

EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the criteria for educational adequacy ~~must~~ **shall** be reviewed and approved by the Division of ~~Facilities and Transportation~~ **Administration and Finance (Division) in accordance with N.J.A.C. 6A:26-5 et seq.** The criteria are the number, configuration, size, location, or use of educational spaces within a school facility. The review for educational adequacy ~~will~~ **shall** take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled.

Projects requiring approval for educational adequacy, as defined in N.J.A.C. 6A:26-5.1 are: new school facilities including pre-fabricated facilities; additions to existing school facilities; alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space; ~~change of use that requires certain alterations, or that requires mechanical or electrical changes pursuant to N.J.A.C. 5:23 or these regulations;~~ **and** installation of temporary facilities; ~~and any site or school facility change or alteration for the purpose of making the site and school barrier free and accessible to disabled persons pursuant to N.J.A.C. 5:23 and Section 504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. §794 and the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.~~

New Jersey ~~Economic~~ **Schools** Development Authority (**Development Authority**), ~~and non authority~~ **Regular Operating District (ROD)** ~~school facilities projects~~, along with other capital projects, are subject to educational adequacy reviews pursuant to N.J.A.C. 6A:26-5.1(b). ~~The district will submit any plan to change of use of instructional space that is not a capital project to the County Superintendent of Schools for approval.~~ **The Executive County Superintendent shall approve any change of use of instructional space that is not a capital project.**

Educational specifications for educational adequacy reviews ~~will~~ **shall** be prepared and submitted in accordance with N.J.A.C. 6A:26-5.2. Educational specifications ~~will~~ **shall** ~~be prepared in writing describing in~~ detail the educational program activities and requirements for each space proposed in the capital project, and ~~will~~ **shall** refer to the ~~Core Curriculum Content Standards~~ **New Jersey Student Learning Standards** wherever appropriate. The educational specifications ~~will~~ **shall** include an itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space ~~will be included~~, together with their ~~estimated~~ **net** areas in square feet, as well as ~~the an estimate~~ **net** of the total room area required for each space. The educational specifications ~~will~~ **shall** also include specific technical and environmental criteria, adjacencies and other requirements for the educational program ~~will be noted~~ and a building-space program that indicates the number and **net** area in



EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

square feet of each instructional, specialized instructional, administrative, and support space in each existing or proposed building included in the capital project **and/or temporary facility.**

Schematic plans and other related project documents will be prepared and submitted in accordance with N.J.A.C. 6A:26-5.3.

A project cost estimate on a form provided by the Commissioner of Education, a project schedule, a copy of the dated transmittal letter ~~indicating project document submission to the County Superintendent~~ **to the Executive County Superintendent indicating project document submission to the Division,** and a copy of the transmittal letter indicating the date of plan submission to the local planning board **shall be submitted in accordance with N.J.A.C. 6A:26-5.3(b)4** ~~(whenever the building footprint, volume, pedestrian or vehicular access are altered by the project)~~ must be submitted to the Division of Facilities and Transportation.

~~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.~~

In the case of ~~an~~ **Development Authority** school facilities project, upon completion of detailed plans and specifications, the **Development Authority** on behalf of the district ~~will~~ **shall** apply, **upon completion of detailed plans and specifications,** for final approval of the **project's** educational adequacy of the project in accordance with N.J.A.C. 6A:26-5.4(a). In the case of ~~an non-authority~~ **ROD** school facilities project or another capital project, **the school district shall apply** upon the completion of final plans and specifications, ~~the district will apply~~ for final approval of the educational adequacy of the project in accordance with N.J.A.C. 6A:26-5.4(b). **In the case of a temporary facility, the school district or the Development Authority on behalf of the school district for Development Authority school facilities projects, shall apply upon the completion of detailed plans and educational specifications for approval of the temporary facility's adequacy in accordance with N.J.A.C. 6A:26-5.4(c).**

The Division ~~of Facilities and Transportation will~~ **shall** collect fees for its reviews according to N.J.A.C. 6A:26-5.5.



EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

For a Development Authority school facilities project not subject to educational adequacy review, the Division shall issue a preliminary project report and shall forward the report to the Department of Community Affairs in accordance with N.J.A.C. 6A:26-5.6(a). The review shall require the documentation required by the Uniform Construction Code (UCC) in accordance with N.J.A.C. 5:23-2.15.

For a ROD school facilities project or other capital project, not subject to educational-adequacy review, the Division shall make a determination of the project's final eligible costs and shall forward their determination to the Department of Community Affairs in accordance with N.J.A.C. 6A:26-5.6(b). The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15.

N.J.A.C. 6A:26-5.1 et seq.; N.J.A.C. 5:23-2.15

Adopted: 9 April 2009

1st Reading: 24 August 2017

