

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 $\frac{1}{8}$ 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.

(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.