



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: March 2, 2022
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: Kevin Dehmer, Assistant Commissioner/Chief Financial Officer
Division of Finance and Business Services
Deadline: Statement of Assurance: June 30, 2022
Reimbursement Form: August 31, 2022

2021-2022 Testing for Lead in School Drinking Water

As [announced](#) in June 2021 and outlined on the New Jersey Department of Education's (NJDOE) [Testing for Lead in School Drinking Water webpage](#), in accordance with N.J.A.C. 6A:26-12.4, all covered entities are required to test for lead in drinking water during the designated Statewide 2021-2022 testing year by June 30, 2022, and by June 30 every third school year thereafter (e.g., the next designated Statewide testing year will be the 2024-2025 school year). To support districts in implementing the requirements of N.J.A.C. 6A:26-12.4, the NJDOE today released the following:

- [2021-2022 Testing for Lead in School Drinking Water Statement of Assurance \(SOA\)](#): Covered entities must complete and submit this SOA by **June 30, 2022**;
- [2021-2022 Application for Exemption from Safe Drinking Water Testing](#): Covered entities seeking an exemption from lead testing requirements pursuant to N.J.A.C. 6A:26-12.4(j) for the 2021-2022 school year must submit this form;
- [Exceedance Notification Template Letter](#): The NJDOE recommends that covered entities utilize this template to provide written notification of any results that exceed the action level of 15 µg/l [ppb] pursuant to N.J.A.C. 6A:26-12.4(e)2; and
- [2021-2022 Water Testing Reimbursement Form](#): Covered entities must submit requests for reimbursement for eligible costs (N.J.A.C. 6A:26-12.4(k)) by **August 31, 2022**.

For additional background on requirements governing testing for lead in school drinking water, and information concerning the documents described above, please see below.

Background

In accordance with N.J.A.C. 6A:26-12.4, regardless of the results or date of any prior testing, all covered entities listed below are required to test for lead in drinking water during the designated Statewide 2021-2022 testing year **by June 30, 2022**.

- All New Jersey public school districts
- Charter schools
- Renaissance school projects
- Jointure and 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)

Water Testing Requirements

Lead sampling and analysis, in accordance with N.J.A.C. 6A:26-12.4(d)1, must be conducted for all drinking water outlets in each school facility, other facility, or temporary facility to which a student or staff member has or may have access and where water is expected to be used for consumption or food preparation. The analysis for lead in drinking water must be conducted by a certified laboratory. A [list of certified drinking water laboratories](#) is available on the New Jersey Department of Environmental Protection's (NJDEP) website. (Use "Search by Category" to find "Drinking Water Certified Lead Labs.") To ensure lead water sampling and testing is completed in accordance with state regulations, the New Jersey Department of Education (Department) recommends using [technical guidance documents](#) provided by the NJDEP.

Public Notification Requirements

Covered entities must make all test results available at the facility and on the entity's website. For any results that exceed the action level of 15 µg/l [ppb], written notification must be provided to the parents/guardians of all students attending the facility and facility staff and posted on the covered entity's website. The notification must 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. To ensure compliance with exceedance notification requirements, the entity should use the [Exceedance Notification Template Letter](#).

If an entity does not have a website, test results and exceedance notification(s) must be posted on the websites of the districts whose students the entity serves. For Department notification, the entity must provide an active website address of the testing results and exceedance notification letters as part of the statement of assurance submission described in the next section.

Statement of Assurance Submission

In accordance with State regulations (N.J.A.C. 6A:26-12.4(i)), all covered entities must submit a Statement of Assurance (SOA) to the Department by June 30 of each year confirming that (1) lead testing was completed as required, (2) notifications were provided to all parties, and (3) alternate drinking water continues to be made available to all students and staff where water quality exceeds the permissible lead level.

Access the online [SOA form](#) for the 2021-2022 testing cycle. The form must be completed and submitted by June 30, 2022. Water testing, notification of exceedances, and exemption requests, if applicable, must be completed prior to submitting the SOA.

Exemptions

In accordance with N.J.A.C. 6A:26-12.4(j), entities may request an exemption from the lead testing requirements if they can demonstrate they do not use any drinking water outlets for consumption or food preparation in any of their facilities. An entity that receives approval from the Department for an exemption must make the approval available for public inspection at the facility and on the entity's website and is still required to submit a SOA.

Access the online [Exemption Request form](#) for the 2021-2022 testing cycle. An entity must submit a new exemption request for each testing cycle regardless of former approvals or conduct lead testing every statewide testing year and sample during any year in which outlets are placed back in service.

Reimbursement

Covered entities, excluding state-funded early childcare facilities funded through the Water Infrastructure Improvements for the Nation (WIIN) Act grant, are eligible to be reimbursed for water supply testing and analysis conducted on or after July 1, 2021 and by June 30, 2022, as approved by the Department and subject to available funds (N.J.A.C. 6A:26.12.4(k)). Other costs, such as any necessary remediation, are not eligible for reimbursement.

Access the [water testing reimbursement form](#) (Microsoft Excel) for costs incurred on or after July 1, 2021 for the 2021-2022 reporting cycle. Reimbursement requests must be submitted to the Department with adequate documentation validating costs as described in the reimbursement form by **August 31, 2022**.

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. If you are one of these childcare providers and would like more information, please contact NJDCF's Office of Licensing (OOL) at DCF.CCLEnvironmental@dcf.nj.gov.

Resources and Assistance

Please consult the Department's "[Testing for Lead in School Drinking Water](#)" webpage for additional information. Also, the NJDEP, in consultation with the Department, provides helpful guidance documents on the [NJDEP's website](#), including templates for lead testing plans, to assist entities through the process.

Technical questions regarding lead testing requirements should be emailed to the NJDEP at watersupply@dep.nj.gov. Questions regarding submissions to the Department and reimbursement should be directed to 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