 15 cfm per person of recirculated air. Air conditioning is required for a windowless space;

v. Lighting: At least 50 footcandles of uniformly distributed artificial illumination shall be provided in all instructional areas.

vi. Toilet facilities and drinking fountains:

(1) Toilet facilities and drinking fountains shall meet existing U.C.C. requirements for Use Group as determined by the construction official. Toilet facilities shall be available within a reasonable distance, not more than one floor away, and shall be equipped with an exterior operating window sash or mechanical exhaust ventilation. Toilet facilities shall be provided for students in early intervention, pre-kindergarten and kindergarten programs as per N.J.A.C. 6:22-5.4(h)4.

(2) At least one drinking fountain for each 50 pupils shall be provided. Drinking fountains shall be provided for students in early intervention, pre-kindergarten and kindergarten programs as per N.J.A.C. 6:22-5.4(h)10.

vii. Schoolground and play facilities: The outside recreational play area for students shall include, but not be limited to, sufficient space, equipment and safe surfaces for the building enrollment and program need and be protected from hazards or traffic conditions.

viii. Equipment and supplies: Furniture and equipment which is in good condition and suitable for the age and size of the pupils and purposes of instruction shall be provided.

ix. Room size: Each small group instructional space shall provide at least 20 net square feet of open floor area per pupil with no dimension less than 10 feet.

x. Instruction:

(1) Chalkboard, or other appropriate writing surface, and a display board suitable for the instructional program shall be provided.

(2) Sufficient electrical duplex outlets shall be provided to satisfy the instructional program with not less than one outlet per space.

As amended, R.1983 d.248, effective June 20, 1983.

See: 15 N.J.R. 376(a), 15 N.J.R. 1016(b).

Added "district to board of education."

Amended by R.1985 d.527, effective October 21, 1985.

See: 17 N.J.R. 650(a), 17 N.J.R. 2540(a).

This section was recodified and substantially amended from N.J.A.C. 6:3-1.17.

Amended by R.1986 d.281, effective July 21, 1986.

See: 18 N.J.R. 526(a), 18 N.J.R. 1457(b).

Section substantially amended.

Amended by R.1990 d.394, effective August 6, 1990.

See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-3.1; references added to approved private schools for the handicapped, minimum clear width for corridors established as 6'0" and reference to rule for drinking fountains for early intervention, Pre-k and kindergarten added at (g)2, v(2).

Amended by R.1991 d.423, effective August 19, 1991.

See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Documentation, toilet and air-conditioning requirements added.

Administrative correction to (g)2ii(5).

See: 24 N.J.R. 1882(b).

Amended by R.1999 d.3, effective January 4, 1999.

See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (b) and (c), substituted references to the Division of Finance for references to the Bureau of Facility Planning Services; and in (c), substituted a reference to the assistant commissioner of the Division of Field Services for a reference to the assistant commissioner of the Division of County and Regional Services.

SUBCHAPTER 7. LONG-RANGE FACILITIES PLANS

6:22-7.1 Long-range facilities plans

(a) Long-range facilities plans projecting a five-year estimate of capital construction needs shall be maintained by each school district.

(b) Long-range facilities plans shall be updated every five years from the original submission date of July 1, 1985 and submitted to the county superintendent of schools for review and approval. Once the plan has been reviewed and approved by the county superintendent, a copy of the approved plan shall be forwarded to the Division of Finance no later than the July 1 submission deadline.

(c) Revised facilities plans shall be submitted to the county superintendent whenever construction plans are sent to the Division of Finance.

(d) The updated long-range facilities plan shall include the following:

1. An updated enrollment projection which forecasts district enrollment by grade over the next five years, with an indication as to whether this projection was done by a cohort method or percent of population;
2. Anticipated facilities needs on a year-by-year basis.

(e) The following items need to be completed only if changes in these areas have occurred or are anticipated since the submission of a long-range facilities plan on or before July 1, 1990:

1. Local and regional demographic factors including:
 - i. Anticipated residential, commercial and industrial development;
 - ii. Housing trends;
 - iii. Road development.
2. Changes in the educational program, grade organization and/or facilities including, but not limited to, an addition to a school, a new school, a new administration building, bus garage or similar facility and the closing of a school;
3. Changes in joint school and/or community use of facilities.

R.1984 d.504, effective November 5, 1984 (operative July 1, 1985).
See: 16 N.J.R. 1850(a), 16 N.J.R. 3008(a).

Recodified with substantive changes from N.J.A.C. 6:22-1.8.
Amended by R.1985 d.527, effective October 21, 1985.
See: 17 N.J.R. 650(a), 17 N.J.R. 2540(a).

This section was recodified from 6:3-1.23.
Amended by R.1990 d.394, effective August 6, 1990.
See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-4.1; added effective date at (e).
Amended by R.1991 d.423, effective August 19, 1991.
See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Approval procedure specified further.
Amended by R.1999 d.3, effective January 4, 1999.
See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (b) and (c), substituted references to the Division of Finance for references to the Bureau of Facility Planning Services.

SUBCHAPTER 8. APPEALS AND HEARING PROCESS

6:22-8.1 Appeals and hearing process

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

(b) In the event of an adverse decision after such an informal hearing, appellants may request within 90 days of an informal hearing a formal hearing pursuant to N.J.S.A. 18A:6-9. Such hearings will be governed by the provisions of N.J.A.C. 6A:3.

(c) Requests for variances from the Department of Education requirements as specified in N.J.A.C. 6:22-2.1, and N.J.A.C. 6:22-5.4, N.J.A.C. 6:22-5.5 and the State Uniform Construction Code as specified in N.J.A.C. 5:23 may be made in writing by the local district board of education to the Assistant Commissioner of the Division of Finance. The Assistant Commissioner may approve variances from Department requirements provided the spirit and intent of the standards are observed and the need for the variances is satisfactorily documented. Variations from the State Uniform Construction Code must be acted upon in accordance with N.J.A.C. 5:23.

Amended by R.1986 d.281, effective July 21, 1986.
See: 18 N.J.R. 526(a), 18 N.J.R. 1457(b).

Recodified from 6:22-1.6.
Amended by R.1990 d.110, effective February 5, 1990.
See: 21 N.J.R. 3210(a), 22 N.J.R. 366(c).

Deleted reference to private schools and Department of Human Services personnel.

Administrative Correction to (b): changed "shall" to "must".
See: 22 N.J.R. 2345(a), 22 N.J.R. 2359(a).
Amended by R.1990 d.394, effective August 6, 1990.
See: 22 N.J.R. 1253(a), 22 N.J.R. 2350(a).

Recodified from N.J.A.C. 6:22-1.7; added reference to requirement that appeal request be in writing.
Amended by R.1991 d.423, effective August 19, 1991.
See: 23 N.J.R. 1238(a), 23 N.J.R. 2502(a).

Stylistic changes.
Amended by R.1999 d.3, effective January 4, 1999.
See: 30 N.J.R. 3619(a), 31 N.J.R. 39(a).

In (a) and (c), substituted references to the Assistant Commissioner of the Division of Finance for references to the Director of the Bureau of Facility Planning Services throughout; and in (a), substituted references to the Division of Finance for references to the Bureau of Facility Planning Services.

Amended by R.2000 d.137, effective April 3, 2000.
See: 31 N.J.R. 4173(a), 32 N.J.R. 1177(a).

In (b), changed N.J.S.A. reference in the first sentence, and substituted a reference to N.J.A.C. 6A:3 for a reference to the Administrative Procedure Act in the second sentence.

SUBCHAPTER 9. STANDARDS FOR OPERATING AND MAINTAINING SCHOOL FACILITIES

Authority

N.J.S.A. 2A:4A-60, 2A:170-25.9, 2C:5, 2C:12-1, 2C:33-19, 2C:39, 9:6-1, 10:4-6, 18A:40-12.5 to 12.6, 18A:17-46, 18A:35-4.8, 18A:37-2.1 to 2.5, 18A:37-7 to 12, 18A:38-1, 18A:38-25, 18A:38-31, 18A:40-1, 18A:40-3 to 4, 18A:40-7 to 18, 18A:40-23 to 31, 18A:40A-1 to 17, 18A:46-18.1, 24:21-2, 26:3d-17, 26:5C, 34:2-21.8(3), 34 CFR Part 98, 34 CFR Part 99, 42 CFR Part 2, 18 U.S.C. § 921 and 20 U.S.C. § 1400.

Source and Effective Date

R.2001 d.138, effective May 7, 2001.
See: 33 N.J.R. 399(a), 33 N.J.R. 1443(a).

6:22-9.1 Policies and procedures

(a) District boards of education shall adopt written policies and procedures for:

1. Safe and sanitary operation and maintenance of school buildings and grounds according to the provisions established in this chapter;
2. Supervision of pupil safety in the school district which shall include:
 - i. Safe storage and use of potentially hazardous materials on school property;
 - ii. Prevention of accidents, panic and fire; and
 - iii. Provision for and maintenance of suitable and safe equipment;
3. Organization of school safety patrols pursuant to N.J.S.A. 18A:42-1, if the decision is made to organize safety patrols; and
4. Prohibition of smoking in public school buildings pursuant to P.L. 1989, c.96.

6:22-9.2 Health facilities, equipment and supplies

District boards of education shall provide the necessary facilities, equipment and supplies for the performance of the duties required, under State law and rule, by the medical staff.

6:22-9.3 Safe drinking water

(a) District boards of education shall assure the availability of potable drinking water through sanitary means in school buildings or upon school grounds in accordance with the Safe Drinking Water Act, N.J.S.A. 58:11-1 et seq. and the rules promulgated pursuant thereto, N.J.A.C. 7:10.

(b) Testing of school drinking water quality shall be in accordance with the Safe Drinking Water Act, N.J.S.A. 58:11-1 et seq. and the rules promulgated pursuant thereto, N.J.A.C. 7:10.

6:22-9.4 Eye protection in schools

(a) Each district board of education shall require each pupil, staff member and visitor in its schools, including evening adult school programs, to wear appropriate eye protective devices while participating in any educational activities and programs as defined in N.J.A.C. 6:4-1.2 in which caustic or explosive chemicals or materials, hot liquids or solids, molten materials, welding operations of any type, repairing or servicing of vehicles, heat treatment or tempering of metals, the shaping of solid materials and laser device operation and experimentation or any similar process or activity is engaged in, exposure to which might have a tendency to cause damage to the eyes.

(b) The term "appropriate eye protective device" shall include plain or prescription lenses provided the lenses and

other portions of the device meet or exceed the prescribed specifications for the device. Specifications for appropriate eye protection for various activities shall meet or exceed standards described in (b)1 and 2 below. The standards, with all subsequent amendments and supplements, are hereby adopted as rules and incorporated herein by reference.

1. American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1989.
2. American National Standard Practice for the Safe Use of Lasers, ANSI Z136.1-1986 and eye protective procedures recommended by the manufacturer of the laser device.

(c) The documents in (b)1 and 2 above are available for review at the Administrative Code Office, Department of Education, 225 East State Street, PO Box 500, Trenton, New Jersey 08625-0500. These documents may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(d) Emergency eye wash fountains or similar devices, capable of a minimum 15 minutes continuous flow of eye wash solution shall be provided in classrooms, shops, laboratories or other area where pupils or instructors are exposed to caustic materials that can cause damage to the eyes.

(e) The following types of eye protective devices shall be used to fit the designated activities or processes:

Potential Eye Hazard—Eye Protective Device(s)

1. Caustic or explosive—Goggles, flexible fitting, hooded ventilation; add plastic window face shield for severe exposure;
2. Dust producing operations—Goggles, flexible fitting, hooded ventilation;
3. Electric arc welding—Welding helmet in combination with spectacles with eye cup or semi or flat-fold side shields;
4. Oxyacetylene welding—Welding goggles, eye cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lenses;
5. Hot liquids and gases—Goggles, flexible fitting, hooded ventilation; add plastic window face shield for severe exposure;
6. Hot solids—Clear or tinted goggles or spectacles with side shields;
7. Molten materials—Clear or tinted goggles and plastic or mesh window face shield;
8. Heat treatment or tempering—Clear or tinted goggles or clear or tinted spectacles with side shields;

9. Glare operations—Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverspec type with tinted lenses or tinted plate lenses;

10. Shaping solid materials—Clear goggles, flexible or rigid body; clear spectacles with side shields; add plastic window face shield for severe exposure;

11. Laser device operation or experimentation—Appropriate for specific hazard;

12. Repair or servicing of vehicles—Clear goggles, flexible or rigid body; clear spectacles with side shields;

13. Other potentially eye hazardous processes or activities—Appropriate for specific hazard.

(f) Each district board of education shall establish and implement a specific eye protective policy and program to assure that:

1. No staff member, pupil or visitor shall be subjected to any hazardous environmental condition without appropriate eye protection;

2. The detection of eye hazardous conditions shall be continuous;

3. Eye protection devices shall be inspected regularly and adequately maintained;

4. Shared eye protective devices shall be disinfected between uses by a method prescribed by the local school medical inspector;

5. All eye protective devices shall meet or exceed the appropriate specifications for the various types of devices and suppliers of eye protective devices shall certify, in writing, that the devices meet or exceed said specifications;

6. Specific policy and procedures shall be established to deal with individuals who refuse to abide by established eye safety practices and procedures;

7. The use of contact lenses shall be restricted in learning environments which entail exposure to chemical fumes, vapors or splashes, intense heat, molten metals, or highly particulate atmospheres. Contact lenses, when permitted, shall only be worn in conjunction with appropriate eye protective devices and the lens wearer shall be identified for appropriate emergency care in eye hazardous learning environments;

8. All spectacle type eye protective devices shall have side shields of the eye cup, semi or flat-fold type; and

9. Pupils, staff members or visitors wearing personal corrective eyewear shall be required to wear cover goggles or similar devices unless it can be certified, by competent authority, that the personal eyewear meets or exceeds standards identified in (b) above.

(g) Each district shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye safety policies and program. The training shall cover all aspects of eye protection in schools as described in (a) through (f) above.