

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:18A-16, 18, 36 and 39; 18A:17-49 et seq.; 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; 40:55D-31; 47:1A-1 et seq.; 52:27D-130; 18A:76-15.

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.

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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 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.

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

"Area allowance per FTE student" means, for the 2001-2002 and 2002-2003 school years, 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, and, beginning in the 2003-2004 school year, pursuant to N.J.S.A. 18A:7G-4(h), it shall be established as part of the Biennial Report issued by the Department issued pursuant to N.J.S.A. 18A:7F-4(c).

"Area cost allowance" means \$138.00 per square foot for the school year 2000-2001 and shall be inflated by an appropriate cost index for the 2001-2002 and 2002-2003 school years. Thereafter, pursuant to N.J.S.A. 18A:7G-3, it shall be established as part of the Biennial Report issued by the Department pursuant to N.J.S.A. 18A:7F-4(c). The area cost allowance used in determining preliminary eligible costs of school facilities projects shall be that of the year of application for approval of the school facilities project.

"Authority" means the New Jersey Economic Development Authority established pursuant to N.J.S.A. 34:1B-1 et seq.

"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.

(g) Whenever a State-operated district shall determine that it is necessary to sell school bonds to raise money for any school facilities project approved pursuant to EFCFA and this subchapter, it shall estimate the amount necessary to be raised for such school facilities project or school facilities projects, itemizing such estimate so as to make it readily understandable, and the State district superintendent shall certify a copy of such resolution to each member of the Capital Project Review Board of the district. The resolution shall include the amount needed to be raised by school bonds, the final eligible costs of the school facilities project as approved by the Commissioner, the total costs, the State share or the State debt service aid percentage, the local share, if applicable, and, the excess costs, if any. The Capital Project Review Board shall review the project in accordance with the procedures in N.J.S.A. 18A:7A-46.2. If the district determines to use a combination of school bonds and other revenue sources, the question shall also include the portion of the local share or total costs of the school facilities project receiving State debt service aid to be raised through other revenue sources, listing separately each source and the amount from that source.

(h) Upon completion by the Authority of a school facilities project, if the cost of construction and completion of the project is less than the total costs, the district shall be entitled to receive a portion of the local share based on a pro-rata share of the difference based on the ratio of the State share to the local share in accordance with N.J.A.C. 6A:26-4.6(d).

(i) A district, other than a State-operated district, that sought approval pursuant to N.J.S.A. 18A:7G-11 of a school facilities project that did not have excess costs, and failed to receive such approval, and within the three years prior to that, sought and failed to receive approval of the same school facilities project, with or without excess costs, provided the first such failure to receive approval occurred after July 18, 2000, may submit the school facilities project to the Commissioner and request that the Commissioner approve the school facilities project and authorize the issuance of school bonds for the local share of the school facilities project.

1. Upon receipt of a request, the Commissioner shall review the school facilities project and determine whether the school facilities project is necessary for the provision of a thorough and efficient system of education in the district.

2. If the Commissioner concludes that the school facilities project is necessary, the Commissioner shall approve the school facilities project without excess costs and authorize the issuance of school bonds to fund the local share.

3. In addition to the amount of taxes determined by the legal voters of the district at the annual school election, the secretary of the district board of education shall certify the amount required for the repayment of the

interest and principal of the school bonds required to fund the local share approved by the Division in the same manner required for interest and debt redemption charges pursuant to N.J.S.A. 18A:22-33, and the amount so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for those purposes.

4. Any school facilities project authorized pursuant to this subsection shall be constructed by the Authority pursuant to the provisions of N.J.A.C. 6A:26-3.9. Final eligible costs of the project shall be determined in accordance with the provisions of N.J.A.C. 6A:26-3.5 prior to the Commissioner approving the issuance of school bonds by the district and the Authority undertaking construction of the school facilities project.

(j) Any non-Abbott district included in district factor group A or B as of July 18, 2000 may apply to the Commissioner for 100 percent State share of final eligible costs of a school facilities project in the event the district is having difficulty financing the local share or the total costs of a school facilities project receiving State debt service aid. In order to receive a recommendation for 100 percent State share of final eligible costs from the Commissioner, a district shall submit documentation demonstrating that:

1. It sought approval of a school facilities project that did not have excess costs, and failed to receive such approval, and, prior to that failed appeal, sought and failed to receive approval of the same school facilities project, with or without excess costs and:

- i. The T & E budget equalized tax rate of the district is at least 130 percent of the State average; and
- ii. The equalized municipal tax rate is above the State average; and

2. The school facilities project is necessary for the provision of a thorough and efficient system of education in the district;

(k) Upon review of the application, the Commissioner shall determine whether to recommend to the Legislature that the district receive 100 percent State share of the final eligible costs of the project. A district will receive 100 percent State share only if the Legislature so determines upon receipt of the Commissioner's recommendation.

(l) All school facilities projects approved pursuant to (j) and (k) above shall be constructed by the Authority pursuant to the provisions of N.J.A.C. 6A:26-3.9. Final eligible costs of the project shall be determined in accordance with the provisions of N.J.A.C. 6A:26-3.5 prior to the Authority undertaking construction of the school facilities project.

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.

6A:26-3.8 Determination of State support for school facilities projects

(a) State support for school facilities projects shall be determined as follows:

1. State debt service aid for projects approved on or after July 18, 2000 shall be calculated as follows:

Aid is the sum of A for each issuance of school bonds issued for a school facilities project approved by the Commissioner on or after July 18, 2000 where:

$$A = B \times AC/P \times (DAP \times 1.15) \times M, \text{ with } AC/P = 1$$

whenever AC/P would otherwise yield a number greater than one, and where:

B is the district's debt service for the individual issuance for the State fiscal year;

AC is the preliminary eligible costs determined pursuant to section 7 of EFCFA;

P is the principal of the individual issuance plus any other funding sources approved for the school facilities project;

DAP is the district aid percentage as defined pursuant to N.J.S.A. 18A:7G-3, except that DAP X 1.15 shall not be less than 40 percent and for county special services districts, DAP is that of the county vocational district in the same county; and

M is a factor representing the degree to which a district has fulfilled maintenance requirements for a school facilities project, and shall be 1.0 except when a different maintenance factor is required by N.J.S.A. 18A:7G-9.

2. State debt service aid for school facilities projects approved prior to July 18, 2000 shall be calculated as follows:

Aid is the sum of A where

$$A = B \times \text{CCSAID/TEBUD} \text{ and where}$$

B is the district's total debt service or lease purchase payment for the individual issuance for the State fiscal year;

CCSAID is the district's core curriculum standards aid amount determined pursuant to N.J.S.A. 18A:7F-15; and

TEBUD is the district's T & E budget determined pursuant to N.J.S.A. 18A:7F-13.

For county special services school districts, CCSAID/TEBUD shall be that of the county vocational district in the same county.

3. The amount of a grant shall be determined as follows:

i. The State share payable to the district shall equal the product of the school facilities project's final eligible costs and 115 percent of the district aid percentage or 40 percent, whichever is greater. The Authority shall provide grant funding for the State share pursuant to an agreement between the district and the Authority which shall, in addition to other terms and conditions, set forth the terms of disbursement of the State share.

(1) All grants and the corresponding local share shall be accounted for separately by project in the capital projects fund in accordance with N.J.A.C. 6A:26-4;

(2) Local share budgeted in capital outlay shall be transferred to the capital projects fund upon execution of the grant agreement with the Authority. Any unexpended transferred capital outlay funds remaining after completion of the school facilities project shall be reserved and designated in the subsequent year's budget.

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" preceding "district" throughout 1 and 2, and inserted N.J.A.C. reference in 3i(1).

6A:26-3.9 Design and construction of Authority school facilities projects

(a) The Authority will design and construct school facilities projects in accordance with EFCFA and the Authority's rules.

(b) All Department fees for review and approval of school facilities projects shall be waived for school facilities projects in which the State share of final eligible costs is 100 percent.

(c) After approval of the LRFP for a district that is required to use the Authority, the district, Department and Authority shall meet and agree upon a schedule for undertaking the school facility projects in the approved LRFP and identify the need for temporary facilities, if any.

(d) A district that is required to use the Authority and has an approved LRFP may begin undertaking feasibility studies for new construction identified pursuant to N.J.A.C. 6A:26-3.2(b)10, remediation, site development, design work and acquire temporary facilities, provided that such activities are consistent with its approved LRFP and are undertaken under the auspices of the Authority.

1. Districts shall submit to the Division a pre-development application setting forth all activities, including feasibility studies, remediation, site development, design work, acquisition of temporary facilities and acquisition of land, which need to be undertaken prior to submission of a school facilities project application. The Division will review each application for consistency with the approved LRFP, and, if approved, forward the application to the Authority which shall undertake such activities pursuant to procedures developed by the Authority. Any costs incurred pursuant to this subsection shall be allocated to the applicable school facilities project and shall be deemed eligible for a State share.

2. For districts in which the State share of final eligible costs of a school facilities project is 100 percent, the Authority shall provide the funding for these pre-development costs. For all other districts required to use the Authority, the pre-development costs shall be funded locally and the district shall comply with N.J.A.C. 6A:26-3.3 and any additional procedures established by the Authority; once these costs have been allocated to the applicable school facilities project and that project has been approved pursuant to N.J.A.C. 6A:26-3.3, the district shall receive credit toward the local share of that project.

3. Non-Abbott districts required to use the Authority may apply to the Authority to have the Authority engage an architect in order to develop school facilities project applications for the district, and, if approval is obtained, the cost of developing the applications shall be allocated to the applicable approved project and deemed eligible for a State share.

(e) A district that is required to use the Authority shall seek approval to acquire land from the Commissioner pursuant to N.J.A.C. 6A:26-7. The Commissioner may approve the purchase of land if the site is capable of supporting the applicable school facility in the approved LRFP. If the Commissioner approves the request, he or she shall notify the district and the Authority. Any costs incurred pursuant to this subsection shall be allocated to the applicable school facilities project and shall be deemed eligible for a State share. For districts in which the State share of eligible costs for the school facilities projects is 100 percent, the Authority shall provide the funding for the cost of the land if approved by the Commissioner and the Authority. For all other districts required to use the Authority, the costs shall be funded locally and the district shall comply with N.J.A.C. 6A:26-3.13 and any additional procedures established by the Authority; once the costs have been allocated to the applicable school facilities project and that project has been approved pursuant to N.J.A.C. 6A:26-3.3, the district shall receive credit toward the local share of that project.

(f) The Authority will submit detailed plans and specifications to the Department for review and approval pursuant to N.J.A.C. 6A:26-5.4. In addition, whenever the final plans and specifications prepared by the Authority change the number, size, location, configuration or use of educational spaces as set forth in the detailed plans and specifications required by N.J.A.C. 6A:26-5 submitted to the Department when a school facilities project was approved, the Authority will submit the final plans and specifications to the Department for review and approval pursuant to N.J.A.C. 6A:26-5. For purposes of N.J.A.C. 6A:26-5.5, the detailed plans and specifications submitted by the Authority shall constitute final plans and specifications.

(g) For all school facilities projects constructed by the Authority, or which the district is constructing under delegation of the Authority pursuant to N.J.S.A. 18A:7G-13(a), the Authority shall notify the Department of any change order affecting the number, size, location, configuration or use of educational spaces and submit the change order to the Department for review and approval.

(h) The Authority will provide a copy to the Division of the final plans and specifications utilized when soliciting bids for a school facilities project and certify that no changes were made between the detailed plans and specifications and final plans and specifications affecting educational adequacy.

(i) Upon completion of a school facilities project by the Authority, the district shall submit a plan for the maintenance of the school facility to the Commissioner and the Authority, in accordance with the Commissioner's rules to be adopted pursuant to N.J.S.A. 18A:7G-9(b)(3). All such plans shall include a provision for a maintenance reserve fund. All maintenance reserve funds created in accordance with the Commissioner's rules to be adopted pursuant to N.J.S.A. 18A:7G-9(b)(3) shall be funded annually with two tenths of one-percent of the net replacement cost of the school facility, which amount shall be included in the annual budget of the district. The funds in the maintenance reserve fund may be withdrawn at any time during the year to fund the maintenance mandated by the Commissioner's rules to be adopted pursuant to N.J.S.A. 18A:7G-9(b)(3). The net replacement cost of the school facility shall be calculated annually and shall equal the area cost allowance multiplied by the gross square footage of the building.

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

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

Rewrote (c) through (f); in (g), inserted reference to configuration of educational spaces; and added (h) and (i).

6A:26-3.10 Design and construction of non-Authority school facilities projects

(a) The provisions of the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., and implementing rules are applicable to any school facilities project constructed by a district.

(b) Prior to UCC approval for construction of a school facilities project, a district shall submit the final plans and specifications to the Division for final approval pursuant to N.J.A.C. 6A:26-5.4.

(c) Upon completion of a school facilities project by a district, the district shall submit a plan for the maintenance of the school facility to the Commissioner, in accordance with the Commissioner's regulations to be adopted pursuant to N.J.S.A. 18A:7G-9(b)(3). All such plans will include a provision for a maintenance reserve fund. All maintenance reserve funds created in accordance with the Commissioner's regulations to be adopted pursuant to N.J.S.A. 18A:7G-9(b)(3) shall be funded annually with two tenths of one-percent of the net replacement cost of the school facility, which amount shall be included in the annual budget of the district. The funds in the maintenance reserve fund may be withdrawn at any time during the year to fund the maintenance mandated by the Commissioner's regulations to be adopted pursuant to N.J.S.A. 18A:7G-9(b)(3). The net replacement cost of the school facility shall equal the area cost allowance multiplied by the gross square footage of the building.

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

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

In (b), inserted "UCC approval for" and updated N.J.A.C. reference; deleted (c); recodified (d) as (c); and in new (c), deleted "school" preceding "district" in the third sentence.

6A:26-3.11 ECPA district community early childhood education facilities projects

(a) An ECPA district seeking to initiate a community provider early childhood education facilities project shall apply to the Division for approval of the project. The application shall, at a minimum, contain the following information:

1. The name and location of the community provider;
2. Evidence that the community provider is licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq. and is a tax exempt nonprofit organization;
3. Evidence that the community provider is providing, or will provide, early childhood education programs for preschool students for the district;
4. A description of the project;
5. A schematic drawing of the project, or at the option of the district, preliminary plans and specifications;
6. A delineation and description of each of the functional components of the project;
7. Identification of those portions of the proposed project which will be devoted in whole or in part to the provision of early childhood education programs to preschool children from the ECPA district;
8. The estimated cost to complete the project as determined by the district in consultation with the community provider;
9. Whether the facility provides services other than early childhood education programs for preschool children, pursuant to a contract with the ECPA district; and
10. A Board resolution approving submission of the application.

(b) The Division shall review the application to determine whether it is consistent with the district's approved LRFP, whether it will provide a facility which is structurally adequate and safe, and capable of providing a program which will enable preschool children being served pursuant to the ECPA district's approved early childhood education operational plan to meet the standards for early childhood education programs established by the Department, and whether there is a need for increased capacity or for rehabilitating existing space to meet these standards. For new construction, classrooms to house preschool children from the ECPA district must meet the minimum square foot requirement for preschool classroom space in the facilities efficiency standards. For rehabilitation, classrooms to house preschool children from the ECPA district must meet the minimum square foot requirement for preschool classroom space in the facilities efficiency standards, unless the district can demonstrate that the proposed space is sufficient to provide a program which will enable those preschool children being served to meet the early childhood expectations, and the space meets the minimum square foot requirements established by the Department of Human Services.

(c) Only those facilities which are used for preschool children pursuant to a contract with the ECPA district shall be eligible for approval. Facilities which are jointly used by preschool children from the ECPA district and from other districts shall also be eligible for approval, but only the space to be utilized for preschool students of the ECPA district, and/or a pro-rata portion of common spaces and associated support systems, shall be eligible for a State share pursuant to EFCFA and these regulations.

(d) When the Division approves a project, the Division, after consulting with the Authority, shall determine the cost to complete the approved project, which shall be the estimated cost of the renovation or new construction necessary to provide a facility which is structurally adequate, safe and capable of providing a program which shall enable preschool children being served pursuant to the ECPA district's approved annual early childhood education operation plan to meet the standards for early childhood education programs established by the Department. For projects initiated by an Abbott district, the State share shall be 100 percent of the cost to complete the project. For projects initiated by an ECPA district that is not an Abbott district, the State share shall be an amount equal to 115 percent of the district aid percentage of that ECPA district, of such estimated cost, except that the State share shall not be less than 40 percent of such estimated cost.

(e) The Division shall issue a final project report to the authority which shall contain:

1. A complete description of the project;
2. The actual location of the project;
3. The total square footage of the project together with a breakdown of total square footage by functional component;
4. Any other factors to be considered by the Authority in undertaking the project;
5. The names and addresses of the people to contact from the district and the community provider;
6. The amount of the State share for the project; and
7. The amount of local share required from the community provider.

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), substituted "preschool" for "three and/or four year old" and added 10; in (b), substituted "standards for early childhood education programs" for "early childhood expectations" in the first sentence; in (c), substituted "share" for "support"; rewrote (d); and in (e), substituted "share" for "support" in 6 and rewrote 7.

6A:26-3.12 Initiation of other capital projects

(a) Other capital projects are not eligible for State support pursuant to EFCFA and this subchapter, but shall be reviewed by the Division based on the following criteria:

1. Educational specifications shall be prepared in writing describing in detail the educational program activities and requirements for each space proposed in the capital project, and shall refer to the Core Curriculum Content Standards wherever appropriate;

2. An itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space shall be included, together with their estimated areas in square feet, as well as an estimate of the total room area required for each space;

3. Specific technical and environmental criteria, adjacencies and other requirements for the educational program shall be noted; and

4. Educational specifications shall contain a building space program that indicates the number and area in square feet of each instructional, specialized instructional, administrative and support space in each existing or proposed building included in the capital project.

6A:26-5.3 Schematic plans and other related project documents

(a) Submissions of schematic plans for educational adequacy reviews shall include the following:

1. Three sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than $\frac{1}{16}$ inch per foot shall be submitted. The approved use of each space, and the proposed number of occupants, shall be clearly labeled;

2. 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 examples of all occupied spaces drawn to a scale of not less than $\frac{1}{8}$ inch per foot;

3. Information required to demonstrate compliance with the Facility Planning Standards at N.J.A.C. 6A:26-6 shall be indicated on the schematic plans, including dimensions, clearances, ceiling heights, and required equipment;

4. Paths of travel for disabled persons shall be clearly indicated;

5. 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; and

6. 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.

(b) Other project documents to be submitted with the schematic plans shall include:

1. A project cost estimate on a form provided by the commissioner;

2. A project schedule;

3. A copy of the dated transmittal letter indicating project document submission to the county superintendent; and

4. A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever the building footprint, volume, pedestrian or vehicular access are altered by the project.

(c) The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEQ questionnaire, in accordance with Title 6 of the Civil Rights Act of 1964, (42 U.S.C. §§ 2000a et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and Title 2 of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), from the district and must make a positive recommendation in writing to the Division before schematic plans can be approved for any project that affects the capacity of individual buildings or their sending areas in the district.

6A:26-5.4 Detailed plans and specifications and final plans and specifications

(a) In the case of an Authority school facilities project, upon completion of detailed plans and specifications, the Authority on behalf of the district shall apply for final approval of the educational adequacy of the project. Detailed plans and specifications shall be considered adequate for calculations of final eligible costs if the plans and specifications are 60 percent or more complete. Such application shall include:

1. Two sets of detailed plans, drawn to a scale of not less than $\frac{1}{16}$ inch per foot, 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, and specifications, to sufficiently demonstrate that the school facilities project conforms to schematic plans approved by the Division;

2. The fee calculated according to the fee schedule unless exempted pursuant to N.J.A.C. 6A:26-5.5; and

3. In the event there is a change affecting the number, configuration, size, location or use of educational spaces as set forth in the detailed plans and specifications submitted to the Department, the Authority shall submit such application to the Division with two sets of final plans and specifications, as set forth in (b)1 below and no additional fee will be imposed.

(b) In the case of a non-Authority school facilities project or an other capital project, upon the completion of final plans and specifications, the district shall apply for final approval of the educational adequacy of the project. Such application shall include:

1. Two sets of detailed plans, drawn to a scale of not less than $\frac{1}{4}$ inch per foot, 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, and specifications, to sufficiently demonstrate that the capital project conforms to schematic plans approved by the Division;

2. A properly executed copy of a "Release Form for School Construction Plans" for a district which chooses to have a municipal code enforcing agency review its plans for conformance with the UCC. The district's chief school administrator and municipal code enforcing agency chief must sign this form. This form may be obtained from the Division;

3. Copies of letters of approval from all other State agencies having jurisdiction over the project; and

4. A check, payable to the "Treasurer, State of New Jersey," for the fee calculated according to the fee schedule unless exempted pursuant to N.J.A.C. 6A:26-5.5.

6A:26-5.5 Fee schedule and exemption

(a) The Division shall collect fees for its reviews of detailed/final plans and specifications for educational adequacy in the case of Authority school facilities projects and for its reviews of final plans and specifications for educational adequacy in non-Authority school facilities projects and other capital projects according to the following schedule unless exempted under (c) below:

<u>Construction Cost Estimate (CCE)</u>	<u>Educational Adequacy Project Review Fee</u>
Up to \$1,000,000	0.5 percent of the CCE
\$1,000,001 to 10,000,000	\$5,500 plus 0.25 percent of the amount over \$1,000,000
Over \$10,000,000	\$27,500 plus 0.1 percent of the amount over \$10,000,000

(b) For purposes of the table in (a) above, the construction cost estimate shall be as set forth in the detailed plans and specifications, or final plans and specifications, as applicable.

(c) Any district for which the State share is 100 percent of final eligible costs under EFCFA shall be exempted from the fee for the review of educational adequacy as set forth in (a) above.

SUBCHAPTER 6. PLANNING AND CONSTRUCTION STANDARDS FOR SCHOOL FACILITIES

6A:26-6.1 Application of the Uniform Construction Code

(a) All school construction shall be done in accordance with the State Uniform Construction Code at N.J.A.C. 5:23, hereafter referred to as the UCC, as administered and enforced by the Department of Community Affairs, and with this subchapter.

(b) The UCC enhancements, enumerated at N.J.A.C. 5:23-3.11A(d), shall be required of all capital projects at public schools, and shall be administered and enforced by the Department of Community Affairs. Charter schools shall not be required to comply with the UCC enhancements except where the health and safety of the building occupants are affected.

(c) The educational facility planning standards, at N.J.A.C. 6A:26-5.2, shall be administered by the Department and cooperatively enforced by the Department and by the Department of Community Affairs. Charter schools shall not be required to comply with the educational facility planning standards except where the health and safety of the building occupants are affected.

6A:26-6.2 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 facilities shall afford space for general instruction, specialized instruction, administration and student services, the adequacy of which shall be pursuant to the requirements of this section. In addition, school facilities shall afford accommodations for approved vocational and special education programs;

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 (NFPA) Standard 664 "Standards for the Prevention of Fire and Explosion in Wood Processing and Woodworking Facilities" (1998), incorporated herein by reference, as amended and supplemented, and New Jersey Department of Environmental Protection rules at N.J.A.C. 7:27-8. Copies of the NFPA Standard 664 may be obtained by contacting NFPA, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

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 shall have a minimum ceiling height of eight feet;