

CHAPTER 26A**COMPREHENSIVE MAINTENANCE PLANS****Authority**

N.J.S.A. 18A:7G-9.

Source and Effective Date

R.2007 d.82, effective February 9, 2007.
See: 38 N.J.R. 4564(a), 39 N.J.R. 921(a).

Chapter Expiration Date

Chapter 26A, Comprehensive Maintenance Plans, expires on February 9, 2012.

Chapter Historical Note

Chapter 24 of Title 6, Comprehensive Maintenance Plans, was recodified as N.J.A.C. 6A:26A and amended by R.2003 d.451, effective November 17, 2003. Subchapter 4, Required Maintenance Budget Amount and Maintenance Reserve, Subchapter 6, Withholding of State Support for Non-Compliance, and Subchapter 7, Appeals, were adopted as new rules. See: 35 N.J.R. 3476(a), 35 N.J.R. 5247(a).

Chapter 26A, Comprehensive Maintenance Plans, was readopted as R.2007 d.82, effective February 9, 2007. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. GENERAL PROVISIONS**

- 6A:26A-1.1 Purpose
- 6A:26A-1.2 Scope
- 6A:26A-1.3 Definitions

SUBCHAPTER 2. REQUIRED MAINTENANCE ACTIVITIES AND EXPENDITURES

- 6A:26A-2.1 Required maintenance activities
- 6A:26A-2.2 Required maintenance expenditures

SUBCHAPTER 3. DISTRICT COMPREHENSIVE MAINTENANCE PLANS

- 6A:26A-3.1 Requirements for comprehensive maintenance plans
- 6A:26A-3.2 Submission and review of comprehensive maintenance plans
- 6A:26A-3.3 Requirements for a maintenance package for newly completed school facilities projects

SUBCHAPTER 4. REQUIRED MAINTENANCE BUDGET AMOUNT AND MAINTENANCE RESERVE

- 6A:26A-4.1 Required maintenance budget amount
- 6A:26A-4.2 (Reserved)

SUBCHAPTER 5. THE MAINTENANCE FACTOR IN STATE DEBT SERVICE AID

- 6A:26A-5.1 The maintenance factor in State debt service aid

SUBCHAPTER 6. WITHHOLDING OF STATE SUPPORT FOR NON-COMPLIANCE

- 6A:26A-6.1 Withholding of State funds for non-compliance

SUBCHAPTER 7. APPEALS

- 6A:26A-7.1 Appeals of Commissioner's determinations

SUBCHAPTER 1. GENERAL PROVISIONS**6A:26A-1.1 Purpose**

These rules are intended to implement the provisions of the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c. 72, specifically sections 3, 9(b)(3) and 13(d) of EFCFA (N.J.S.A. 18A:7G3, 9(b)(3) and 13(d)), requiring the Commissioner of the Department of Education to promulgate rules requiring school districts to have comprehensive maintenance plans for school facilities and make the appropriate investment in the maintenance of school facilities.

Recodified from N.J.A.C. 6:24-1.1 by R.2003 d.451, effective November 17, 2003.

See: 35 N.J.R. 3476(a), 35 N.J.R. 5247(a).

Amended by R.2007 d.82, effective March 19, 2007.

See: 38 N.J.R. 4564(a), 39 N.J.R. 921(a).

Inserted "school" preceding "districts".

6A:26A-1.2 Scope

(a) These rules shall apply to every school district that owns school facilities or operates school facilities owned by another party, when the operating school district is responsible for maintenance of the school facilities.

(b) Each school district that operates school facilities owned by other school districts shall include such school facilities in the operating school district's comprehensive maintenance plan, and shall forward a copy of the comprehensive maintenance plan to the owning school district.

Recodified from N.J.A.C. 6:24-1.2 by R.2003 d.451, effective November 15, 2003.

See: 35 N.J.R. 3476(a), 35 N.J.R. 5247(a).

Amended by R.2007 d.82, effective March 19, 2007.

See: 38 N.J.R. 4564(a), 39 N.J.R. 921(a).

Inserted "school" preceding "district" throughout; and in (b), inserted "school" preceding "districts" and "district's".

6A:26A-1.3 Definitions

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

"Act" or "EFCFA" means the Educational Facilities Construction and Financing Act, P.L. 2000, c.72.

"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.

"Area cost allowance" means \$138.00 per square foot for the 2000-2001 school year 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. and its subsidiary, the New Jersey Schools Construction Corporation.

“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 pursuant to N.J.A.C. 6A:26-7.1.

“Commissioner” means the Commissioner of Education or designee.

“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:23-1.2. The report summarizes the activities and operations performed by all units that constitute the reporting entity. The combined financial position and results of operations are presented as if there were a single operating unit.

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

“Department” means the New Jersey Department of Education.

“District” or “school district” means a district board of education, as defined below, and includes a local or regional school district established pursuant to N.J.S.A. 18A:8-1 et seq. or 18A:13-1 et seq., a county special services school district established pursuant to article 8 of N.J.S.A. 18A:46-1 et seq., a county vocational school district established pursuant to article 3 of N.J.S.A. 18A:54-1 et seq., and a State-operated school district established pursuant to N.J.S.A. 18A:7A-34 et seq.

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

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

“Filing year” means the year in which the comprehensive maintenance plan is filed with the Department’s County Superintendent’s Office.

“Maintenance Reserve Fund” means the account established by a district pursuant to N.J.S.A. 18A:7G-13 into which a school district deposits monies to be used exclusively for required maintenance of school facilities.

“Office” means the Office of School Facilities in the Division of Finance in the Department of Education.

“Other facilities” means athletic stadiums, grandstands, greenhouses, garages, facilities used for non-instructional or non-educational purposes, and any structure, building or facility used solely for school administration.

“Replacement cost of the school facility” means the area cost allowance multiplied by the gross square footage of the building for the year specified in this chapter.

“Required maintenance” means specific maintenance activities required for system warranty purposes and which are necessary for the purpose of keeping a school facility open and safe for use or in its original condition, including repairs and replacements to a school facility’s heating, lighting, ventilation, security and fixtures to keep the facility or fixtures in effective working condition, and which does not consist of routine maintenance or capital maintenance.

“Routine maintenance” means contracted custodial or janitorial services, expenditures for the cleaning of a school facility or its fixtures, the care and upkeep of grounds or parking lots, removal of illegal locks or unauthorized construction and the cleaning of, or repairs and replacements to, movable furnishings or equipment, or other expenditures which are not required to maintain the original condition over the school facility’s useful life.

“School facility” means and includes any structure, building or facility used wholly or in part for educational purposes by a district or community provider, and facilities that physically support such structures, buildings and facilities, such as school district wastewater treatment facilities, power generating facilities, steam generating facilities and other central service facilities, including central kitchens and maintenance shops, but shall exclude other facilities as defined in this section.

“School facilities project” means the acquisition, demolition, construction, improvement, repair, alteration, modernization, renovation, reconstruction or capital maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings and equipment, and shall also include, but is not limited to, site acquisition, site development, the services of design professionals such as engineers and architects, construction management, legal services, financing costs and administrative costs and expenses incurred in connection with the project. To qualify as a school