

REGULATION

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EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

R 7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the following criteria for educational adequacy **shall** ~~must~~ be reviewed and approved by the Division of **Administration and Finance (Division)** ~~Facilities and Transportation~~. 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.

A. Projects Requiring Approval for Educational Adequacy – N.J.A.C. 6A:26-5.1

1. Capital projects that involve the following types of building construction work **shall be approved** ~~require approval~~ for educational adequacy:

- a. New school facilities including pre-fabricated facilities;
- b. Additions to existing school facilities;
- c. 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; **and**

~~d. Change of use that requires alterations per A.1.c. above, or that requires mechanical or electrical changes pursuant to N.J.A.C. 5:23 or these regulations;~~

~~de.~~ **de.** Installation of temporary facilities; ~~and.~~

~~f. 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 §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.~~

B. New Jersey ~~Economic~~ **Schools** Development Authority **(Development Authority)**, **Regular Operating District (ROD)**, and **Other** ~~Non Authority~~ Capital Projects – **N.J.A.C. 6A:26-5.1(b)**



1. ~~New Jersey Economic Development Authority and non-authority school facilities projects, along with other capital projects, are subject to educational adequacy reviews as follows:~~ **Both Development Authority and ROD school facilities projects, along with other capital projects, shall be subject to educational adequacy reviews. The review process and types of documents subject to review will differ depending on whether the project is a school facilities project or other capital project, and if a school facilities project, on whether it is a Development Authority project or a ROD project.**

- a. ~~Authority School Facilities Projects—The district will apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.1 et seq., and prior to the review and approval of capital projects for compliance with the Uniform Construction Code, N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review will cover three and in certain circumstances, see N.J.A.C. 6A:26-5.4, four types of project documents: educational specifications, schematic plans and related documents, detailed plans and specifications, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time of project application; the detailed plans and specifications, and final plans and specifications are forwarded by the authority to the Division after project approval, but prior to UCC approval.~~ **For a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.**

The application shall be made prior to the review and approval of capital projects for compliance with the Uniform Construction Code (UCC), N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review shall cover the following types of project documents: educational specifications; schematic plans and related documents; detailed plans and specifications; and



final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the Development Authority on behalf of the school district at the time of project application. Detailed and final plans and specifications shall be forwarded to the Division by the Development Authority after project approval, but prior to the Division determination of final eligible costs and Department of Community Affairs review for UCC compliance.

- b. ~~Non-authority School Facilities Projects—The district will apply for the review and approval for education adequacy as in subparagraph B.1.a. above. The educational adequacy review will cover three types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. Educational specifications and schematic plans and related documents will be submitted to the Division by the district at the time of the project application. Final plans and specifications will be submitted to the Division by the district after project approval, but prior to UCC approval and local share or total costs of the school facilities project for a debt service aid authorization.~~ **For a ROD school facilities project, school districts shall apply for the review and approval for education adequacy in conjunction with the application for approval of a school facilities project. The educational adequacy review shall cover the following types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time of project application. Final plans and specifications shall be submitted by the school district after project approval, but prior to the UCC-compliance review.**
- c. ~~Other Capital Projects—The district will apply for the review and approval for educational adequacy prior to the division review for consistency of the other capital project with the district's approved LRFP. The educational adequacy review will cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the~~



~~district at the time the project is reviewed for consistency with the district's approved LRFP. Final plans and specifications will be submitted to the Division by the district after the consistency review, but prior to UCC approval and local funding authorization.~~

For any other capital project, school districts shall apply for the review and approval for educational adequacy in conjunction with the application for the Division review for consistency with the school district's approved LRFP. The educational adequacy review shall cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time the project is reviewed for consistency with the school district's approved LRFP. Final plans and specifications shall be submitted by the school district after the consistency review, but prior to the UCC-compliance review.

C. Change of Use of Instructional Space, **Non-Capital Project – N.J.A.C. 6A:26-5.1(c)**

- ~~The district will submit any plan for change of use of instructional space 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.**

D. Educational Specifications – ~~N.J.A.C. 6A:26-5.2~~

- Submissions of educational specifications for educational adequacy reviews ~~will~~ **shall** include the following:
 - ~~Educational specifications will be prepared in writing describing in detail the educational program activities and requirements for each space proposed in the capital project, and will refer to the Core Curriculum Content Standards wherever appropriate.~~ **Details of the educational program activities and requirements for each space proposed in the capital project, and shall refer to the New Jersey Student Learning Standards wherever appropriate;**



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- b. 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;
 - c. Specific technical and environmental criteria, adjacencies, and other requirements for the educational program ~~will be noted~~; and
 - d. ~~Educational specifications must contain a~~ **A** building-space program that indicates the number and **net** area in square feet of each instructional, specialized instructional, administrative, and support space in each existing or proposed building included in the capital project **and/or the temporary facility**.
- E. Schematic Plans and Other Related Project Documents – (N.J.A.C. 6A:26-5.3)
1. Submissions of schematic plans for educational adequacy reviews ~~will~~ **shall** include the following:
 - a. ~~Three~~ **Four** sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than 1/16 inch per foot ~~will be submitted~~. The approved use of each space, ~~and~~ the proposed number of occupants, **and the net square feet area** ~~will~~ **shall** be clearly labeled **on all existing and proposed spaces**;
 - b. ~~Schematic plans will be reviewed for conformance with the educational specifications and will include~~ **L** layouts of the built-in and moveable furniture and equipment for examples of all occupied spaces drawn to a scale of not less than 1/8 inch per foot;
 - c. Information required to demonstrate compliance with the Facility Planning Standards of N.J.A.C. 6A:26-6.1 ~~et seq. will be indicated on the schematic plans~~, including dimensions, clearances, ceiling heights, and required equipment;
 - d. Paths of travel for disabled persons ~~will be clearly indicated~~;
 - e. ~~Whenever site work is required, a completed plot plan will be submitted and on it will 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.~~ **A completed plot plan when work site is required, including the intended location of the school and a layout of the locations of all other structures, multi-purpose physical education fields, playgrounds, walkways, roadways, access roads, buffer and set back zones, parking areas, deed restrictions, easements, protective covenants, right of ways, and environmentally sensitive areas. If the land for the site is being acquired, an application also shall be submitted for approval under N.J.A.C. 6A:26-7.1; and**

f. ~~Schematic plans will be signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Superintendent.~~ **The signature and seal of a New Jersey licensed architect or professional engineer, if there is an architect or engineer engaged for the project, and signatures of the President of the Board of Education and the Superintendent. In the case of Development Authority school facilities projects, schematic plans shall also be signed by the Development Authority, pursuant to N.J.S.A. 59:4-6.**

2. Other project documents to be submitted with the schematic plans ~~will~~ **shall** include:

a. A project cost estimate on a form provided by the Commissioner ~~of Education;~~

b. A project schedule;

c. A copy of the dated transmittal letter **to the Executive County Superintendent** indicating project document submission to the ~~County Superintendent~~ **Division; and**

d. ~~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;~~ **A copy of the transmittal letter indicating the date of plan submission to the local planning board, where required**



by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, including, but not limited to, whenever the project consists of a new building, the conversion of an existing building to school use, or the building footprint, volume, pedestrian, or vehicular access are altered by the project and.

~~e. The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEO 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.~~

F. Detailed Plans and Specifications and Final Plans and Specifications – ~~(N.J.A.C. 6A:26-5.4)~~

1. ~~In the case of an authority school facilities project, upon completion of detailed plans and specifications, the authority on behalf of the district will apply for final approval of the educational adequacy of the project. Detailed plans and specifications will be considered adequate for calculations of final eligible costs if the plans and specifications are sixty percent or more complete. Such application will include~~ **In the case of a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply upon completion of detailed plans and specifications for final approval of the project's educational adequacy. Detailed plans and specifications shall be considered adequate for calculations of final eligible costs if the plans and specifications are at least sixty percent complete. Final approval of the educational adequacy of the project shall occur prior to the calculation of the final eligible costs of the school facilities project pursuant to N.J.A.C. 6A:26-3.5. The application for final approval shall include:**

a. ~~Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the~~



~~Board and Superintendent, and specifications, to sufficiently demonstrate that the school facilities project conforms to schematic plans approved by the Division.~~ **Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the President of the Board of Education, Superintendent, and the Development Authority, and specifications to sufficiently demonstrate the school facilities project conforms to schematic plans approved by the Division. To demonstrate such conformance, the submission shall include architectural floor plans, an architectural site plan, as applicable, and architectural drawings that will allow verification of ceiling heights and other applicable standards in N.J.A.C. 6A:26-6.3. If the Division determines the documents are not sufficient to demonstrate conformity with the schematic plans, it may request additional drawings and/or technical specifications;**

- b. The fee calculated according to the fee schedule ~~unless exempted~~ pursuant to N.J.A.C. 6A:26-5.5; and
 - c. 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 **New Jersey Department of Education**, the **Development Authority** ~~will~~ **shall** submit ~~such application~~ **the application** with two sets of final plans and specifications, as set forth in subparagraph 2.a. below. ~~And~~ **No** additional fee will be imposed.
2. ~~In the case of a non-authority school facilities project or another capital project, upon the completion of final plans and specifications, the district will apply for final approval of the educational adequacy of the project. Such application will include~~ **In the case of a ROD school facilities project or another capital project, the school district shall apply upon the completion of final plans and specifications for final approval of the educational adequacy of the project. The application shall include:**
- a. ~~Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered~~



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~~architect or licensed engineer and signed by the President of the local Board and Superintendent, and specifications, to sufficiently demonstrate that the capital project conforms to schematic plans approved by the Division.~~ **Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the President of the Board of Education and Superintendent, and specifications to sufficiently demonstrate the capital project conforms to schematic plans approved by the Division as described in F.1.a. above;**

- b. A properly executed copy of a ~~"Release Form for School Construction Plans"~~ **"Request for Local Release of School Construction Plans"** for a district ~~which that~~ chooses to have a municipal code enforcing agency review ~~of~~ its plans for ~~conformance with the UCC~~ **conformance.** ~~The district's Superintendent and municipal code enforcing agency chief must sign this form. This form may be obtained from the Division.~~ **The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The Superintendent and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and**
- e. ~~Copies of letters of approval from all other State agencies having jurisdiction over the project; and~~
- dc. 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.

3. **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 to the Division upon the completion of detailed plans and educational specifications for approval of the temporary facility's adequacy. Detailed plans and educational specifications shall be considered adequate for calculations of eligible costs if the plans and educational**



specifications are at least sixty percent complete unless otherwise provided in N.J.A.C. 6A:26-5.4. The application shall include items in accordance with N.J.A.C. 6A:26-5.4(c) as outlined below:

- a. Four sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board of Education and Superintendent, as well as the Development Authority in the case of a temporary facility that is part of a Development Authority school facilities project, and educational specifications to sufficiently demonstrate the educational adequacy of the temporary facility and compliance with the temporary facility standards at N.J.A.C. 6A:26-8;
- b. A completed plot plan whenever site work is required for the temporary facility. On it shall be shown the intended location of the temporary facility and a layout of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set-back zones, and parking areas. It also clearly shall indicate the impact that placement of the temporary facility will have on the site of the permanent school facility;
- c. A copy of the dated transmittal letter to the Executive County Superintendent indicating plan submission to the Division;
- d. A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16;
- e. A temporary facility schedule addressing the relationship to the school facilities project schedule, in the event that the temporary facility is part of a school facilities project;
- f. The fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5. If the temporary facility is not part of a Development Authority school facilities project, payment shall be in the form of a check, payable to the "Treasurer, State of New Jersey";



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(1) If the fee for the temporary facility is submitted to the Division prior to the submission of the fee for the final educational adequacy review for the school facilities project, the amount paid for the temporary facility will be credited toward the fee for the school facilities project;

g. If the temporary facility is not part of a Development Authority school facilities project, a properly executed copy of a Request for Local Release of School Construction Plans for a school district that chooses to have a municipal code enforcing agency review its plans for conformance with the UCC. Such review shall require the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The Superintendent and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and

h. If the temporary facility was previously used for school purposes and a certificate of occupancy for District Factor Group E is in effect and no change of use is required, a floor plan with proposed occupancy in lieu of signed and sealed plans shall be submitted to the Division to meet the requirements of N.J.A.C. 6A:25-5.4.

G. Fee Schedule and exemption – N.J.A.C. 6A:26-5.5

The Division of Facilities and Transportation will collect fees for its reviews of detailed/final plans and specifications for educational adequacy in the case of Development Authority school facilities projects and for its reviews of final plans and specifications for educational adequacy in ROD school facilities projects and other capital projects according to in accordance with the fee schedule outlined in N.J.A.C. 6A:26-5.5.

H. Capital Projects Not Subject to Educational Adequacy Review – N.J.A.C. 6A:26-5.6



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- 1. For a Development Authority school facilities project not subject to educational adequacy review, the Division shall issue a preliminary project report and shall forward to the Department of Community Affairs for review the report along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall require the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate.**

- 2. 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 to the Department of Community Affairs for review the determination along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for a construction-permit or plan-review application, as appropriate. If the school district has submitted to the Division a properly executed copy of a "Request for Local Release of School Construction Plans," pursuant to N.J.A.C. 6A:26-5.4(b)2, the Division shall forward the release form to the Department of Community Affairs for its action.**

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