

consolidate, conform, and update other rules relating to educational facilities in this State. The rules are adopted to ensure that the educational facilities in the State are safe, healthy, and educationally adequate to support the delivery of the thorough and efficient education to which all students are entitled, as defined by the Core Curriculum Content Standards. The rules apply to all district boards of education in the State. To the extent these rules are inconsistent with other rules in Titles 6 and 6A of the New Jersey Administrative Code, the rules in this chapter shall take precedence.

Amended by R.2007 d.81, effective March 19, 2007.

See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

Deleted second sentence.

Amended by R.2013 d.145, effective December 16, 2013.

See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

Rewrote the section.

6A:26-1.2 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise:

“Additional costs” means the additional construction costs beyond the area cost allowance for construction or the costs beyond reasonable estimated actual costs for rehabilitation if such costs are the result of factors outside the control of the school district, provided that either type of costs results from design factors that are required to meet the facilities efficiency standards and are approved or authorized pursuant to N.J.S.A. 18A:7G-5(g).

“Additional space” means space in excess of facilities efficiency standards.

“Adjusted gross square footage” means the gross square footage of a facility less excluded spaces.

“Annual maintenance budget amount” means the amount required to be included in the school district’s annual budget certified for taxes as a deposit into the maintenance reserve account or in the required maintenance line-item accounts.

“Application for State School Aid” or “ASSA” means the application filed pursuant to N.J.S.A. 18A:7F-33, on a form issued by the Commissioner, in which a school district sets forth student enrollment by category and other pertinent information.

“Approved area for unhoused students” means the product of the area allowance per FTE student times the number of unhoused students.

“Approved LRFP” or “approved plan” means an LRFP that conforms to the requirements of N.J.A.C. 6A:26-2 and that has been determined by a Commissioner’s final determination to ensure the school facilities are educationally adequate to support over the next five years the achievement of the Core Curriculum Content Standards.

“Area allowance per FTE student” means 125 square feet for preschool through grade five, 134 square feet for grades six through eight, and 151 square feet for grades nine through 12.

“Area cost allowance” means as set forth in N.J.S.A. 18A:7G-3.

“Building system” means a set of related or similar building components that work together to perform a major function in a building or facility.

“Capital maintenance” means maintenance intended to extend the useful life of a school facility, including upgrades and replacements of building systems, such as structure, enclosure, mechanical, plumbing and electrical systems, and can be considered to constitute or be part of a school facilities project.

“Capital project” means a school facilities project, other capital project or land acquisition project.

“Capital reserve account” means as defined in N.J.A.C. 6A:23A-1.2.

“Comprehensive Annual Financial Report” or “CAFR” means the official annual report of a governmental unit that includes all funds and account groups, as defined in N.J.A.C. 6A:23A-1.2.

“Comprehensive maintenance plan” means a school district’s multi-year maintenance plan covering required maintenance activities for each school facility in the school district adopted pursuant to this chapter.

“Core Curriculum Content Standards” means the standards established pursuant to N.J.S.A. 18A:7F-4.a.

“Cost index” means the average annual increase, expressed as a decimal, in actual construction cost factors for the New York City and Philadelphia areas during the second fiscal year preceding the budget year as determined pursuant to rules promulgated by the Development Authority.

“County vocational school district” means a county vocational school district established pursuant to N.J.S.A. 18A:54-1 et seq.

“Debt service” means as set forth in N.J.S.A. 18A:7G-3.

“Development Authority” means the New Jersey Schools Development Authority established pursuant to N.J.S.A. 52:18A-237.

“District aid percentage” means the number, expressed as a percentage derived from dividing the school district’s equalization aid calculated pursuant to N.J.S.A. 18A:7F-53 as of the date of the Commissioner’s determination of preliminary eligible costs by the school district’s adequacy budget calculated pursuant to N.J.S.A. 18A:7F-51 as of the date of the Commissioner’s determination of preliminary eligible costs.

“District board of education” means the local board of education or State district superintendent in the case of a State-operated district.

“District factor group” means an index of socioeconomic status established by the Department of Education based upon indicators available in the decennial census. School districts are arranged in 10 groups, DFG A through DFG J, A being the group with the lowest socioeconomic status, J the highest.

“Division” means the Department’s Division of Administration and Finance.

“Educational adequacy” means, for purposes of a school facilities project, the suitability of a facility to provide instruction that will enable students to achieve the Core Curriculum Content Standards and will encompass the facilities efficiency standards combined with the requirements of N.J.A.C. 6A:26-5.

“Educational space” means any space in a school facility for general instruction, specialized instruction, administration or student services and support.

“Emergency stabilization” means actions taken by a school district to correct and eliminate an actual or imminent peril to the health and safety of students or staff designed to render a school facility fit for occupancy by students or staff.

“Emergent condition” means a condition is so injurious or hazardous that it causes an imminent peril to the health and safety of students and staff.

“Emergent project” means a capital project necessitating expedited review and, if applicable, approval, in order to alleviate a condition that, if not corrected on an expedited basis, would render a building or facility so potentially injurious or hazardous that it causes an imminent peril to the health and safety of students or staff.

“Estimated actual costs” means costs as determined pursuant to N.J.A.C. 6A:26-2.3 or 3.4.

“Excess costs” means as set forth in N.J.S.A. 18A:7G-3.

“Excluded space” is an existing space that is not contained in the facilities efficiency standards but may be included in a school district’s approved room inventory that would be structurally or fiscally impractical to convert to other uses in the facilities efficiency standards as demonstrated by the school district and that:

1. Delivers programs and services aligned to the Core Curriculum Content Standards; or
2. Provides support services directly to students.

“Facility” means a structure or building as further defined in this section by the terms school facility, temporary facility or other facilities.

“Facilities efficiency standards” means the standards developed by the Commissioner pursuant to N.J.S.A. 18A:7G-4.

“Feasibility study” means a study undertaken to determine whether a school facilities project is achievable in view of

possible identified factors that may influence the project’s design or construction, including, but not limited to, applicable Federal, State and local laws; physical site conditions; market conditions; and costs and benefits. For example, such a study may be a pre-construction evaluation undertaken by a school district to determine whether it would be more feasible to replace rather than renovate a school facility because of health and safety or efficiency. It may also consist of a pre-land acquisition evaluation to determine whether it would be more feasible to acquire land for a school facilities project because of health and safety, efficiency, environmental factors, physical site conditions, or cost.

“Filing year” means the year in which the comprehensive maintenance plan is filed with the executive county superintendent.

“Final eligible costs” means as set forth in N.J.S.A. 18A:7G-3.

“Final plans and specifications” means the plans and specifications utilized to bid a capital project and to undertake and complete its construction.

“FTE” means as set forth in N.J.S.A. 18A:7G-3.

“Functional capacity” means the number of students that can be housed in a building to provide sufficient space for the building to be educationally adequate for the delivery of programs and services necessary for student achievement of the Core Curriculum Content Standards. Functional capacity is determined by dividing the adjusted gross square footage of a school facility by the minimum area allowance per FTE student for the grade level students contained therein.

“Grant cycle” means the amount of annual funding available, as determined by the Commissioner, for section 15 grants for school facilities projects in RODs, other than county vocational school districts.

“Gross square footage” means the total square footage of a school facility.

“Inconsistent space” means spaces that differ from the facilities efficiency standards in number, configuration, size, location, or use.

“Land acquisition” means an acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site. Land acquisition is either an eligible cost of a school facilities project or an other capital project not eligible for funding pursuant to EFCFA.

“Lease-purchase agreement” means any agreement under which the school district leases equipment or school facilities as the lessee, and gives the school district the option of purchasing the leased property during or upon termination of the lease with credit toward the purchase price for all or part of rental payments that have been made by the school district in accordance with the lease-purchase agreement.

“Lease-purchase payment” means as set forth in N.J.S.A. 18A:7G-3.

method of compliance shall be submitted to the executive county superintendent for approval;

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

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

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

9. Where showers are provided, shower heads shall be at least 30 inches apart, one shower head for each 10 students, with a shower head height of six feet, and 12 square feet of floor area shall be provided per shower head;

10. Preschool and kindergarten classrooms shall be equipped with a bubbler or water fountain; and

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

Recodified from N.J.A.C. 6A:26-6.2 and amended by R.2004 d.214, effective June 7, 2004.

See: 36 N.J.R. 243(a), 36 N.J.R. 2733(b).

Rewrote the section. Former N.J.A.C. 6A:27-6.3, Private schools for disabled students and schools for disabled students operated by the New Jersey Department of Human Services, recodified to N.J.A.C. 6A:26-6.5.

Amended by R.2007 d.81, effective March 19, 2007.

See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

In (f)3, inserted "school" preceding "district's" two times; and in (h)4iii, inserted "school" preceding "district".

Amended by R.2013 d.145, effective December 16, 2013.

See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

Rewrote the section.

6A:26-6.4 Educational facility planning standards for school facilities housing preschool students

(a) The educational facility planning standards delineated in this subchapter shall apply to the design and construction of school facilities housing preschool students. Any standards not addressed in this section are addressed in N.J.A.C. 6A:26-6.3, in conjunction with the UCC. For community providers, the requirements of this section shall supplement but not supplant the requirement manual mandated by the Office of Licensing in the Department of Human Services, for community provider licensure. If this section's requirements exceed the requisites of the Department of Human Services' manual, the requirements of this section shall apply.

(b) General design and construction requirements shall be as follows:

1. School facilities for preschool students shall afford space for instruction, administration, and student services, as set forth in the facilities efficiency standards in (h) below;

2. Preschool classrooms shall be no higher than the second floor of a school facility;

3. Preschool classrooms shall have a minimum of the square footage of usable space per child as set forth in the facilities efficiency standards, and usable space per child shall exclude storage, equipment, or furnishings that are either built-in or not easily movable;

4. Each preschool classroom shall have an attached toilet room designed to accommodate the needs of physically handicapped students with features sized for the use of preschool students;

5. Preschool classrooms shall have a resilient floor covering;

6. Separate from the toilet room, each preschool classroom shall have access to an additional sink with a flood rim height no greater than 26 inches from the floor;

7. Preschool classrooms shall be equipped with a bubbler or water fountain; and

8. Preschool classrooms shall be designed to modulate interior noise and minimize exterior noise.

(c) Entrances, egress, and security requirements shall be as follows:

1. All preschool classrooms shall have operable windows with inside locks and shall be equal to at least four percent of the floor space.

(d) The outdoor play area requirement shall be sufficient to support the achievement of the New Jersey Preschool Teaching and Learning Standards of Quality as defined in N.J.A.C. 6A:13A and by the educational specifications under N.J.A.C. 6A:26-5, and evidenced by a sufficiency standard such as the following: 100 square feet of outdoor play space for each child using the space at one time.

(e) The electrical power and communications requirement shall be as follows:

1. Child-safety receptacles shall be used throughout preschool classrooms and bathrooms and elsewhere in the school facility where applicable.

(f) Lighting requirements shall be as follows:

1. Subject to the requirements of N.J.A.C. 6A:26-6.3(g), preschool classroom lighting shall be adjustable and varied across the space with a mixture of both natural and artificial light; and

2. Preschool classrooms shall have child-safe windows to maximize natural light.

(g) Plumbing requirements shall be consistent with N.J.A.C. 6A:26-6.3(h) 4 except as follows:

1. Preschool classrooms toilet facilities shall be open to view as a safety precaution;
2. Toilet facilities for preschool students shall be designated for their exclusive use and shall be so identified; and

3. Preschool facilities shall provide a diaper/clothes changing area in the classroom.

(h) The facilities efficiency standards for early childhood schools are the following:

**Early Childhood School Model
For Three and Four Year Old Students**

<u>Enrollment</u>	294	<u>FTE*</u>					
Utilization Factor	100%	1					
<u>Room Designations</u>	<u>Net SF**</u>	<u>#of</u>	<u>#of</u>	<u># of</u>	<u>Net SF</u>	<u>Description</u>	
<u>Instructional Spaces</u>		<u>students</u>	<u>students</u>	<u>rooms</u>			
Preschool Classroom	950	270	15	18.00	17,100	See notes below	
Preschool Classroom							
Special Education	950	24	12	2.00	1,900		
					19,000	Subtotal Net SF of Instructional Spaces	
					1.00	Utilization Factor	
						Subtotal Net SF for Instructional Spaces	
						w/Utilization Factor	
					19,000		
<u>Specialized Spaces</u>							
Kitchen	1,200			1.00	1,200		
Multi-Purpose room/ Gross motor skills	3,400			1.00	3,400		
Small Group Instruction Room (SGI)	400			2.00	800		
					5,400	Subtotal Net SF for Specialized Spaces	
<u>Administrative Spaces</u>							
Nurse	400			1.00	400		
Reception/Main Office	400			1.00	400		
Principal/Director Office	200			1.00	200		
Conference Room	125			2.00	250		
Teacher Work Room	300			1.00	300		
					1,850	Subtotal Net SF for Administrative Spaces	
					26,250	Total Net SF	
					89.29	Net SF per student	
					1.4	Grossing Factor* * *	
					125.00	Gross SF per student	
					36,750	Total Gross SF for population of 294 FTE	
					\$143.00	Area Cost Allowance per SF	
					\$5,255,250	Cost of new Early Childhood School for population of 294 FTE	

* Full time equivalent (FTE)

** Square Feet (SF)

*** Grossing factor = 40% of Total net SF for circulation, toilet rooms, storage, mechanical, receiving, communications, electrical, adult handicapped accessible bathroom, etc.

Notes:

750 SF of floor area provided, 150 SF of casework and 50 SF of toilet room

A. Indoor Storage: There shall be varied and ample types of storage that meets the general classroom needs of both children and staff. Each classroom shall have open, accessible

storage, such as cubbies for each child for coat storage, personal papers, and change of clothing.

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

Substituted "one- or two-year" for "any two-year or one-year", and inserted "shall".

6A:26-10.11 Public hearing for facility leases in excess of five years

(a) A district board of education shall conduct a minimum of one public hearing prior to adoption of a resolution endorsing a facility lease in excess of five years. All provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 through 21, shall be followed for the public hearing. In addition, notice of the public hearing shall be published not less than seven days prior to the date fixed for each public hearing in at least one newspaper published in the school district, or circulating in the school district if no newspaper is published therein. The notice shall fix a date, place, and time for holding the public hearing and shall include a description of the proposed facilities to be leased, the estimated cost, and the proposed method of funding the lease.

(b) The public hearing shall provide taxpayers and other interested persons an opportunity to present to the district board of education questions or other commentary with respect to the proposed lease, the estimated cost, and the proposed funding method.

(c) After the public hearing, a district board of education shall adopt by affirmative vote of at least two-thirds of its full membership a resolution that includes the following provisions:

1. Approval of the lease concept;
2. Approval of the projected maximum funding level;
3. An assurance that annual lease payments and any operating expenses related to the lease agreement can be included within the school district's net budget spending growth limitations and will not result in the need for approval by the voters, board of school estimate, or capital project review board as appropriate, of additional spending proposals to maintain existing instructional programs or extracurricular activities; and
4. Authorization for the district board of education to request approval of an amendment of the LRFP to reflect the leased facility and request any other approvals needed to enter into the lease.

(d) In the case of an SDA district, the district board of education shall provide the Department with a copy of the proposed lease and a copy of detailed board minutes for the public hearing resolution and vote on the approval of the lease concept.

New Rule, R.2004 d.214, effective June 7, 2004.
See: 36 N.J.R. 243(a), 36 N.J.R. 2733(a).
Amended by R.2007 d.81, effective March 19, 2007.
See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

In (a) and (d), inserted "school" preceding "district" throughout; and in (c)3, inserted "school" preceding "district's".

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

Section was "Public hearing for leases of facilities in excess of five years". Rewrote (a) through the introductory paragraph of (c); in (c)4, substituted "LRFP" for "long-range facilities plan"; and in (d), substituted "SDA" for "Abbott school".

SUBCHAPTER 11. COUNTY VOCATIONAL SCHOOL DISTRICT FACILITIES REHABILITATION FUND

6A:26-11.1 County vocational school district facilities rehabilitation fund

Subject to appropriation and availability of funds, a county vocational school district may apply to the Commissioner for a maximum grant of \$500,000 to be matched dollar for dollar by the school district to fund health and safety school facilities rehabilitation projects. The grant and matching funds shall be maintained by the school district in a special revenue fund as certified by the district board of education and its chief financial officer and shall be subject to annual audit. A project funded through the grant fund shall not require the Commissioner's approval pursuant to N.J.S.A. 18A:7G-5 but shall meet all other requirements of EFCFA and this chapter pertaining to school facilities projects.

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

Deleted designation and deleted "school" following "vocational".
Amended by R.2007 d.81, effective March 19, 2007.
See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

Section was "County vocational district facilities rehabilitation fund".
Inserted "school" preceding "district" throughout.
Amended by R.2013 d.145, effective December 16, 2013.
See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).
Rewrote the section.

6A:26-11.2 Application for funds

(a) Any county vocational school district seeking a grant from the County Vocational School District Facilities Rehabilitation Fund shall apply to the Commissioner on a Commissioner-provided form. The application shall, at a minimum, contain the following information:

1. A description of the school facilities project to be undertaken with the funds;
2. A schematic drawing of the project or, at the option of the school district, preliminary plans and specifications for the project to be funded;
3. A delineation and description of each of the functional components of the project to be funded;
4. The estimated cost to complete the project as determined by the school district on a form prescribed by the Commissioner; and
5. Any additional information the Commissioner deems relevant for the project's review.

(b) The Division shall review an application for funds. If the project conforms with the requirements of EFCFA and

regulations for approval of school facilities projects, the Division shall notify the county vocational school district of the amount of any grant within 90 days of receiving a grant application.

(c) Any county vocational school district that receives grant funding pursuant to N.J.S.A. 18A:7G-32 and N.J.A.C. 6A:26-11.1 shall not be eligible to receive State support pursuant to any other provision of EFCFA for a period of five years from the school district's receipt of the grant, except that the school district may receive debt service aid pursuant to N.J.S.A. 18A:7G-10; and any county vocational school district that receives aid under any provision of EFCFA other than N.J.S.A. 18A:7G-10 shall not receive a grant pursuant to this subsection for five years after approval of a project that is otherwise funded under EFCFA.

Amended by R.2001 d.367, effective October 1, 2001.

See: 33 N.J.R. 1809(a), 33 N.J.R. 3482(a).

In (a), deleted "school" following "vocational" in the introductory paragraph; in (b), deleted "school" following "vocational" in the first sentence and deleted the second sentence; rewrote (c).

Amended by R.2007 d.81, effective March 19, 2007.

See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

Inserted "school" preceding "district" throughout; in the introductory paragraph of (a), inserted "School"; and in (c), inserted "school" preceding "district's".

Amended by R.2013 d.145, effective December 16, 2013.

See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

In the introductory paragraph of (a), substituted "Commissioner-provided form" for "form provided by the Commissioner"; deleted former (a)4 and (a)5; recodified former (a)6 and (a)7 as (a)4 and (a)5; in (a)5, substituted "project's review" for "Commissioner's review of the project"; in (b), substituted ". If" for "and, if", deleted "these" preceding "regulations", and inserted "the Division shall"; and in (c), substituted "that" for "which" following "school district" twice and following "project"; and deleted a comma following "18A:7G-10".

SUBCHAPTER 12. SAFETY REQUIREMENTS FOR SCHOOL FACILITIES

Subchapter Historical Note

Petition for Rulemaking. See: 47 N.J.R. 2506(a).

6A:26-12.1 Facilities maintenance requirements

All facilities and structures and parts thereof shall be maintained in a safe, healthy, and energy-efficient condition. All service equipment, means of egress, devices, and safeguards that are required by the UCC in a building or structure, when erected, altered, or repaired, shall be maintained in good working order.

New Rule, R.2001 d.367, effective October 1, 2001.

See: 33 N.J.R. 1809(a), 33 N.J.R. 3482(a).

Amended by R.2004 d.214, effective June 7, 2004.

See: 36 N.J.R. 243(a), 36 N.J.R. 2733(b).

Rewrote the section.

Amended by R.2007 d.81, effective March 19, 2007.

See: 38 N.J.R. 4533(a), 39 N.J.R. 899(a).

In (c)1, inserted "school" preceding "district's"; in (c)2, substituted "School districts" for "Districts"; and in (d), inserted "school" preceding "district".

Amended by R.2013 d.145, effective December 16, 2013.

See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

Deleted designation (a); deleted " , both in existence as of July 18, 2000 and those constructed thereafter pursuant to EFCFA," following "thereof", substituted " , healthy, and energy-efficient" for "and healthy and energy efficient", inserted a comma following "devices", and substituted "that" for "which"; and deleted (b) through (d).

6A:26-12.2 Policies and procedures for school facility operation

(a) District boards of education shall adopt written policies and procedures regarding the following:

1. Safe and sanitary operation and maintenance of school facilities and grounds according to the provisions of this chapter;
2. Supervision of pupil safety in school facilities that shall include:
 - i. Safe storage and use of potentially hazardous materials on school property;
 - ii. Compliance with community right-to-know requirements;
 - iii. Prevention of accidents, panic, and fire; and
 - iv. Provision 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.

Amended by R.2001 d.367, effective October 1, 2001.

See: 33 N.J.R. 1809(a), 33 N.J.R. 3482(a).

Rewrote the section.

Amended by R.2013 d.145, effective December 16, 2013.

See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

In (a)1, substituted "of" for "established in", and deleted "and the regulations to be adopted by the Commissioner pursuant to N.J.S.A. 18A:7G- 9(b)(3)" following "chapter"; and in the introductory paragraph of (a)2, substituted "that" for "in the school district which".

6A:26-12.3 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 rules by health services personnel.

Amended by R.2013 d.145, effective December 16, 2013.

See: 45 N.J.R. 1026(a), 45 N.J.R. 2557(a).

Section was "Health facilities, equipment and supplies". Inserted a comma following "equipment", deleted a comma following "required", substituted "rules" for "rule,", and deleted "the" preceding "health".

6A:26-12.4 Safe drinking water

(a) District boards of education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., the rules promulgated pursuant thereto, N.J.A.C. 7:10 and 6A:26-6, Planning and Construction Standards for School Facilities.