

time in which salaries, wages, or other compensation for services shall be paid.

5:31-4.2 Signatures on checks drawn upon the treasury of the authority; initiation and authorization of electronic funds transfers

Every authority shall at each organizational meeting designate by resolution the individuals whose signatures shall appear on checks drawn upon the treasury of the authority and the individuals who shall initiate and authorize transactions utilizing standard electronic funds transfer technologies.

(a)

DIVISION OF FIRE SAFETY

Uniform Fire Code

Adopted New Rule: N.J.A.C. 5:70-2.21

Proposed: August 7, 2017, at 49 N.J.R. 2355(a).

Adopted: December 20, 2017, by Charles A. Richman,

Commissioner, Department of Community Affairs.

Filed: December 20, 2017, as R.2018 d.061, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-198.17 and P.L. 2013, c. 228.

Effective Date: January 16, 2018.

Expiration Date: March 14, 2018.

Summary of Public Comments and Agency Responses:

Comments were received from Robert Ferrara, Fire Official/Fire Sub-Code Official, Township of Lyndhurst; Robert Moore, Fire Official, Carlstadt Bureau of Fire Safety; Robert Steel, Clerk, Cinnaminson Fire District #1; and Richard A. Soltis, Jr., Fire Sub Code Official, Lawrence Township, and Past President, Central Jersey Code Officials Association.

1. COMMENT: Mr. Ferrara commented on his concerns of the size of the Maltese cross and suggested a stipulation for towns that already have an ordinance in place for similar signage.

RESPONSE: The Department respectfully disagrees with the commenter's remarks. The specifications of the Maltese cross were discussed and decided upon by the Fire Codes Advisory Council. Moreover, the requirements for signage emanated from legislation calling for the same. This is to be in the New Jersey Uniform Fire Code to ensure that the signage is kept uniform throughout the State for firefighter safety.

2. COMMENT: Mr. Moore commented on his concerns of having to install multiple identification signs if there is a roof and adjacent mounted photovoltaic system.

RESPONSE: The intent of the new rule is for one identification sign, which is further clarified upon adoption by adding the text "and/" or to the wording. The Department discusses this further in the Summary of Agency-Initiated Changes below. The Department appreciates the commenter's suggestion and thanks him for his support of the rulemaking.

3. COMMENT: On behalf of the Board of Fire Commissioners of the Cinnaminson Fire District #1, Mr. Steel extends support of the proposed solar panel signage requirement. Mr. Steel believes that the solar signage provides a "visual reminder" to ensure that response personnel know that the building hosts or is powered by a photovoltaic electric system.

RESPONSE: The Department appreciates the commenter's affirmative comments and support of the rulemaking.

4. COMMENT: Mr. Soltis believes that this proposal is "due to a flawed bill passed by the N.J. Senate as a safety item," and opposes the proposal.

RESPONSE: The Department thanks the commenter for his comments. However, the commenter's belief that the rulemaking is due to a "flawed bill" is irrelevant. The legislation was passed into law, and under the legislation, the Department is obligated to adopt appropriate rules to enforce the law, which rules are the subject of this rulemaking.

Summary of Agency-Initiated Changes:

The Department has made one minor change to its rulemaking at N.J.A.C. 5:70-2.21(a)1v. Specifically, the change corrects "ROOF MOUNTED or ADJACENT" to "ROOF MOUNTED and/or ADJACENT." This change is made to correct an inadvertent omission from the rulemaking, where the intent of the proposed rule is that one identification sign is sufficient even though there may be two solar photovoltaic systems, that is, roof mounted and adjacent. This is a non-substantial change to the rule, and there exists no added burden or notable enlargement of what or who will be affected by this rule. Moreover, this non-substantial change does not alter what is being prescribed, proscribed, or otherwise mandated by the rule.

Federal Standards Statement

No Federal standards analysis is required because this rulemaking is not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements.

Full text of the adopted new rule follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.21 Identifying emblems for structures with solar panels

(a) Identifying emblems shall be permanently affixed to the front of structures hosting or being powered by photovoltaic electrical power either on the roof or adjacent to the building.

1. The solar emblem shall be a Maltese cross shape, constructed of durable material, with a white reflective background with red letters. Numerals and letters shall be Roman or Latin as required.

i. The sign shall be six inches by six inches (152 mm by 152 mm).

ii. The height or width of each Maltese cross wing area shall be one and one-eighth inches (29 mm) and have a stroke width of one-half inch (13 mm).

iii. The center of the Maltese cross, a circle or oval, shall be three inches (76 mm) in diameter and have a stroke width of one-half inch (13 mm).

iv. All letters and numerals shall be one and one-quarter inch (32 mm) in height and have a stroke width of one-quarter inch (six mm).

v. The letters PV shall be located in the center circle of the Maltese cross to identify the presence of solar photovoltaic systems. The wording ROOF MOUNTED ***[or] *and/or*** ADJACENT shall be located immediately beneath the Maltese cross identifying where the solar panels are located.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

i. Premises already equipped with a truss construction sign may install the solar sign immediately above the truss sign.

(b) Detached one- and two-family residential structures shall be exempt from the signage provisions.

(c) The owner of any residential structure or nonresidential structure who installed a roof mounted solar photovoltaic system on or after January 17, 2014, or has installed or provided for the installation of a roof mounted solar photovoltaic system prior to January 17, 2014, shall provide a written notification to the local fire official, which shall include, but need not be limited to:

1. The name of the property owner or owners, as well as the address of the residential structure or nonresidential structure upon which the solar photovoltaic system has been installed, and the name of the owner or owners and the address of any other adjacent structure served by the solar photovoltaic system; and

2. The year that the roof mounted solar photovoltaic system was installed on the residential structure or nonresidential structure.

(d) A copy of a permit filed pursuant to N.J.S.A. 52:27D-198.17.1.c or written notification issued pursuant to N.J.S.A. 52:27D-198.17.1.d shall be kept on file by the chief of the local fire department.

1. The address of the residential structure or nonresidential structure, the address of any other adjacent structure served by the solar photovoltaic system, and any additional information regarding the solar photovoltaic system shall be maintained in a registry by the fire department.

2. The information contained in the registry shall serve to alert firefighters, when responding to an emergency situation, that a residential structure or nonresidential structure is equipped with, or is served by, a roof mounted solar photovoltaic system and that reasonable precautions may be necessary when responding to the emergency.

EDUCATION

(a)

COMMISSIONER OF EDUCATION

Renaissance Schools

Adopted Amendments: N.J.A.C. 6A:31-1.2, 2.1, 3.1, 3.2, 4.1, 4.2, 4.3, 4.4, 5.1, and 6.1

Adopted Repeal: N.J.A.C. 6A:31-5.2

Adopted New Rules: N.J.A.C. 6A:31-3.3, 4.5, 7.1, 7.2, 7.3, 8.1, 8.2, and 8.3

Proposed: August 21, 2017, as 49 N.J.R. 2664(a).

Adopted: December 11, 2017, by Kimberley Harrington, Commissioner, Department of Education.

Filed: December 11, 2017, as R.2018 d.019, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:36C-1 et seq.

Effective Date: January 16, 2018.

Expiration Date: December 19, 2020.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Marie Blistan, President, New Jersey Education Association
2. Bayliss Fiddiman, Attorney, Education Law Center
3. Diane Flynn, Chief Financial Officer, Uncommon Schools Inc., on behalf of Camden Prep Inc.
4. Jean Public
5. Steven Small, KIPP Cooper Norcross

1. COMMENT: The commenter expressed opposition to the Department's proposed rulemaking regarding N.J.A.C. 6A:31, Renaissance Schools, and urged the Department to withdraw the proposal. (1)

RESPONSE: The rulemaking is in line with the foundational premise of the Urban Hope Act (UHA), N.J.S.A. 18A:36C-1 et seq. The amendments to N.J.A.C. 6A:31 provide additional clarity for the development of renaissance school projects and ensure alignment of the rules with the UHA. The Department will continue to monitor renaissance school projects to ensure that students receive a high-quality education.

2. COMMENT: The commenter said the proposed rulemaking regarding N.J.A.C. 6A:31 violates the express and implied intent of the UHA and impermissibly expands renaissance school projects from operating on a limited pilot program basis to operating as a parallel school system in the Camden City School District. The commenter also requested the Department amend the proposed rulemaking to ensure renaissance schools are governed by rules that more closely reflect the UHA's intent and purpose. (2)

RESPONSE: As articulated in N.J.S.A. 18A:36C-1 et seq., the intent of the UHA is to provide students who were in persistently failing school districts and schools access to high-quality educational opportunities to improve student achievement, raise graduation rates, and better prepare

students for post-secondary options. The rulemaking's purpose is to align the rules to the amendments made to the UHA and to clarify policies regarding the development of renaissance school projects.

The limited nature of the pilot program in the UHA refers specifically to the legislative intent to limit participation of eligible school districts to Camden, Newark, and Trenton. The pilot program further limited the application time period for a renaissance school project to three years from the UHA's effective date. As a result, Camden City School District is the only school district authorized to contract with nonprofit partners for renaissance school projects. Furthermore, the pilot program limits the number of renaissance school projects to the three existing projects in Camden: Mastery Schools of Camden, Camden Prep, and KIPP: Cooper Norcross.

3. COMMENT: The commenter expressed opposition to all renaissance schools and stated the "new school set up and project" will increase costs for taxpayers across the State. The commenter also stated the cost of education already is burdensome due to the number of students in New Jersey who are illegal immigrants. (4)

RESPONSE: The comments are outside the scope of the current rulemaking because the comments do not address the amendments, new rules, or repeal put forth by the Department.

4. COMMENT: The commenters stated the Department proposed the rulemaking regarding N.J.A.C. 6A:31 without presenting it to the State Board of Education (State Board) for consideration or following the Department's normal rulemaking process, including a public hearing before the State Board. The commenters also stated the Department did not provide any rationale for circumventing the usual rulemaking process. (1 and 2)

RESPONSE: The Department did not present the rulemaking to the State Board because the rules governing renaissance schools do not fall under the State Board's authority.

P.L. 2011, c. 176, which is the public law that initially authorized renaissance schools under the UHA, required the Commissioner of Education (Commissioner) to adopt rules to effectuate the UHA pursuant to the Administrative Procedure Act (APA). The public law also allows the Commissioner to amend, adopt, or readopt the rules in accordance with the APA (see N.J.S.A. 18A:36C-13). The Department assures the commenters it has followed the APA regarding this rulemaking, as it has in the past for rulemakings pertaining to N.J.A.C. 6A:31 or the other five full or partial chapters of Title 6A of New Jersey Administrative Code that fall under the Commissioner's jurisdiction.

5. COMMENT: The commenter stated the term "public schools" has been scrubbed throughout the proposal. The commenter also stated the removal of the term is without cause and misstates the true public purpose of renaissance schools as public schools. (1)

RESPONSE: N.J.A.C. 6A:31 and the UHA clearly indicate that renaissance school projects are public schools. New N.J.A.C. 6A:31-7.1 states, "[a] renaissance school project shall be a public school operated through a contract with the renaissance school district approved by the Commissioner." Similarly, the UHA at N.J.S.A. 18A:36C-7.a states, "[n]otwithstanding that a renaissance school project shall be constructed, controlled, operated, and managed by a nonprofit entity, and not the local board of education, it shall be a public school."

References to "public school" have been replaced in N.J.A.C. 6A:31 only twice. In both instances, the changes were made to better align the chapter with the UHA. In the definition of "nonprofit entity," "public school" has been replaced with "renaissance school project" to better align with the definition of "renaissance school project" in N.J.S.A. 18A:36C-3. The Department also amended N.J.A.C. 6A:31-3.1(e)5 to replace "applicable to other public schools" with "applicable to charter schools" because the UHA requires a nonprofit entity to operate a renaissance school project in accordance with charter school laws and regulations unless contraindicated by the UHA.

6. COMMENT: The commenter stated the definition of "renaissance school project," as proposed in N.J.A.C. 6A:31-1.2, appears to inadvertently eliminate a school facility that was occupied by a renaissance school project and renovated during occupancy as qualifying as a "renaissance school facility" even if the renovation meets the proposed definition of "substantial reconstruction." The commenter also said the proposed definition of "renaissance school project" includes