

CHAPTER 26

EDUCATIONAL FACILITIES

Authority

P.L. 2000 c.43; P.L. 2000 c.72; N.J.S.A. 18A:1-1; 18A:4-15; 18A:6-9; 18A:6-27; 18A:7A-11; 18A:7A-46.1 et seq.; 18A:7F-34; 18A:7G-1 through 13, 15, 20, 26, and 31 through 37; 18A:17-49 et seq.; 18A:18A-16, 18, 36 and 39; 18A:20-1.1 et seq.; 18A:20-4.2; 18A:20-36; 18A:21-1 through 5; 18A:22-18 through 20; 18A:22-27 through 30 and 39; 18A:24-1 et seq.; 18A:33-1 et seq.; 18A:46-1 et seq.; 18A:54-21; 18A:55-2; 18A:76-15; 40:55D-31; 47:1A-1 et seq.; and 52:27D-130.

Source and Effective Date

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

Chapter Expiration Date

Chapter 26, Educational Facilities, expires on October 1, 2006.

Chapter Historical Note

Chapter 26, Educational Facilities, was adopted as R.2001 d.367, and Subchapter 2, Long-Range Facilities Plans, was recodified from N.J.A.C. 6:23-2, Subchapter 3, Capital Project Review, was recodified from N.J.A.C. 6:23A-2, Subchapter 11, County Vocational School District Facilities Rehabilitation Fund, was recodified from N.J.A.C. 6:23A-4, Subchapter 12, Operation and Maintenance of Facilities, was recodified from N.J.A.C. 6:22-9, Subchapter 13, Applications for Retroactive Funding of Projects, was recodified from N.J.A.C. 6:23A-3, Subchapter 15, State School Facilities Documents was recodified from N.J.A.C. 6:23A-6, and Subchapter 17, Appeals, was recodified from N.J.A.C. 6:23A-7 by R.2001 d.367, effective October 1, 2001. See: Source and Effective Date. See, also, section annotations.

Subchapter 9, Capital Reserve Accounts, was repealed by R.2006 d.361, effective October 2, 2006. See: 38 N.J.R. 2333(a), 38 N.J.R. 4178(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:26-1.1 Purpose and applicability of rules
- 6A:26-1.2 Definitions

SUBCHAPTER 2. LONG-RANGE FACILITIES PLANS

- 6A:26-2.1 Responsibilities of district
- 6A:26-2.2 Completion of long-range facilities plans
- 6A:26-2.3 Review and approval of long-range facilities plans
- 6A:26-2.4 (Reserved)

SUBCHAPTER 3. CAPITAL PROJECT REVIEW

- 6A:26-3.1 Initiation of a capital project
- 6A:26-3.2 School facilities projects
- 6A:26-3.3 Review and approval of school facilities projects
- 6A:26-3.4 Calculation of preliminary eligible costs for school facilities projects
- 6A:26-3.5 Determination of final eligible costs for Authority school facilities project
- 6A:26-3.6 Determination of final eligible costs for nonauthority school facilities projects
- 6A:26-3.7 Local support of school facilities projects
- 6A:26-3.8 Determination of State support for school facilities projects
- 6A:26-3.9 Design and construction of Authority school facilities projects

- 6A:26-3.10 Design and construction of non-Authority school facilities projects
- 6A:26-3.11 ECPA district community early childhood education facilities projects
- 6A:26-3.12 Initiation of other capital projects
- 6A:26-3.13 Acquisition of land by districts
- 6A:26-3.14 Review, approval, and use of temporary facilities
- 6A:26-3.15 Demonstration projects
- 6A:26-3.16 Emergency stabilization and emergent projects
- 6A:26-3.17 Insurance, damages awards, gifts, grants, other private sources of funds, and municipal surplus

SUBCHAPTER 4. MANAGEMENT OF CAPITAL PROJECTS

- 6A:26-4.1 Capital projects fund
- 6A:26-4.2 Use of capital projects fund to account for a capital project funded in part or in whole by school bonds, short term notes, or pre-EFCFA lease purchase agreements of greater than five years duration
- 6A:26-4.3 Use of capital projects fund to account for a school facilities project not funded in part or in whole by school bonds or short term notes
- 6A:26-4.4 Options where there are insufficient funds to complete a capital project
- 6A:26-4.5 Over-expending a capital project
- 6A:26-4.6 Unexpended bond proceeds
- 6A:26-4.7 Oversight of non-Authority constructed school facilities projects
- 6A:26-4.8 Bidding and awarding of contracts for non-Authority capital projects
- 6A:26-4.9 Submission of change orders for non-Authority projects
- 6A:26-4.10 Change orders for Authority school facilities projects

SUBCHAPTER 5. REVIEW OF CAPITAL PROJECTS FOR EDUCATIONAL ADEQUACY

- 6A:26-5.1 General provisions
- 6A:26-5.2 Educational specifications
- 6A:26-5.3 Schematic plans and other related project documents
- 6A:26-5.4 Detailed plans and specifications and final plans and specifications
- 6A:26-5.5 Fee schedule
- 6A:26-5.6 Capital projects not subject to educational adequacy review

SUBCHAPTER 6. PLANNING AND CONSTRUCTION STANDARDS FOR SCHOOL FACILITIES

- 6A:26-6.1 Application of the Uniform Construction Code
- 6A:26-6.2 Exceptions
- 6A:26-6.3 Educational facility planning standards
- 6A:26-6.4 Educational facility planning standards for school facilities housing preschool students
- 6A:26-6.5 Private schools for disabled students and schools for disabled students operated by the New Jersey Department of Human Services

SUBCHAPTER 7. LAND ACQUISITION, SCHOOL CLOSING, AND LAND DISPOSAL

- 6A:26-7.1 Approval of the acquisition of land
- 6A:26-7.2 Approval of the acquisition of land in certain districts under the auspices of the Authority
- 6A:26-7.3 Approval for the acquisition of existing facilities
- 6A:26-7.4 Approval for the disposal of land, including rights or interest therein, or improvements thereon
- 6A:26-7.5 Approval for the closing of a school facility

SUBCHAPTER 8. TEMPORARY SCHOOL FACILITIES

- 6A:26-8.1 Temporary facilities standards

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. LEASE PURCHASE AND LEASE AGREEMENTS

- 6A:26-10.1 Use of lease purchase agreements
- 6A:26-10.2 Costs of lease purchase agreements of five years or less
- 6A:26-10.3 Approval of lease purchase agreements for improvements or additions to school facilities
- 6A:26-10.4 Contents of lease purchase agreement of five years or less
- 6A:26-10.5 Contents of ground lease
- 6A:26-10.6 Approval procedures to refinance a lease purchase agreement
- 6A:26-10.7 Approval procedures for a defeasance of lease purchase agreements
- 6A:26-10.8 Lease purchase agreements entered into prior to July 18, 2000
- 6A:26-10.9 Approval of lease agreements of facilities to be used for school purposes
- 6A:26-10.10 Limitation on multiyear leases of facilities
- 6A:26-10.11 Public hearing for leases of facilities in excess of five years

SUBCHAPTER 11. COUNTY VOCATIONAL DISTRICT FACILITIES REHABILITATION FUND

- 6A:26-11.1 County vocational district facilities rehabilitation fund
- 6A:26-11.2 Application for funds

SUBCHAPTER 12. OPERATION AND MAINTENANCE OF FACILITIES

- 6A:26-12.1 Facilities maintenance requirements
- 6A:26-12.2 Policies and procedures for school facility operation
- 6A:26-12.3 Health facilities, equipment and supplies
- 6A:26-12.4 Safe drinking water
- 6A:26-12.5 Eye protection in schools

SUBCHAPTER 13. APPLICATIONS FOR RETROACTIVE FUNDING OF PROJECTS

- 6A:26-13.1 General provisions

SUBCHAPTER 14. WITHHOLDING OF STATE SUPPORT FOR NON-COMPLIANCE

- 6A:26-14.1 Withholding of State support for non-compliance

SUBCHAPTER 15. STATE SCHOOL FACILITIES DOCUMENTS

- 6A:26-15.1 Right-to-know requests

SUBCHAPTER 16. CERTIFIED EDUCATIONAL FACILITIES MANAGER

- 6A:26-16.1 Certified educational facilities manager

SUBCHAPTER 17. APPEALS

- 6A:26-17.1 Appeals of Commissioner's determinations

SUBCHAPTER 1. GENERAL PROVISIONS

6A:26-1.1 Purpose and applicability of rules

These rules are adopted by the New Jersey State Board of Education to implement Sections 1 to 12, 57 and 58 of the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c.72, and to implement P.L. 2000, c.43, as well as to consolidate, conform and update other rules relating to educational facilities in this State. These rules supersede and, in part, are comprised, with amendment, of the rules adopted by the Commissioner of Education to implement Sections 1 to 12, 57 and 58 of EFCFA. These rules are adopted in order 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. These rules apply to all district boards of education "districts" in the State. To the extent these rules are inconsistent with any other rules in Titles 6 and 6A of the New Jersey Administrative Code, these rules shall take precedence.

6A:26-1.2 Definitions

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

"Abbott district" means an Abbott district as defined in N.J.S.A. 18A:7F-3.

"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 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) or 18A:7G-6(c).

"Additional space" means space in excess of the facilities efficiency standards.

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

"Application for State School Aid" or "ASSA" means the application filed by a district pursuant to N.J.S.A. 18A:7F-33, on a form issued by the Commissioner, pursuant to which the 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.