



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: June 23, 2021  
To: Chief School Administrators, Charter School and Renaissance School Project Leads, Administrators for Approved Private Schools for Students with Disabilities, State Funded Early Childhood Centers  
Route To: Business Administrators, Certified Educational Facilities Managers  
From: Daryl Minus-Vincent, Acting Assistant Commissioner  
Division of Field Services  
Deadline: June 30, 2022

## Safe Drinking Water in Schools

In August 2020, the New Jersey Department of Education (NJDOE) adopted revisions to *N.J.A.C. 6A:26-12.4*, Safe Drinking Water in Schools. The revised regulations will go into effect on July 1, 2021. The regulations apply to the following entities: all New Jersey public school districts, charter schools, renaissance school projects, jointure commissions, educational services commissions, approved private schools for students with disabilities acting under contract to provide educational services on behalf of New Jersey public school districts, state-funded early childcare facilities pursuant to *N.J.A.C. 6A:13A*, and receiving schools as defined by *N.J.A.C. 6A:14-7.1(a)*.

### Overview of Regulations

The regulations require testing for lead in all drinking water outlets in every entity beginning on July 1, 2021 and completed by June 30, 2022. A drinking water outlet is defined as any location at a school facility, other facility, or temporary facility, where water is expected to be used for consumption or food preparation. All entities are directed to develop a lead sampling plan that will govern the collection and analysis of drinking water samples. Notwithstanding the results or date of any prior testing, all entities shall test drinking water outlets during the designated Statewide required testing year, beginning July 1, 2021 through June 30, 2022. Entities shall conduct testing every third school year beginning with the 2021-2022 school year and subsequently occurring in the 2024-2025 school year. Testing for lead in drinking water must be completed in a manner that meets or exceeds the current New Jersey Department of Environmental Protection (NJDEP) requirements. Samples must then be sent to a certified testing laboratory for analysis. A complete [list of certified drinking water labs](#) is available on the NJDEP website.

### Exemptions

Entities may request an exemption from the testing requirements if they can demonstrate that they do not use any drinking water outlets for consumption or food preparation in any of their facilities. Entities that seek an exemption pursuant to this provision shall submit the [exemption application](#) which is also available on the NJDOE's [Testing for Lead in School Drinking Water website](#). The exemption application will document that no drinking water outlets are used in their facilities, and describing the provisions for an alternative source of drinking water.

An entity that receives approval of an exemption from the Department must make available for public inspection at the school facility and on the entity's website, if applicable, confirmation that the entity is exempt from testing. Exemption requests must be submitted during every designated Statewide year for testing for lead in drinking water. Signage is required at all drinking water faucets not approved for use.

**Notification**

Entities must make all test results available at the school facility and on the entity's website. The regulations also require notification to the NJDOE and to parents in any instances where positive results over a certain level (15 ppb) are reported. The notification should describe the steps taken to immediately end use of each drinking water outlet where water quality exceeds the permissible lead level and the measures taken to ensure that alternate drinking water has been made available to all students and staff.

**Statement of Assurance Submission**

Beginning on June 30, 2022 and annually by June 30<sup>th</sup>, all entities must submit a statement of assurance to the NJDOE affirming that testing for lead in drinking water was completed, that notifications were provided, and that alternate drinking water continues to be made available to all students and staff if the lead sampling exceeds the NJDEP requirements.

**Reimbursement**

Entities may seek reimbursement of the sampling analysis through the NJDOE, utilizing a reimbursement form that will be available on the NJDOE website. The NJDOE will notify entities of the web page when it is posted. The testing for lead in drinking water and analysis reimbursement program is limited to the cost for the collection of water samples, the cost to complete testing and analysis of the water sample by a New Jersey-certified laboratory, and the delivery of results. Other costs, such as development of the lead sampling plan and any necessary remediation, are not eligible for reimbursement. Reimbursement requests must be submitted with adequate documentation validating these costs, including invoices from the New Jersey-certified laboratory containing only the allowable reimbursements. In accordance with the regulations, the entity may only seek reimbursement for costs incurred on or after July 1, 2021.

The New Jersey Department of Children and Families (NJDCF) has been awarded a grant from the United States Environmental Protection Agency (EPA) to assist childcare centers with the cost of testing for lead in drinking water. State-funded early childcare facilities pursuant to *N.J.A.C. 6A:13A* must provide lead testing consistent with NJDOE and NJDCF licensing requirements and regulations. NJDOE and NJDCF are partnering to allow for the maximization of available State and federal funds to test for lead in drinking water. Representatives from NJDCF will be in contact with State-funded early childcare facilities to schedule their lead in water test through the NJDCF Water Infrastructure Improvements for the Nation (WIIN) Act grant administered through the EPA. Childcare providers that would like more information contact NJDCF's Office of Licensing (OOL) at [DCF.CCLEnvironmental@dcf.nj.gov](mailto:DCF.CCLEnvironmental@dcf.nj.gov).

To assist entities through the process, the NJDEP in consultation with the NJDOE, has developed guidance documents, including templates of lead testing plans, notification letters, and FAQ sheets. These documents are available on [NJDEP's website](#). Questions regarding lead testing requirements should be sent to the NJDEP at [watersupply@dep.nj.gov](mailto:watersupply@dep.nj.gov). Direct questions regarding *N.J.A.C. 6A:26-12.4* to [leadtesting@doe.nj.gov](mailto:leadtesting@doe.nj.gov).

c: Members, State Board of Education  
Angelica Allen-McMillan, Ed.D., Acting Commissioner of Education  
Christine Norbut Beyer, MSW, Commissioner, Department of Children and Families  
NJDOE Staff  
NJDCF Office of Licensing  
Statewide Parent Advocacy Network  
Garden State Coalition of Schools  
NJ LEE Group