

POLICY GUIDE

PROGRAM

2700/page 1 of 6

Services to Nonpublic School Students

Jul 17

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[See POLICY ALERT Nos. 111, 120, 142, 144, 147, 165 and 213]

2700 SERVICES TO NONPUBLIC SCHOOL STUDENTS

The Board of Education shall provide, in accordance with law and to the limit of State aid available for such purposes, services to students enrolled in nonpublic schools located within this school district in which a child may legally fulfill compulsory school attendance requirements and which complies with Title VI of the Civil Rights Act of 1964.

For the purpose of this Policy, “district of attendance” shall mean the school district in which the nonpublic school is located.

- A. Special Education and Related Services - N.J.S.A. 18A:46-19; N.J.S.A. 18A:46A-1; N.J.A.C. 6A:14-6

The Board of Education of the district of attendance, as required by Federal law and regulation under Part B of the Individuals with Disabilities Education Act (IDEA), shall provide a genuine opportunity for the equitable participation of students with disabilities who are enrolled in nonpublic schools or early childhood programs by their parents. The district of attendance shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs. Services shall be provided only upon the written consent of the parent and shall be provided in a location determined by the Board pursuant to N.J.S.A. 18A:46-19.5. The district of attendance shall spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district of attendance, after timely and meaningful consultation with representatives of the nonpublic school, shall undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district. As part of the child find process the district shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development



POLICY GUIDE

PROGRAM

2700/page 2 of 6

Services to Nonpublic School Students

of special education and related services for such children in accordance with N.J.A.C. 6A:14-6.1(c)1. Furthermore, services may be provided by district personnel or through contracts with individuals, approved clinics, or agencies. In addition, services provided shall be secular, neutral, and non-ideological. Those procedural safeguards available to nonpublic school students with disabilities and their parents as specified by Federal law and rules under Part B of the IDEA shall apply in accordance with N.J.A.C. 6A:14-6.1(e).

If a nonpublic school student with a disability will receive special education or related services from the district, the district shall initiate and conduct meetings according to N.J.A.C. 6A:14-2.3(k) to develop, review, and revise a service plan for the student and ensure a representative of the nonpublic school or early childhood program attends each meeting pursuant to N.J.A.C. 6A:14-6.1(f)2.

The Board shall provide for the services of a certified speech-language specialist for each child attending a nonpublic school located in the school district and classified pursuant to N.J.S.A. 18A:46-8 as requiring the services of a certified speech-language specialist. Services for children enrolled in nonpublic schools shall be provided only upon the consent of the parent or guardian and shall be provided in a location determined by the Board pursuant to rules and regulations of the State Board of Education. The Board shall provide for such transportation and maintenance and the cost shall be paid from State aid received by the district in accordance with N.J.S.A. 18A:46-19.6. Contracts for speech correction services shall be in accordance with N.J.S.A. 18A:46-19.7. Costs and provisions for speech correction services shall be managed in accordance with N.J.S.A. 18A:46-19.7 and N.J.S.A. 18A:46-19.8.

The Board shall provide for the receipt of auxiliary services by children between the ages of five and twenty residing in the State and enrolled full-time in a nonpublic school located in the district in accordance with N.J.S.A. 18A:46A-3. Auxiliary services shall mean compensatory education services for the improvement of students' communication skills; supportive services acquiring communication proficiency in the English language for children of limited English-speaking ability; and home instruction services. Services for children enrolled in nonpublic schools shall be provided only upon the consent of the parent and in a location



POLICY GUIDE

PROGRAM

2700/page 3 of 6

Services to Nonpublic School Students

determined by the Board pursuant to rules and regulations of the State Board of Education. The cost of transportation for auxiliary services shall be managed in accordance with N.J.S.A. 18A:46A-6. Contracts for auxiliary services shall be managed in accordance with N.J.S.A. 18A:46A-7. Cost limitations for auxiliary services shall be managed in accordance with N.J.S.A. 18A:46A-8. Calculation of the costs by the Commissioner shall be managed in accordance with N.J.S.A. 18A:46A-9.

B. Health Services - N.J.S.A. 18A:40-23 through 31; N.J.A.C. 6A:16-2.5

The Board shall provide nursing services for students who are enrolled full-time in a nonpublic school located in their district pursuant to N.J.S.A. 18A:40-23. The services shall include assistance with medical examinations; including dental screening, conducting screening of hearing examinations, the maintenance of student health records, and notification of local or county health officials of any student who has not been properly immunized; and conducting examinations of students between the ages of ten and eighteen for the condition known as scoliosis. The Board shall adopt written policies and procedures extending the emergency care provided to public school students to those students who are enrolled full-time in the nonpublic school or are injured or become ill at school or during participation on a school team or squad in accordance with N.J.A.C. 6A:16-2.5(b).

Nursing services funded by the Board pursuant to N.J.S.A. 18A:40-23 et seq. shall be provided by a registered nurse licensed by the New Jersey State Board of Nursing who is an employee of the school district or a third-party contractor or is an independent contractor. The Board shall either employ a qualified independent contractor to provide nursing services or shall contract, pursuant to N.J.S.A. 18A:40-28, with other district Boards of Education or with a public or private agency approved by the Commissioner to provide nursing services, pursuant to N.J.A.C. 6A:14-5.2. Prior to any change in the provision of nursing services, the Board shall provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents, pursuant to N.J.S.A. 18A:40-28.



POLICY GUIDE

PROGRAM

2700/page 4 of 6

Services to Nonpublic School Students

The nursing services provided to nonpublic school students shall not include instructional services in accordance with N.J.A.C. 6A:16-2.5(f). A nonpublic school may decline nursing services required or permitted by submitting to the district of attendance notification in accordance with N.J.A.C. 6A:16-2.5(g). A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

The Board of Education shall provide health services based upon the following: the funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year; a report provided to the New Jersey Department of Education (NJDOE) by the district of attendance or nonpublic school that includes the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year; and the funds expended by the district of attendance for administrative costs shall be limited to the actual costs or six percent of the funds allocated annually for each participating nonpublic school, whichever is less. Administrative costs shall include, but not be limited to, the costs related to the district of attendance annual consultation, bidding, program and contract management, and oversight and quality control.

The Superintendent or designee of the district of attendance in which a nonpublic school is located shall confer annually with the administrator of the nonpublic school for the following purposes: to advise the nonpublic school of the amount of funds allocated to it by the NJDOE for the provision of health services for full-time students enrolled in the nonpublic school; to agree on the basic health services that shall be provided; the additional medical services, equipment, or supplies that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.; to discuss the criteria to be used in the selection of a nursing service provider by the district of attendance for the nonpublic school; and to ascertain the level of satisfaction of the nonpublic school with the current nursing service provider. If the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide



POLICY GUIDE

PROGRAM

2700/page 5 of 6

Services to Nonpublic School Students

assistance; to assure that a description of the provision of nursing services is reflected in the nursing services plan of the district of attendance; and to ensure nonpublic school students in the district of attendance who are knowingly without medical coverage have access to the New Jersey FamilyCare program and to make information accessible regarding the program to the nonpublic school students, pursuant to N.J.S.A. 18A:40-34. The Superintendent or designee must submit a report to the Executive County Superintendent on or before October 1 annually in accordance with N.J.A.C. 6A:16-2.5(k).

- C. Textbook Aid to Public and Nonpublic Schools - N.J.S.A. 18A:58-37 et seq.; N.J.A.C. 6A:23A-20 et seq.

N.J.S.A. 18A:58-37.3 requires the Board in which a nonpublic school is located to purchase and to loan, without charge, upon individual requests, textbooks to students in the nonpublic school or schools located within the district of attendance when such students are residents of the State. The Board shall not be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid. Students who are enrolled in a nonpublic school whose parents do not maintain a residence in this State are not eligible to receive such textbooks. Students who are enrolled in a nonpublic school whose tuition is paid by the district of attendance are not eligible to receive such textbooks. The Board shall distribute to all students on an equitable basis existing book stocks and newly purchased textbooks purchased pursuant to N.J.S.A. 18A:58-37.1 et seq. The Board shall not discriminate against students in either public or nonpublic schools.

An individual written request for the loan of textbooks shall be signed by the parent(s) of nonpublic school students and shall be submitted directly to the Board of the district of attendance or may be forwarded collectively by the nonpublic school. Requests must be received by the Board by March 1 preceding the school year. All individual requests must be made in accordance with N.J.A.C. 6A:23A-20.3.

In accordance with N.J.A.C. 6A:23A-20.4, all textbooks purchased under the provisions of N.J.S.A. 18A:58-37.1 et seq. shall remain the property of the district which shall indicate such ownership in each book by a label. The Board shall be responsible for the receipt of the textbooks from the



POLICY GUIDE

PROGRAM

2700/page 6 of 6

Services to Nonpublic School Students

vendor and inventory of such textbooks. The Board may require that the textbooks be returned to the district at the end of the school year or may enter into agreements with the nonpublic schools to store such books. In the event of such an agreement, the Board shall not pay storage charges of any kind to a nonpublic school for this service.

The Board's accounting entries in relation to expenditures for the purchase of textbooks shall be managed in accordance with N.J.A.C. 23A-20.5.

N.J.S.A. 18A:40-23 through 31; 18A:46-19; 18A:46A-1; 18A:58-37 et seq.

N.J.A.C. 6A:14-6; 6A:16-2.5; 6A:23A-20 et seq.

Adopted:



POLICY GUIDE

PROPERTY
7100/page 1 of 2
Long-Range Facilities Planning
Jul 17
M

[See POLICY ALERT Nos. 131, 133, 156, 159 and 213]

7100 LONG-RANGE FACILITIES PLANNING

The Board of Education recognizes that sound planning based on accurate information is essential to the provision of suitable educational facilities. In order to ensure that future district construction is planned on the basis of need, the Board, in accordance with **N.J.S.A. 18A:7G-4 and N.J.A.C. 6A:26-2.1 et seq.**, will maintain and submit a Long-Range Facilities Plan (LRFP) to the New Jersey Department of Education. Except as provided in N.J.A.C. 6A:26-3.164, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.

Long-range facilities planning by the school district shall be in accordance with the provisions of N.J.A.C. 6A:26-2 et seq.

~~The district may submit an amendment to an approved LRFP for review and approval by the Commissioner of Education at any time whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP then in effect.~~

~~Early Childhood Program Aid (ECPA) Districts Only~~

~~The district will amend their LRFP annually, immediately following approval of the district's ECPA plan, to ensure that it is consistent with the approved ECPA plan required pursuant to N.J.S.A. 18A:7F-16 and N.J.A.C. 6A:24-3 et seq. or N.J.A.C. 6:19-3.1.~~

~~The Board shall review all facilities annually to determine if any of them are substandard pursuant to 6A:26-8.1 et seq. All substandard facilities must be initially approved by the County Superintendent of Schools. Such approvals are given for a maximum of two consecutive years, unless inspected by the New Jersey Department of Education, Division of Finance. The Board shall not continue their use without the express written consent of the County Superintendent of Schools. No substandard educational facility will be approved unless inspected by the Division of Facilities and Transportation in the Department of Education to ensure:~~

- ~~1. The facilities meet health, safety and educational adequacy standards for temporary, substandard facilities, as specified in N.J.A.C. 6A:26;~~



POLICY GUIDE

PROPERTY
7100/page 2 of 2
Long-Range Facilities Planning

2. ~~A plan has been developed by the district and approved by the County Superintendent of Schools to upgrade the facilities to standard, fully approved conditions.~~

~~The County Superintendent will annually monitor the district's plans to upgrade facilities to fully approved status. The district will provide funds in the next immediate annual budget to correct the deficiencies about which the district is notified by the County Superintendent on or before October 1 annually. Failure to budget for the correction of deficiencies and to implement the corrections by the next September 1 following the October 1 notice will result in the Division of Facilities and Transportation ordering that the substandard facility be abandoned immediately.~~

~~The factors as outlined in N.J.A.C. 6A:26-8.1(e) will be taken into account in making a determination upon any application for the use of emergency substandard facilities.~~

~~N.J.S.A. 18A:7G-1 et seq.; 18A:11-1; 18A:33-1 et seq.; 18A:46-13
N.J.A.C. 6:23-1.1 et seq.; 6A:26-2.1 et seq.; 6A:26-8.1 et seq.~~

Adopted:



REGULATION GUIDE

PROPERTY
R 7100/page 1 of 6
Long-Range Facilities Planning
Jul 17
M

[See POLICY ALERT Nos. 156, 159 and 213]

R 7100 LONG-RANGE FACILITIES PLANNING

~~In order to plan for facilities needs and meet the requirements set forth in N.J.A.C. 6A:26-2.1 et seq., the Superintendent shall cause the completion of the Long-Range Facilities Plan (LRFP). The LRFP will include the requirements as set forth in N.J.A.C. 6A:26-2.2 et seq. Except as provided in N.J.A.C. 6A:26-3.16, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.~~

~~The district may submit an amendment to an approved LRFP for review and approval by the Commissioner of Education at any time whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP then in effect.~~

~~[Early Childhood Program Aid (ECPA) Districts Only]~~

~~The district will amend their LRFP annually, immediately following approval of the district's ECPA plan, to ensure that it is consistent with the approved ECPA plan required pursuant to N.J.S.A. 18A:7F-16 and N.J.A.C. 6A:24-3 et seq. or N.J.A.C. 6:19-3.1.]~~

A. Responsibilities of the School District - N.J.A.C. 6A:26-2.1

- 1. The school district shall amend its Long Range Facilities Plan (LRFP) at least once every five years following the approval of the 2005 LRFP on software made available by the New Jersey Department of Education (NJDOE) and in accordance with the instructions for completing the software.**
- 2. The LRFP shall detail the school district's school facilities, other facilities, temporary facilities, and the school district's plan for meeting school facilities needs during the ensuing five years.**

B. Completion of Long Range Facilities Plans - N.J.A.C. 6A:26-2.2

- 1. Each LRFP shall include:**
 - a. Enrollment projections for the school district for the five years covered by the plan in accordance with the requirements of N.J.A.C. 6A:26-2.2(a)1;**



REGULATION GUIDE

PROPERTY

R 7100/page 2 of 6

Long-Range Facilities Planning

- b. The functional capacity of every school facility in the school district in accordance with N.J.A.C. 6A:26-2.2(a)2;
- c. An inventory of every school facility, other facility, and temporary facility in the school district in accordance with N.J.A.C. 6A:26-2.2(a)3;
- d. An inventory of all school district-owned land in accordance with N.J.A.C. 6A:26-2.2(a)4;
- e. A listing of the approximate size and nature of any new sites that may be needed for school facilities projects set forth in the LRFP in accordance with N.J.A.C. 6A:26-2.2(a)5;
- f. An inventory of all building systems within each facility in accordance with N.J.A.C. 6A:26-2.2(a)6;
- g. A determination of the life expectancy of all building systems;
- h. A determination of any building system deficiencies in each school facility and the required remediation;
- i. The school district's proposed school facilities projects, other capital projects, and preliminary scopes of work in accordance with N.J.A.C. 6A:26-2.2(a)9 and N.J.S.A. 18A:7G-5(m);
- j. The school district's proposed programmatic models for school facility types and capacities the school district intends to operate in the ensuing five years;
- k. A comparison of the school district's proposed programmatic models with the facilities efficiency standards and identification of all types of spaces, sizes of spaces, and number of spaces inconsistent with those standards in accordance with N.J.A.C. 6A:26-2.2(a)11;
- 1. A comparison of the school district's programmatic models with the existing inventory and how the school district proposes to convert the existing inventory to programmatic models;



REGULATION GUIDE

PROPERTY
R 7100/page 3 of 6
Long-Range Facilities Planning

- m. The school district's proposed plans for new construction and renovation of other facilities in the five years ensuing in accordance with N.J.A.C. 6A:26-2.2(a)13;
 - n. For each school facility set forth in the LRFP for which the school district is seeking approval of additional space or waiver of a facility efficiency standard to be approved as part of the LRFP, the school district shall submit documentation supporting the request in accordance with N.J.A.C. 6A:26-2.3(c);
 - o. For each school facility to be replaced, a preliminary comparison of the cost of replacement of the school facility verses the cost to rehabilitate the school facility;
 - p. Preliminary data to support each proposed new school facility or addition, renovation to an existing school facility, and the removal from the school district's inventory of school facilities for each school facility to be sold, converted to non-school facility use, or razed;
 - q. A preliminary estimate of the cost of every school facilities project set forth in the LRFP; and
 - r. The Board resolution approving submission of the LRFP.
- 2. Each LRFP shall include a determination by the school district of the number of unhoused students for the ensuing five-year period calculated in accordance with N.J.A.C. 6A:26-2.2(b)1.
 - 3. Approved area for unhoused students shall be determined according to the formula as outlined in N.J.A.C. 6A:26-2.2(c).
 - 4. Superintendents in Early Childhood Program Aid (ECPA) districts are strongly encouraged to meet and collaborate with community childhood education providers to meet the needs of unhoused students in the LRFP in accordance with N.J.A.C. 6A:26-2.2(d).



REGULATION GUIDE

PROPERTY
R 7100/page 4 of 6
Long-Range Facilities Planning

5. The school district shall incorporate the facilities efficiency standards in the LRFP and seek any necessary waiver or special Commissioner approval in accordance with N.J.A.C. 6A:26-2.2(e)1 and 2.

C. LRFP Submission Procedure - N.J.A.C. 6A:26-2.1

1. Except as provided in N.J.A.C. 6A:26-3.14, no school facilities project shall be considered or approved unless the school district's LRFP has been submitted to the NJDOE and approved by the Commissioner.
2. The school district shall submit its LRFP to the planning board(s) of the municipality(ies) in which the school district is situated, no later than the date the school district submits the LRFP to the Commissioner. No LRFP shall be considered complete until comments have been received from the planning board(s) or until forty-five days have passed from the planning boards' receipt of the LRFP in accordance with N.J.A.C. 6A:26-2.1(c).
3. In accordance with the provisions of N.J.A.C. 6A:26-2.1(d), a school district sending students to another school district pursuant to N.J.S.A. 18A:38-8 et seq. shall expeditiously provide all information necessary for the receiving school district to complete its LRFP, including but not limited to, demographic information necessary to prepare enrollment projections. Both sending and receiving school districts must submit a LRFP. If a send-receive relationship is terminated pursuant to N.J.S.A. 18A:38-21, both the sending and receiving school districts shall promptly submit an amended LRFP.
4. An amended LRFP must be submitted to the NJDOE, in accordance with the provisions of N.J.A.C. 6A:26-2.1(e), if one or more school districts withdraw from a regional school district or a regional school district dissolves.
5. At any time, a school district may submit an amendment to an approved LRFP for review and approval by the Commissioner.



REGULATION GUIDE

PROPERTY
R 7100/page 5 of 6
Long-Range Facilities Planning

6. A school district's approved LRFP shall remain in effect until an amended LRFP is approved.
- D. Review and Approval of Long-Range Facilities Plan - N.J.A.C. 6A:26-2.3
1. Within ninety days of receipt of a LRFP from a school district that has not previously submitted a LRFP, the Division of Administration and Finance (Division) shall determine where the plan is fully and accurately complete and whether all information necessary to review the plan has been filed by the school district.
 - a. When a LRFP is determined to be complete, the Division shall notify the school district in writing that the plan is deemed complete.
 - b. When a LRFP is determined to be incomplete, the Division shall notify the school district in writing and require the submission of additional information as detailed in the notification. Only after the Division determines all requested information has been submitted and the information is accurate shall it determine a plan to be complete.
 2. Within sixty days of the date of notification that the plan is complete, the Commissioner shall notify the school district of the final determination of the LRFP. A final determination shall set forth information as outlined in N.J.A.C. 6A:26-2.3(b).
 3. A school district shall amend its approved LRFP whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP in effect. The amendment request shall be accompanied by a Board of Education resolution approving the submission of the LRFP amendment and shall be in accordance with the requirements of N.J.A.C. 6A:26-2.3(c)1 through 4.



REGULATION GUIDE

PROPERTY
R 7100/page 6 of 6
Long-Range Facilities Planning

4. **The Commissioner may extend the deadline for reviewing each LRFP if at any time the number of LRFPs pending before the Commissioner for review exceeds twenty percent of the total number of operating school districts in the State pursuant to N.J.A.C. 6A:26-2.3(d).**
5. **A school district that has an approved LRFP may begin undertaking feasibility studies for new construction identified in accordance with N.J.A.C. 6A:26-2.3(b)6. For school districts required to use the New Jersey Schools Development Authority (Development Authority), the activities also shall be undertaken under the auspices of the Development Authority and in accordance with N.J.S.A. 18A:7G-5 and N.J.A.C. 6A:26-2 et seq.**

Issued:



POLICY GUIDE

PROPERTY

7101/page 1 of 3

Educational Adequacy of Capital Projects

Jul 17

[See POLICY ALERT Nos. 131, 159 and 213]

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



POLICY GUIDE

PROPERTY

7101/page 2 of 3

Educational Adequacy of Capital Projects

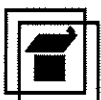
support spaces required to conduct the educational program specified for each space ~~will be included~~, together with their **estimated net** areas in square feet, as well as ~~the an estimate net~~ of the total room area required for each space. The educational specifications ~~will~~ **shall** also 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 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 A** authority school facilities project, upon completion of detailed plans and specifications, the **Development A** 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~~



POLICY GUIDE

PROPERTY

7101/page 3 of 3

Educational Adequacy of Capital Projects

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.

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:



REGULATION GUIDE

PROPERTY
R 7101/page 1 of 13
Educational Adequacy of Capital Projects
Jul 17

[See POLICY ALERT Nos. 159 and 213]

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. 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.~~



REGULATION GUIDE

PROPERTY

R 7101/page 2 of 13

Educational Adequacy of Capital Projects

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.**



REGULATION GUIDE

PROPERTY
R 7101/page 3 of 13
Educational Adequacy of Capital Projects

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,



REGULATION GUIDE

PROPERTY
R 7101/page 4 of 13
Educational Adequacy of Capital Projects

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)**

1. ~~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.~~



REGULATION GUIDE

PROPERTY

R 7101/page 5 of 13

Educational Adequacy of Capital Projects

- D. Educational Specifications – (N.J.A.C. 6A:26-5.2)
1. Submissions of educational specifications for educational adequacy reviews ~~will~~ **shall** include the following:
 - a. ~~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;**
 - 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;**



REGULATION GUIDE

PROPERTY

R 7101/page 6 of 13

Educational Adequacy of Capital Projects

- b. ~~Schematic plans will be reviewed for conformance with the educational specifications and will 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 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.~~



REGULATION GUIDE

PROPERTY

R 7101/page 7 of 13

Educational Adequacy of Capital Projects

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 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.~~



REGULATION GUIDE

PROPERTY

R 7101/page 8 of 13

Educational Adequacy of Capital Projects

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**



REGULATION GUIDE

PROPERTY

R 7101/page 9 of 13

Educational Adequacy of Capital Projects

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 to the Division **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 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**



REGULATION GUIDE

PROPERTY
R 7101/page 10 of 13
Educational Adequacy of Capital Projects

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:**



REGULATION GUIDE

PROPERTY

R 7101/page 11 of 13

Educational Adequacy of Capital Projects

- 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";**



REGULATION GUIDE

PROPERTY

R 7101/page 12 of 13

Educational Adequacy of Capital Projects

(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.



REGULATION GUIDE

PROPERTY
R 7101/page 13 of 13
Educational Adequacy of Capital Projects

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

- 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.**

Issued:



POLICY GUIDE

PROPERTY
7102/page 1 of 2
Site Selection and Acquisition
Jul 17

[See POLICY ALERT Nos. 131, 159 and 213]

7102 SITE SELECTION AND ACQUISITION

The Board of Education may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with the requirements of N.J.A.C. 6A:26-7.1 et seq. The school district, or the New Jersey Schools Development Authority (Development Authority) on behalf of the district, shall submit information to the Division of Administration and Finance (Division) to obtain approval for land in connection with a school facilities project in accordance with the provisions of N.J.A.C. 6A:7.1(b).

In the event the school district intends to acquire land not in connection with a school facilities project, the district shall submit all of the information required under N.J.A.C. 6A:26-7.1(b) except N.J.A.C. 6A:26-7.1(b)1.ii and N.J.A.C. 6A:26-7.1(b)1.iii, and shall further be excepted from the requirements of N.J.A.C. 6A:26-7.1(d) and N.J.A.C. 6A:26-7.1(e). If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under N.J.A.C. 6A:26-7.1 and the exceptions outlined above shall no longer apply.

In accordance with the provisions of N.J.A.C. 6A:26-7.1(d), school site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.

All school sites shall have sufficient acreage for the placement of the school facility; expansion of the building to its maximum potential enrollment; the placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages, and any other above or below ground structure, which is to be placed thereon; multi-purpose physical education fields and, for preschool through grade five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school



POLICY GUIDE

PROPERTY
7102/page 2 of 2
Site Selection and Acquisition

facility pursuant to the facilities efficiency standards and the approved programmatic model; disabled-accessible pedestrian walkways, roadways, and parking areas on which people and vehicles access the building; public and service access roads onto the site including, where warranted, a one-way school bus road of thirty foot width and a two-way road of thirty-six foot width; a school bus drop-off area; and eighteen foot wide posted fire lanes for fire apparatus; and a thirty-foot wide access around the entire building.

Land owned by the Board of Education that does not meet the standards of N.J.A.C. 6A:26-7.1 may be supplemented pursuant to the requirements of N.J.A.C. 6A:26-7.1(f).

Pursuant to N.J.A.C. 6A:26-7.1(g), the Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring land.

The Development Authority may acquire land on behalf of a school district eligible for one hundred percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved Long Range Facilities Plan (LRFP). For such school districts, the New Jersey Department of Education shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with N.J.A.C. 6A:26-7. The Development Authority may submit the required information on behalf of such school districts.

In accordance with N.J.A.C. 6A:7.3, the Board of Education may acquire an existing facility through purchase, gift, lease, or otherwise provided the Board complies with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2 and the Board has the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility. Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

N.J.A.C. 6A:26-3.12; 6A:26-7.1; 6A:26-7.2; 6A:26-7.3

Adopted:



REGULATION GUIDE

PROPERTY
R 7102/page 1 of 9
Site Selection and Acquisition
Jul 17

[See POLICY ALERT No. 213]

R 7102 SITE SELECTION AND ACQUISITION

The school district may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

A. Acquisition of Land by School Districts - N.J.A.C. 6A:26-3.12

Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with N.J.A.C. 6A:26-7 and receive approval.

B. Approval of the Acquisition of Land - N.J.A.C. 6A:26-7.1

1. Voter Approval - N.J.A.C. 6A:26-7.1(a)

The school district may obtain voter approval for funding of land acquisition prior to the Division of Administration and Finance (Division) approval of the land acquisition. The school district shall not take any action to acquire the land prior to obtaining Division approval.

2. Submission to the Division of Administration and Finance - N.J.A.C. 6A:26-7.1(b)

The school district, or the New Jersey Schools Development Authority (Development Authority) on behalf of the district, shall submit to the Division the following information to obtain approval under B.1. above for land in connection with a school facilities project. The following requirements do not address requirements of other State agencies having approval or permitting jurisdiction over land acquisition:

- a. The following information shall be provided by the school district:



REGULATION GUIDE

PROPERTY
R 7102/page 2 of 9
Site Selection and Acquisition

- (1) A written request that shall include a statement, signed by the Board President and the Superintendent, indicating the immediate and ultimate proposed uses of the site, in terms of building use, grade organization, and potential maximum enrollment, and whether the land is, or will be, part of a school facilities project indicated in the district's LRFP;
- (2) A map of the school district showing the location of the land, the location of existing schools in the school district, the attendance area to be served by the school, and the number of students who reside within the attendance area;
- (3) Data regarding the impact of the acquisition upon racial balance within the school district's public schools;
- (4) A full, detailed appraisal of the market value of the property prepared by a licensed professional;
- (5) A title report on the property produced by any reputable title insurer licensed in the State of New Jersey evidencing that title is good and marketable;
- (6) A feasibility study evidencing that school district-owned land within the attendance area to be served by the school is not available, suitable, or sufficient to be used for school purposes, but only if the school district is required to use the Development Authority and seeking approval for a new acquisition of land and not merely a new use for already school district-owned land; and
- (7) For a school district required to use the Development Authority and seeking approval for the acquisition of land, evidence that the school district has not indemnified the seller of the land for



REGULATION GUIDE

PROPERTY
R 7102/page 3 of 9
Site Selection and Acquisition

the costs arising from the environmental remediation required for the property to be used for school purposes; acquired the land in its "as is" condition; or acquired the land under terms and conditions that would invalidate the statutory immunity of the school district from liability for the remediation costs associated with pre-existing contamination, whether discovered pre-closing or post-acquisition, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

- b. The following information shall generally be provided by a licensed architect, professional engineer, or professional planner in accordance with N.J.A.C. 6A:26-7.1(b)(2):
 - (1) A statement from the licensed architect, professional engineer, or professional planner indicating whether the land is subject to regulation under the Coastal Wetlands Act - N.J.S.A. 13:9A-1 et seq.; the Freshwater Wetlands Act - N.J.S.A. 13:9B-1 et seq.; the Pinelands Protection Act - N.J.S.A. 13:18A-1 et seq.; the Waterfront Development Act - N.J.S.A. 12:5-3; the Green Acres Acts - N.J.S.A. 13:8A-1 et seq., N.J.S.A. 13:8A-19 et seq., N.J.S.A. 13:8A-35 et seq., and N.J.S.A. 13:8C-1 et seq.; or other statutes, regulations or executive orders administered by agencies of State or Federal government;
 - (a) If so subject, the statement shall address the steps necessary to obtain approval from the agencies, and include adequate documentation to demonstrate to the Division the approvals will be obtained and not affect the educational adequacy of the site, as set forth in B.4. and B.5. below.



REGULATION GUIDE

PROPERTY
R 7102/page 4 of 9
Site Selection and Acquisition

- (2) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating whether the proposed use of the land to be acquired is consistent with the goals and strategies of the New Jersey State Development and Redevelopment Plan (State Plan). If inconsistent with such goals and strategies, the statement shall include adequate documentation to demonstrate to the Division there are no alternative suitable sites available in the school district that are consistent with the State Plan's goals and strategies;
- (3) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating the land to be acquired is suitable for the proposed use;
- (4) A completed, signed, and sealed plot plan of the land to be acquired showing topographical and contour lines; adjacent properties indicating current land uses; access roads; deed restrictions; easements; protective covenants; right of ways; and environmentally sensitive areas such as waterways and wetlands. The acreage and dimensions of the tract proposed for acquisition shall be included as per the application of the standards for minimum acceptable school site sizes in B.4. below;
- (5) If existing buildings or structures are located on the land to be acquired, the intended use, and/or disposition of these buildings. Any building to be acquired and used shall comply with the requirements of the Uniform Construction Code (UCC) for educational occupancy and N.J.A.C. 6A:26-5 that apply to the construction of a new building;
- (6) Adequate documentation to demonstrate to the Division that soil conditions for structural integrity and drainage have been examined by the New Jersey licensed architect or professional engineer; and



REGULATION GUIDE

PROPERTY
R 7102/page 5 of 9
Site Selection and Acquisition

- (7) Adequate documentation to demonstrate to the Division that soil and groundwater conditions have been examined by a New Jersey licensed architect or professional engineer for suitability for septic systems, if applicable.
- c. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)3:
 - (1) A statement from a local or regional water purveyor or alternatively, a statement from a geologist or professional engineer if the source of water is groundwater, certifying that:
 - (a) The land can be adequately provided with the necessary water for the proposed maximum enrollment, and if the source of water is groundwater, that there will be sufficient groundwater available for the proposed maximum enrollment; and
 - (b) Potable water infrastructure is, or is not, in place to service the site.
 - (2) A statement from a local or county sewerage agency certifying that:
 - (a) The land can be adequately provided with the necessary and acceptable sewage disposal system for the proposed maximum enrollment, as evidenced, for example, by consistency with the locally approved wastewater management plan; and
 - (b) Sewer infrastructure is, or is not, in place to service the site. If such infrastructure is not in place, adequate documentation from a professional engineer or licensed geologist to demonstrate that soil and groundwater conditions are suitable for a septic system or discharge to groundwater.



REGULATION GUIDE

PROPERTY
R 7102/page 6 of 9
Site Selection and Acquisition

- (3) Recommendations from the New Jersey Department of Environmental Protection (NJDEP) that there are no substantial reasons why the land acquisition should not proceed within forty-five days of its receipt of an environmental site report submitted by the school district or the Development Authority on behalf of the school district addressing the items below, or evidence that forty-five days have passed since the NJDEP's receipt of the environmental site report, whichever is earlier:
 - (a) A sewer service consistency determination;
 - (b) Potable water supply;
 - (c) Coastal and freshwater wetlands;
 - (d) Green Acres land;
 - (e) Stream encroachment;
 - (f) Historical or archeological resources;
 - (g) Endangered plant species;
 - (h) Threatened or endangered animal species; and
 - (i) An environmental site assessment to determine whether there is potential contamination on the land, submitted on a form provided by the New Jersey Department of Education (NJDOE).
- d. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)4:
 - (1) Recommendations of the planning board or the municipality in which the land is situated, and that has an approved master plan as required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, or evidence that the applicable forty-five days or fifty-five days



REGULATION GUIDE

PROPERTY
R 7102/page 7 of 9
Site Selection and Acquisition

have passed, whichever is earlier, from the planning board's receipt of the land acquisition application. The recommendations shall be sent to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, NJ 08625-0500, and forwarded promptly to the Division at the above address if received by the school district or its architect;

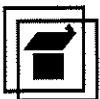
- (2) The recommendation of the Executive County Superintendent based on the requirements specified in N.J.A.C. 6A:26-7; and
- (3) Prior approvals of other agencies, such as the New Jersey Department of Agriculture, NJDEP, and the Pinelands Commission, where such approval is reasonably obtainable prior to acquisition.

3. Land Acquisition for Non-School Facility Project - N.J.A.C. 6A:26-7.1(c)

- a. A school district that intends to acquire land not in connection with a school facilities project shall submit all of the information required under N.J.A.C. 6A:26-7.1(b) except N.J.A.C. 6A:26-7.1(b)1.ii and N.J.A.C. 6A:26-7.1(b)1.iii, and shall further be excepted from the requirements of N.J.A.C. 6A:26-7.1(d) and N.J.A.C. 6A:26-7.1(e). If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under N.J.A.C. 6A:26-7.1 and the aforementioned exceptions shall no longer apply.

4. School Site Size - N.J.A.C. 6A:26-7.1(d)

School site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.



REGULATION GUIDE

PROPERTY
R 7102/page 8 of 9
Site Selection and Acquisition

5. School Site Size Requirements - N.J.A.C. 6A:26-7.1(e)

All school sites require sufficient acreage for the following:

- a. The placement of the school facility;
- b. Expansion of the building to its maximum potential enrollment;
- c. The placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages, and any other above or below ground structure, which is to be placed thereon;
- d. Multi-purpose physical education and, for preschool through grade five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model;
- e. Disabled-accessible pedestrian walkways, roadways, and parking areas on which people and vehicles access the building;
- f. Public and service access roads onto the site including, where warranted, a one-way school bus road of thirty foot width and a two-way road of thirty-six foot width; a school bus drop-off area; and eighteen foot wide posted fire lanes for fire apparatus; and
- g. A thirty-foot wide access around the entire building.

6. Land owned by the Board of Education that does not meet the standards of N.J.A.C. 6A:26-7.1 may be supplemented by adjacent municipally owned land if it is formally leased on a long-term basis to the Board for exclusive use during school hours and there are no deed restrictions that prohibit school district use.



REGULATION GUIDE

PROPERTY
R 7102/page 9 of 9
Site Selection and Acquisition

7. The Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring land.
- C. Approval of the Acquisition of Land in Certain School Districts Under the Development Authority's Auspices - N.J.A.C. 6A:26-7.2
1. The Development Authority may acquire land on behalf of a school district eligible for one hundred percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved LRFP. For such school districts, the NJDOE shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with N.J.A.C. 6A:26-7.1. The Development Authority may submit the required information on behalf of such school districts.
- D. Approval for the Acquisition of Existing Facilities - N.J.A.C. 6A:26-7.3
1. The Board planning to acquire an existing facility through purchase, gift, lease, or otherwise shall comply with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2. The school district shall also have the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility.
 2. Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

Issued:



POLICY GUIDE

PROPERTY
7300/page 1 of 2
Disposition of Property
Jul 17

[See POLICY ALERT Nos. 154, 159 and 213]

7300 DISPOSITION OF PROPERTY

The Board of Education believes the efficient administration of the district requires the disposition of property and goods no longer necessary for school purposes. The Board directs the periodic review of all district property and authorizes the disposition by sale, donation, or discard of any property no longer required for the maintenance of the educational program or the efficient management of the school district. The disposition of any school property will be in accordance with this Policy and applicable laws.

Real estate property will be disposed of by sale or otherwise, in accordance with N.J.S.A. 18A:20-5 **through 18A:20-7** and N.J.A.C. 6A:26-7.4. If an approved site, **or interest therein**, is to be altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the ~~Department of Education~~ **Division of Administration and Finance (Division)** in accordance with the requirements of N.J.A.C. 6A:26-7.4 ~~et seq.~~ The **Division** ~~Department of Education~~ will notify the district of its approval or disapproval.

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes, **and disposal of any property declared scrap or waste**. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in an official newspaper. By resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase. **In the event no bids are received for personal property or the personal property is not sold at private sale pursuant to, N.J.S.A. 18A:18A-45, the Board may declare the personal property as scrap or waste and dispose of it locally.**

Personal property may be sold to the United States, the State of New Jersey, or to any body politic in the State of New Jersey, or any foreign nation which has diplomatic relations with these United States by private sale without advertising for bids.



POLICY GUIDE

PROPERTY
7300/page 2 of 2
Disposition of Property

Notwithstanding anything to the contrary in this Policy, property acquired with Federal funds for use in a Federally funded program will be disposed of in accordance with applicable law and guidelines.

The Superintendent shall develop regulations for the disposition of district property that provide for the review of the continued usefulness of all property in conjunction with the periodic inventory of property; the recommendation for Board designation of property for sale, donation, or discard; and the disposition of property in a fair and open manner consistent with the public interest and applicable laws.

N.J.S.A. 18A:18A-5; 18A:18A-45; 18A:20-~~56~~; **through 18A:20-7** et seq.
N.J.A.C. 6A:26-7.4

Adopted:



REGULATION GUIDE

PROPERTY

R 7300.2/page 1 of 4

Disposition of ~~Land Real Property~~

Jul 17

[See POLICY ALERT Nos. 159 and 213]

R 7300.2 DISPOSITION OF LAND REAL PROPERTY

A.——Definition

~~“Real property” means land and the structures upon the land and all immovable equipment and fixtures attached to the land or its structures, excluding property purchased with Federal funds.~~

B.——Review

~~The Board of Education by a recorded roll call majority vote of its full membership may dispose, by sale or otherwise, of any lands or any rights or interest therein, owned by it, which cease to be suitable or convenient for the use for which they were acquired or which are no longer needed for school purposes, whether acquired through purchase or through condemnation proceedings and the purchaser shall acquire title free from any use of purpose for which it may have been acquired by the Board The decision to dispose of the real property of the district that is no longer suitable or convenient for the use for which it was acquired or is no longer needed for school purpose will be made by the Board of Education in accordance with N.J.S.A. 18A:20-5 through 18A:20-7et seq., N.J.A.C. 6A:26-7.4, and Policy No. 7100.~~

CA. ~~Department of Education Review and Approval~~ **Written Request for Approval for Disposal – N.J.A.C. 6A:26-7.4(a)**

The district shall make to the Division of Administration and Finance (Division) a written request for school district-owned land to be altered or disposed of through sale, transfer, or exchange of all or part of the total acreage, including rights or interest therein and/or improvements thereon, such as facilities, if applicable.

- ~~1. If the Board desires to have an approved site altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the Division of Facilities and Transportation, Department of Education.~~ **2. The district will send a copy of the request to the Executive County Superintendent of Schools who will shall make recommendations to the Division. The Executive County Superintendent will shall provide a copy of the recommendations to the Board of Education.**



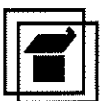
REGULATION GUIDE

PROPERTY

R 7300.2/page 2 of 4

Disposition of **Land** Real Property

32. The request ~~will~~ **shall** indicate whether the district intends to convey the site, **rights, or interest therein, and/or improvements thereon**, under an exception to the public ~~sale~~ requirements of N.J.S.A. 18A:20-96.
3. The request shall indicate whether the school district intends to convey the site, rights, or interest therein, and/or improvements thereon that had been conveyed to the school district from the New Jersey Schools Development Authority (Development Authority) or funded in whole or in part by the State share under Educational Facilities Construction and Financing Act (EFCFA).
4. ~~The Division will determine whether the disposal is consistent with the district's approved Long Range Facility Plan, or whether it has a negative impact on the educational adequacy of an individual site.~~ If the land, rights, or interest therein, and/or improvements thereon have been conveyed to the school district from the Development Authority, the request shall provide evidence acceptable to the New Jersey Department of Education that the property has not reverted to the Development Authority as authorized under N.J.A.C. 19:34-3.6.
5. ~~The Department of Education will notify the district of its approval or disapproval.~~ If a school district seeks to dispose of land, rights, or interest therein, and/or improvements thereon funded in part with debt service aid pursuant to N.J.S.A. 18A:7G-9 or 10, and the land and/or improvements are either not needed or not being used for the purposes for which the bonds were issued, any proceeds from the disposal shall be used by the school district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The Board may request approval from the Commissioner to apply the proceeds over the term of the outstanding debt or by some other distribution mechanism if, for example, it is beneficial to stabilizing the school district's debt service tax levy.



REGULATION GUIDE

PROPERTY
R 7300.2/page 3 of 4
Disposition of **Land Real Property**

DB. Disposal – N.J.A.C. 6A:26-7.4(b)

- ~~1. If the Department of Education approves the Board's request, the Board by the affirmative votes of a majority of its full number of members, may alter or dispose of through sale, transfer or exchange of all or part of the total acreage of an approved school site, including facilities if applicable. The Division shall determine whether the disposal is consistent with the district's approved Long-Range Facilities Plan (LRFP) or has a negative impact on the educational adequacy of an individual site.~~

C. Notification of Approval – N.J.A.C. 6A:26-7.4(c)

The Division shall notify the school district of its approval or disapproval and send a copy to the Executive County Superintendent. If the disposal includes a site, rights, or interest therein and/or improvements thereon conveyed to the school district from the Development Authority, is funded in whole or in part by State share under EFCFA, or is in a school district that is required to use the Development Authority, the Division shall also notify the Development Authority.

D. Sale at Public Sale; Exceptions – N.J.S.A. 18A:20-6

Any lands, rights, or interests therein sold by the Board, except lands conveyed as part of a lease purchase agreement pursuant to N.J.S.A. 18A:20-4.2(f), shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district, or if none is published therein, then in a newspaper circulating in the district, in which the same is situated, at least once a week for two weeks prior to the sale, unless:

- 1. The same are sold to the State, or a political division thereof, in which case they may be sold at private sale without advertisement; or**
- 2. The sale or other disposition thereof in some other manner is provided for in N.J.S.A. 18A. Any such real property will be sold at public sale, in accordance with N.J.S.A. 18A:20-5 et seq., unless it is sold at private sale without advertisement to the State of New Jersey or a political subdivision of the State or otherwise conveyed or transferred as provided by statute.**



REGULATION GUIDE

PROPERTY
R 7300.2/page 4 of 4
Disposition of **Land Real Property**

3. ~~The public sale will be advertised at least once a week for two weeks prior to the sale in the newspapers in which official announcements of this district are made.~~

E. Sales at Fixed Minimum Prices – N.J.S.A. 18A:20-7

4. ~~After advertisement, the property will be sold to the highest bidder, except that:~~
- a1. **In the case of public sales** ~~The Board may by resolution fix a minimum price with or without the reservation of the right, upon the completion of the said public sale, to accept or reject the highest bid made which reservation, a statement whereof shall be included in the advertisement of sale of the lands and given as public notice at the time of the sale, or b.~~ The Board may by resolution provide without fixing a minimum price, that upon the completion of the public sale, the Board may accept or reject the highest bid received. If the Board fails to accept or reject the highest bid by the second regular Board meeting following the sale, the bid will be deemed to have been rejected.
52. If no bid is received or if the bids that are received are rejected by the Board in the public interest, the Board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder's request before entering into such negotiations.
63. The acceptance or rejection of a negotiated price shall be by the affirmative votes of a majority of the full number of Board members at a regularly scheduled meeting.

F. Sewer Lines - N.J.A.C. 6A:26-7.4(d)

The district may convey and transfer, without consideration, its right, title, and interest in and to any trunk or other sewer lines to a municipality, without requiring approval from the Division.

Issued:



REGULATION GUIDE

PROPERTY
R 7300.3/page 1 of 4
Disposition of Personal Property
Jul 17

[See POLICY ALERT Nos. 154 and 213]

R 7300.3 DISPOSITION OF PERSONAL PROPERTY

A. Definitions

1. "Personal property" means all **Board of Education** property other than real property; as defined in Regulation No. 7300.2; ~~instructional property, as defined in Regulation No. 7300.1; and~~ **F**federal property; as defined in Regulation No. 7300.4.
2. "Excess property" means personal property that is ~~still usable but~~ is no longer needed in ~~a school building or instructional program or administrative office~~ and is not required as a trade-in on a replacement purchase.
3. ~~"Estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.~~

B. Review Master List of Excess Property

1. Upon request of the School Business Administrator/Board Secretary or designee, a The _____ Principal or other administrator will compile a list of excess property in ~~his/her~~ a school district building or program at the close of a school year.
2. The _____ School Business Administrator/Board Secretary will receive lists prepared in accordance with paragraph B.1. and will maintain a master, district-wide list of excess property.
3. ~~The master list of excess property will be periodically distributed to all school facilities.~~
43. A Principal or other administrator ~~Any school or office~~ may request transfer of excess property on the proper form, ~~submitted by submitting a request to the School Business Administrator/Board Secretary~~ _____ Requests will be granted in the order in which they are received.



REGULATION GUIDE

PROPERTY

R 7300.3/page 2 of 4

Disposition of Personal Property

54. An item transferred to another **location in the school district or office** will be removed from the district-wide list of excess property.
65. An item of personal property that has remained on the district-wide master list of excess property ~~for thirty working days or more will be considered to be unusable and will~~ **may** be disposed of in accordance with Policy No. 7300 and this **R**egulation.

C. Disposal at Public Sale – **N.J.S.A. 18A:18A-45**

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes.

1. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder.
2. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in the official newspaper.

Such sale shall be held not less than seven nor more than fourteen days after the publication of the notice thereof.

3. Personal property may be sold to the United States, the State of New Jersey, another Board of Education, any body politic, any foreign nation which has diplomatic relations with the United States, or any governmental unit in these United States by private sale without advertising for bids.
4. If no bids are received the property may then be sold at private sale without further publication or notice thereof, but in no event at less than the estimated fair value; or the Board may if it so elects, ~~to~~ reoffer the property at public sale.

As used herein, “estimated fair value” means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to **N.J.S.A. 18A:18A-45** ~~this section~~.



REGULATION GUIDE

PROPERTY

R 7300.3/page 3 of 4

Disposition of Personal Property

5. The Board may reject all bids if it determines such rejection to be in the public interest.
 - a. In any case in which the Board has rejected all bids, it may readvertise such personal property for a subsequent public sale.
 - b. If it elects to reject all bids at a second public sale, pursuant to **N.J.S.A. 18A:18A-45** ~~this section~~, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended.
- 6.e. If the estimated fair value of the property to be sold does not exceed the applicable bid threshold established pursuant to section C.1. above in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids.
- 7.6. Notwithstanding the provisions of **N.J.S.A. 18A:18A-45** and this Regulation, by resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase.

D. Discarding of Textbooks – N.J.S.A. 18A:34-3

1. Prior to discarding textbooks, the School Business Administrator/Board Secretary or designee shall notify the New Jersey Department of Education (NJDOE) of any textbooks the school district intends to discard.
2. In accordance with the provisions of N.J.S.A. 18A:34-3, the NJDOE shall within fourteen days of receiving notification from the school district of the intent to dispose of textbooks, list the textbooks in a textbook database.



REGULATION GUIDE

PROPERTY
R 7300.3/page 4 of 4
Disposition of Personal Property

3. **The School Business Administrator/Board Secretary or designee shall retain the textbooks to be discarded for a period of one hundred and twenty days after the district has notified the NJDOE.**

E. Scrap and Waste Property

1. **In the event no bids are received for personal property or the personal property is not sold at public or private sales pursuant to N.J.S.A. 18A:18A-45, the Board may declare the personal property as scrap or waste and dispose of it locally.**
2. **Personal property declared scrap or waste with no recyclable or usable value may be discarded.**
3. **Personal property declared scrap or waste may not be given or sold to employees, private citizens, local governments, non-profit organizations, etc.**

F. Board of Education Approval

1. **The Board of Education will approve, by resolution of the Board, the negotiated price of personal property offered at private sale and any personal property declared scrap or waste.**

Issued:



REGULATION GUIDE

PROPERTY
R 7300.4/page 1 of 6
Disposition of Federal Property
Jul 17

[See POLICY ALERT Nos. 154 and 213]

R 7300.4 DISPOSITION OF FEDERAL PROPERTY

A. Definitions

1. **“Awarding agency” means with respect to this Regulation and a Federal grant, the Federal agency awarding the grant.**
2. **“Uniform Grant Guidance” means a set of Federal grant regulations that combines several previous Federal cost principles, administrative requirements, and audit requirement circulars into a single, comprehensive document.**
- 3.4. **“Federal property” means all equipment, supplies, or real property, ~~real or personal or otherwise,~~ purchased with Ffederal grant funds ~~, including instructional materials.~~**
2. ~~“Excess property” means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase.~~
3. ~~“Estimated fair value” means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.~~
4. **“Equipment” means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000, as defined in the Uniform Grant Guidance – 2 CFR Part 200.**
5. **“Real property” means land, including land improvements structures and appurtenances thereto, but excludes moveable machinery and equipment, as defined in the Uniform Grant Guidance – 2 CFR Part 200.**



REGULATION GUIDE

PROPERTY

R 7300.4/page 2 of 6

Disposition of Federal Property

6. **"Supplies" means all tangible personal property other than those described in "Equipment", as defined in the Uniform Grant Guidance – 2 CFR Part 200.**
7. **"Federal property no longer needed" for the purposes of this Regulation means property acquired under a Federal award that is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions.**

B. Periodic Review

1. **The School Business Administrator/Board Secretary _____ will compile a list of physical inventory of excess Federal property in the district at the close of each school year. This physical inventory must be taken and the results reconciled with the property records at least once every two years.**
2. **A The list of excess Federal property no longer needed will be periodically distributed to all school facilities in the district.**
3. **Any school may request the _____ to transfer excess Federal property to a currently or previously funded Federal project or arrange a shared-time use with other such projects. Requests will be granted in the order in which they are received.**
4. **Property transferred to another school or office will be removed from the district-wide list of excess property.**
45. **Federal pProperty no longer needed in the school district will be considered for disposition that has remained on the list of excess federal property for thirty working days or more will be considered to be unusable and will either be traded in or reported to the State Department of Education with a request for disposal.**



REGULATION GUIDE

PROPERTY

R 7300.4/page 3 of 6

Disposition of Federal Property

~~C. Trade-in~~

~~Federal property no longer usable may be traded in or sold and the proceeds are to be used to offset the cost of replacement equipment with the approval of the New Jersey Department of Education. The additional cost to acquire a replacement shall be charged directly to the federal program, if the program budget permits, and provided the Board of Education has approved the transaction by resolution.~~

~~CD. Disposal~~ Disposition of Federal Property - Equipment

1. The School Business Administrator/Board Secretary will request disposition instructions from the awarding agency for Federal equipment no longer needed.

a1. If the awarding agency fails to provide requested disposition instructions within one hundred and twenty days, items of Federal ~~e~~Equipment no longer needed with a current per-unit fair-market value in excess of \$5,000 may be retained or sold by the school district or more may be retained for other uses provided compensation is made to the United States Department of Education. If the equipment is sold by the school district, the awarding agency is entitled to proceeds in accordance with 2 CFR 200.313(e)(2). The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. Payments shall be made to Treasurer, State of New Jersey- New Jersey Department of Education.

2. The _____ will request disposition instructions from the Secretary of the United States Department of Education for equipment no longer wanted by the school district.

If so instructed or if the disposition instructions are not issued in one hundred twenty calendar days after the request is received by the Secretary, the equipment will be sold in accordance with No. 3 below.



REGULATION GUIDE

PROPERTY

R 7300.4/page 4 of 6

Disposition of Federal Property

- b3. **Federal e**Equipment no longer needed and/or wanted with a **current per-unit** fair-market value of **less than \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.** and more than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, shall be disposed of with no further obligation of the school district and as follows:
- a. ~~Notice of the date, time, and place of public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper. (N.J.S.A. 18A:18A-45b)~~
 - b. ~~A sale shall be held not less than seven nor more than fourteen days after publication of the newspaper notice. (N.J.S.A. 18A:18A-45b)~~
 - c. ~~If no bids are received, the Board may readvertise the public sale or sell the property at private sale without public notice. Any such property sold at private sale cannot be sold for less than the estimated fair value of the property. (N.J.S.A. 18A:18A-45d)~~
 - d. ~~The Board may reject all bids if it determines that such rejection is in the public interest. If all bids are rejected, the Board may readvertise the property for a second public sale. (N.J.S.A. 18A:18A-45e)~~
 - e. ~~If the Board rejects all bids at the second public sale, the Board may sell the property at private sale without public notice, provided the selling price at private sale is at least as high as the highest bid received at the two preceding public sales, and the terms and conditions announced at the public sales are unchanged. (N.J.S.A. 18A:18A-45e)~~
4. ~~Federal property with a unit value of less than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, may be disposed of at private sale with no further obligation of the school district and as follows:~~



REGULATION GUIDE

PROPERTY

R 7300.4/page 5 of 6

Disposition of Federal Property

- a. ~~The _____ shall establish the sale price and make reasonable efforts to find private buyers. The price charged shall be fair in value, but in no case can it be less than the costs incurred by the Board in arranging the sale and maintaining and delivering the property.~~
- b. ~~Property that remains unsold after thirty working days shall be given without cost to another school district or a charitable organization or institute within the school district.~~
- c. ~~Property that has not been claimed after thirty working days shall be offered for scrap or, if that is not feasible, discarded.~~
- 5. ~~If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the Federal project or program, the school district shall retain the supplies for use on non-Federal activities or sell them, but shall, in either case, compensate the Federal government for its share. The amount of compensation shall be computed in the same manner as for equipment.~~

~~The supplies acquired with Federal funds may not be used to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute.~~
- 2. **If the awarding agency fails to provide disposition instructions, the sale of Federal equipment no longer needed will be sold and/or disposed of in accordance with the provisions of N.J.S.A. 18A:18A-45 and Regulation 7300.3.**

D. Disposal of Federal Property – Supplies

- 1. **Title to supplies will vest in the school district upon acquisition.**



REGULATION GUIDE

PROPERTY

R 7300.4/page 6 of 6

Disposition of Federal Property

2. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program, and the supplies are not needed for any other Federal award, the school district shall retain the supplies for use on other activities or sell them, but must in either case, compensate the awarding agency for its share. The amount of compensation shall be computed in the same manner as for Federal equipment in accordance with 2 CFR 200.313(e)(2).

E. Disposal of Federal Property – Real Property

1. The School Business Administrator/Board Secretary or designee shall request disposition instructions from the United States Department of Education for real property equipment no longer needed for the original purpose.
2. The instructions must provide for one of the following alternatives: retain title after compensating the awarding agency; sell the property and compensate the awarding agency; transfer title to the awarding agency; or third party designated/approved by the awarding agency.

~~34 CFR Subtitle A Section 74.34, 74.35 and 80.32~~

Issued:

