

# N.J.A.C. 6A:26A, Securing Our Children’s Future Bond Act

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## **Chapter 26A, Securing Our Children’s Future Bond Act**

### **Subchapter 1. General Provisions**

#### **6A:26A-1.1 Purpose and scope**

This chapter implements the Securing Our Children’s Future Bond Act, P.L. 2018, c. 119 (the Act), which authorizes the issuance of \$500 million in general obligation bonds to be allocated as grants for the costs of projects for career and technical education at county vocational school districts and county colleges, and for school security, and school district water infrastructure improvements in school districts. The rules specify eligibility criteria and procedures for the review and approval of grants to school districts from the bonds issued pursuant to the Act to support career and technical education, school security projects, including those in support of the implementation of Alyssa’s Law, P.L. 2019, c. 33, and school district water infrastructure improvement projects. The rules also will ensure that the grant money is distributed consistent with the Act.

#### **6A:26A-1.2 Definitions**

The following words and terms shall have the following meanings when used in this chapter, unless the context clearly indicates otherwise:

“Act” means the Securing Our Children’s Future Bond Act, P.L. 2018, c. 119.

“Alternative emergency mechanism” means a device or system that generates a notification to local law enforcement in the event of a school security emergency, as approved by the Department.

“Alyssa’s Law” means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.).

“Bonds” means the bonds authorized to be issued, or issued, under the Act.

“Career and technical education” or “CTE” means as defined at N.J.A.C. 6A:19-1.2.

“Career and technical education program” or “CTE program” means a program, approved by the Department, that offers a sequence of courses that provide students with the coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions. A CTE program provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree.

“Construct” and “construction” means the planning, erecting, altering, repairing, purchasing, improving, developing, constructing, reconstructing, extending, rehabilitating, renovating, upgrading, demolishing, and equipping of water infrastructure improvement projects and security projects in schools, and of education buildings at schools, county vocational school districts, and county colleges.

“Cost” means the expenses incurred in connection with: the acquisition by purchase, lease, or otherwise, the development, and the construction of any project authorized by the Act; the acquisition by purchase, lease, or otherwise, and the development of any real or personal property for use in connection with a project authorized by the Act, including any rights of interest therein; the execution of any agreements and franchises deemed by the Commissioner or the Secretary of Higher Education to be necessary or useful and convenient in connection with any project; and the procurement or provision of engineering, architectural design, surveying, inspection, planning, legal, financial, or other professional services, estimates, studies, reports, or advice.

“County college” means an entity established pursuant to Chapter 64A of Title 18A of the New Jersey Statutes.

“County vocational school district” or “CVSD” means an entity established pursuant to Article 3 of Chapter 54 of Title 18A of the New Jersey Statutes.

“Debt service” means as set forth at N.J.S.A. 18A:7G-3.

“Debt service aid” means aid provided pursuant to N.J.S.A. 18A:7G-9.

“Drinking water outlet” means as defined at N.J.A.C. 6A:26-1.2.

“Economically disadvantaged student” means as defined at N.J.A.C. 6A:19-1.2.

“Education buildings” means buildings, structures, and facilities required for the operation of schools, county vocational school districts, or county colleges.

“English language learner” means as defined at N.J.A.C. 6A:15-1.2.

“Grant” means a grant of moneys from the Securing Our Children’s Future Fund approved by the Commissioner for a project.

“Grant agreement” means the agreement between the school district and the Commissioner that sets forth the terms and conditions of the grant, amount of the grant, and disbursement schedule.

“Homeless student” means the same as “homeless child” as defined at N.J.A.C. 6A:17-1.2.

“Lead service line” means, as defined at 40 CFR 141.2, a service line made of lead that connects the water main to the building inlet and any lead pigtail, gooseneck, or other fitting that is connected to such lead line, and includes lead lined/dipped galvanized pipe.

“New Jersey Safe Drinking Water Act” or “NJSDWA” means N.J.S.A. 13:1D-1 et seq.

“New Jersey Schools Development Authority” or “NJSDA” means the New Jersey Schools Development Authority established pursuant to N.J.S.A. 52:18A-237.

“Nontraditional fields” means as defined at N.J.A.C. 6A:19-1.2.

“Panic alarm” means a silent security system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring a response from law enforcement as set forth at N.J.S.A. 18A:41-11 and N.J.A.C. 19:32A-1.3.

“Project” means the establishment and construction of education buildings and the expansion and construction of additional facilities at, and the acquisition and installation of additional or upgraded equipment for, existing or new education buildings, or parts thereof, at county vocational schools and county colleges for the purpose of increasing academic capacity to expand or offer new CTE programs, which shall include, but not be limited to, classrooms, laboratories, computer facilities, and other academic buildings and all property appurtenant thereto, but shall not include dormitories, administrative buildings, athletic facilities, or other revenue-producing facilities; and the construction, repair, rehabilitation, or replacement of water supply infrastructure in school districts for the purpose of improving water quality in school district schools; and security projects in school districts.

“Resource family home” means as defined at N.J.A.C. 3A:51-1.3.

“Routine maintenance” means as defined at N.J.A.C. 6A:26-1.2.

“Safe Drinking Water Act” or “SDWA” means 42 U.S.C. §§ 300f et seq.

“School” means an educational institution that includes any of the grades kindergarten through 12.

“School building” means a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through 12.

“School district” means a local or regional school district, a county special services school district, a county vocational school district, and a district under partial or full State intervention pursuant to P.L. 1987, c. 399 (N.J.S.A. 18A:7A-34 et seq.). For the purposes of this chapter, school district does not include charter or renaissance schools.

“School security emergency” means as defined at N.J.A.C. 19:32A-1.3.

“Securing Our Children’s Future Fund” means the fund established pursuant to Section 13 of the Act in which the proceeds of the bonds are deposited to be used for the purposes set forth in the Act.

“Security project” means the construction, improvement, alteration, or modernization of all, or any part, of a school in a school district for school security purposes, including alarms and silent security systems. Security project shall not include routine maintenance.

“Student with a disability” means as defined at N.J.A.C. 6A:14-1.3.

“Substantial completion” means that point in time for a project when all of the following have occurred, as applicable:

1. All essential requirements of the contracts have been fully performed so that the purpose of the contracts is accomplished;

2. The punchlist has been created;
3. There are no important material omissions or technical defects or deficiencies regarding the project;
4. A temporary certificate of occupancy, continued use, or completion has been issued; and/or
5. The project is ready for occupancy or use in accordance with its intended purpose.

“Water infrastructure improvement” means the construction, reconstruction, repair, rehabilitation, or replacement of water supply infrastructure in school districts for the purpose of improving water quality in school district schools.

**6A:26A-1.3 Allocation of Securing Our Children’s Future Bond Act funds**

(a) Proceeds of bonds issued pursuant to the Act shall be allocated as grants for the costs of projects as follows:

1. Three-hundred-and-fifty million dollars for county vocational school district career and technical education (CVSD CTE) grants and for school security project grants to school districts.
  - i. Two-hundred-and-seventy-five million dollars shall be allocated for CVSD CTE grants, which shall include an amount sufficient to address costs associated with the administration of the grants by the State agencies.
  - ii. Seventy-five million dollars shall be allocated for school security project grants to school districts, which shall include an amount sufficient to address costs associated with the administration of the grants by the State agencies; and



2. One hundred million dollars for school district water infrastructure improvement grants, which shall include an amount sufficient to address costs associated with the administration of the grants by the State agencies.

**6A:26A-1.4 General project eligibility**

- (a) The Commissioner shall award moneys from the Securing Our Children's Future Fund in the form of grants to school districts for the cost, or a portion of the cost, of:
  1. County vocational school district (CVSD) CTE projects;
  2. School security projects; and
  3. School district water infrastructure improvement projects.
- (b) CVSDs shall:
  1. Use the CTE grants to:
    - i. Increase the CVSD's capacity to offer CTE programs;
    - ii. Prepare students for high demand, technically skilled careers; and
    - iii. Align CTE programs with labor market demands or economic development goals; and
  2. Demonstrate the process by which the CVSD engaged employers to identify workforce needs.
- (c) School districts shall use the school security project grants as follows:
  1. To comply with Alyssa's Law as set forth at N.J.A.C. 19:32A or through approval of an alternative emergency mechanism;
  2. Before expending school security project grants for any other school security project, the school district must have complied fully with the requirements of Alyssa's Law; and

3. Any school security project grant funds not used for Alyssa's Law compliance shall be used by school districts to comply with N.J.S.A. 18A:7G-5.2.
- (d) School districts shall use the school district water infrastructure improvement grants solely for water infrastructure improvement projects to remediate contamination.

**6A:26A-1.5 Notification of grant award, legislative approval, and grant agreement**

- (a) Prior to the award of any grants pursuant to this chapter, the Commissioner shall prepare a list of eligible projects for submission to the presiding officers of each House of the Legislature on a date that both Houses are in session.
1. The list of eligible projects shall include the amount of the grant for each project.
  2. The list shall be deemed approved in its entirety, unless the Legislature adopts a concurrent resolution stating that the Legislature is not in agreement with the list within 60 days following the date of the transmittal of the list to the Legislature.
  3. The payment of project grants to school districts shall be subject to the prior appropriation of sufficient funds pursuant to section 14 of P.L. 2018, c. 119 for the total amount of the projects set forth in the list of eligible projects sent to the Legislature.
- (b) At the time of submission of the list of eligible projects to the Legislature, the Commissioner may provide a notification to the school district that its proposed project is an eligible project submitted to the Legislature for approval.
- (c) Upon receipt of notification that the school district's project is an eligible project submitted to the Legislature for approval, the school district shall submit any documentation necessary for school facilities project approval pursuant to N.J.A.C.

6A:26-3.2 or other capital project approval pursuant to N.J.A.C. 6A:26A-3.11, as applicable.

- (d) Following approval by the Legislature and appropriation of funds for the list of eligible projects, the Commissioner shall provide notice of a grant award to the school district.
- (e) Prior to the disbursement of any grant funds, the Commissioner shall execute a grant agreement with the school district pursuant to the requirements at N.J.A.C. 6A:26A-1.6.

**6A:26A-1.6 Grant agreements**

- (a) The Commissioner shall not execute a grant agreement until the school district obtains other capital project approval pursuant to N.J.A.C. 6A:26-3.11, as applicable, for the approved grant project.
- (b) Each grant agreement shall include, but not be limited to, the following provisions:
  - 1. The school district shall abide by any other applicable laws, rules, and regulations;
  - 2. The school district shall provide to the Commissioner, upon request, any information regarding the use of the grant and the progress of the project; and
  - 3. The disbursement of grant funds shall be in accordance with N.J.A.C. 6A:26A-1.7.
- (c) Failure by the school district to comply with the terms of the grant agreement may result in the withholding of disbursement or a requirement to repay disbursed grant funds to the Department.

**6A:26A-1.7 Disbursement of grant funds**

- (a) Disbursement of grant funds shall be made based on the schedule set forth in this section.

(b) Prior to the disbursement of funds pursuant to this chapter, the school district shall submit a written request for disbursement of funds for approval by the Commissioner for eligible costs that have been incurred by the school district. The school district's request shall include:

1. A complete description of the costs incurred and the vendors to be paid, signed by the school district's chief school administrator;
2. A certification of the chief school administrator attesting to the completion of any percentage of the project as set forth in (c) or (d) below, as applicable;
3. Sufficient documentation, as determined by the Commissioner, to support the chief school administrator's certification in (b)2 above;
4. A completed Commissioner-approved project completion checklist for the final disbursement; and
5. For final disbursement of funds for a school security grant, proof of an Alyssa's Law compliance determination from the NJSDA or approval of the alternative emergency mechanism by the Department.

(c) The funds for each grant requiring other capital project approval pursuant to N.J.A.C. 6A:26-3.11 shall be released in four installments based on project completion, as follows:

1. The first disbursement of the grant shall be in the amount of 30 percent of the total grant amount as set forth in the grant agreement and shall be made available upon completion of 35 percent of the project and approval of a request for disbursement as set forth in (b) above.
2. The second disbursement of the grant shall be in the amount of 40 percent of the total grant amount as set forth in the grant agreement and shall be made available

upon completion of 65 percent of the project and approval of a request for disbursement as set forth in (b) above.

3. The third disbursement of the grant shall be in the amount of 15 percent of the total grant amount as set forth in the grant agreement and shall be made available upon substantial completion of the project and approval of a request for disbursement as set forth in (b) above.

4. The final disbursement of the grant shall be in the amount of the remaining funds as set forth in the grant agreement and shall be made available upon completion of the project and approval of a request for disbursement as set forth in (b) above.

(d) The funds for each grant not requiring other capital project approval pursuant to N.J.A.C. 6A:26-3.11 shall be disbursed as follows:

1. The first disbursement of the grant shall be in the amount of 25 percent of the total grant amount as set forth in the grant agreement and shall be made available upon completion of 25 percent of the project and approval of a request for disbursement as set forth in (b) above.

2. The final disbursement of the grant shall be in the amount of the remaining funds as set forth in the grant agreement and shall be made available upon completion of the project and approval of a request for disbursement as set forth in (b) above.

(e) The funds for reimbursement of completed school security and water infrastructure improvement projects shall be made available upon the execution of the grant agreement and approval of a request for reimbursement as set forth in (b) above.

- (f) Total disbursements shall not exceed the grant amount as set forth in the grant agreement and, for CVSD CTE grants, shall not exceed 75 percent of the total project costs in accordance with N.J.A.C. 6A:26A-2.2(a).
- (g) No disbursement shall be made until after execution of the grant agreement.
- (h) In the case of special circumstances and/or extraordinary need, the school district may request a waiver from the above applicable schedule of disbursements upon application to the Commissioner indicating the reasons for such request and a proposed schedule of disbursements. Upon review by the Commissioner, the Commissioner may approve the waiver and shall notify the school district accordingly.

**Subchapter 2. Applications for County Vocational School District Career and Technical Education Grants**

**6A:26A-2.1 Requirements for county vocational school district career and technical education grants**

- (a) On the application pursuant to N.J.A.C. 6A:26A-2.3, a CVSD shall demonstrate that the proposed project will meet all of the following criteria:
  - 1. The CVSD has obtained a documented commitment for matching funds as set forth at N.J.A.C. 6A:26A-2.2;
  - 2. The proposed project shall increase the number of students in CTE programs and increase academic opportunity by expanding existing or offering new CTE programs;
  - 3. The proposed project shall target new student seats for CTE programs that prepare students for high demand, technically skilled careers in accordance with:
    - i. Demonstrated county needs aligned with labor market demands; or

ii. Economic development goals in the following industries of focus:

- (1) Construction and energy;
- (2) Finance;
- (3) Health care;
- (4) Leisure and hospitality;
- (5) Life sciences;
- (6) Manufacturing;
- (7) Retail trade;
- (8) Technology; or
- (9) Transportation, distribution, and logistics; and

4. The proposed project meets the objectives of the grant program outlined in (c) below.

(b) The school district's application shall demonstrate the extent to which the proposed project addresses the following objectives of this grant program:

1. Equitable access, which means how the school district will identify, recruit, and support students with a disability, English language learners, economically disadvantaged students, students preparing for nontraditional fields, homeless students, students placed in a resource family home, and students whose parent or guardian has been ordered into active military service in the United States Armed Forces;
2. Collaboration, which means the extent to which the school district will establish or expand partnerships with one or more county colleges or employers to expand the program's impact by offering activities or courses that build career awareness

or technical or employability skills for students or that develop the professional capacity of educators to teach CTE courses;

3. Industry-valued credentials, which means programs that lead to a New Jersey Department of Labor and Workforce Development (DLWD)-valued credential in a high demand sector, and how the proposed project delivers a program(s) that supports the students listed in (b)1 above to earn one or more industry-valued credential(s);
  4. College credits, which means the extent to which the proposed project allows students to earn college credits, up to and including an associate degree, that are in industries of focus as set forth in (a)3ii above and free of charge to economically disadvantaged students;
  5. Apprenticeships, which means the extent to which the proposed project identifies an industry partner that is currently operating, or will operate, an approved, registered apprenticeship program and is willing to work with a school to offer a pre-apprenticeship model for students; and
  6. Innovation, which means the extent to which the proposed project will deliver a program(s) that leverages innovative technologies, schedules, teaching methodologies, and partnerships to provide authentic learning experiences in high demand industries that are accessible to, and engaging for, 21st century learners.
- (c) All proposed work shall directly support the addition of new student seats in the CTE program, and shall consist of one or more of the following eligible scopes of work:
1. Renovation of existing square footage to increase the number of student seats;



2. New construction, such as a building addition, or stand-alone building, to increase the number of student seats;
  3. Physical plant upgrades needed to support the conversion of existing space to support an eligible CTE program or a building addition that increases the number of student seats;
  4. The purchase and installation of furniture and equipment, including technology, in new, renovated, or reassigned spaces;
  5. Site improvements related to CTE program expansion; or
  6. Demolition of non-instructional buildings, or portions of buildings, to accommodate new construction that increases the number of student seats.
- (d) The following scopes of work or costs shall be ineligible for CVSD CTE grants:
1. Site acquisition, including to expand an existing site;
  2. Building system upgrades and improvements not related to CTE program expansion;
  3. Building additions in which the total proposed net square footage of CTE classrooms, including adjacent support spaces serving the classroom, is less than 75 percent of the total net square footage of the proposed construction;
  4. Demolition that results in a net loss of CTE student seats;
  5. Improvements to leased buildings, except where:
    - i. The lessor is a public entity, such as a school district or county college;
    - ii. The term of the lease agreement is for a minimum of 20 years, with an end date no earlier than June 30, 2044; and

- iii. The CVSD is authorized to make the capital improvements represented in the grant application;
6. Costs incurred prior to the signing of a fully executed grant agreement; and
7. Costs of professional consultants whose services are not incurred as part of the construction represented in the grant application.

### **6A:26A-2.2 Matching funds**

- (a) CVSD CTE grants shall be approved for 75 percent of the total eligible project costs in the CVSD's application as determined by the Commissioner.
  1. The remaining costs of the project shall be borne by the CVSD. No amount of the cost of a CVSD CTE program project approved pursuant to this chapter shall be included in the cost of tuition charged to sending school districts pursuant to N.J.A.C. 6A:23A-17.3 and 17.4.
  2. If, after the award of a grant pursuant to this section, the total cost of the project pursuant to a public bidding process exceeds the estimated total project costs as set forth in the school district's application and the school district is unable to raise sufficient local funds for the increased cost, the school district may reduce the cost of the project through value engineering and alterations to the building area, as long as the reductions do not result in an impact to the school district's score on the priority rubric pursuant to N.J.A.C. 6A:26A-2.3(a) that places the school district's score below a school district that did not receive a grant. Any changes as set forth in this paragraph must be submitted to the Commissioner for approval.

3. If the total cost of the project falls below the grant application cost estimate after the award of a grant pursuant to this section, the Commissioner will adjust the total grant award accordingly.
4. If the CVSD is unable to provide its share due to higher than estimated costs, the grant will be awarded to the next eligible application based on the rubric as set forth at N.J.A.C. 6A:26A-2.3(a).

**6A:26A-2.3 Priority rubric, regional groups, and grant amounts**

- (a) Each application shall be ranked by the Commissioner according to a scoring rubric that evaluates the extent to which the proposed project meets the following criteria:
  1. Application quality;
  2. The objectives of the grant program as set forth at N.J.A.C. 6A:26A-2.1(c) and demonstrated in the application as set forth at N.J.A.C. 6A:26A-2.4(a)6; and
  3. The following construction criteria, as applicable:
    - i. CTE classroom square footage, which means the net square feet proposed for new CTE classrooms, including support spaces directly accessible from the classroom, compared to the total net square feet proposed to be renovated or newly constructed in the grant application;
    - ii. Square feet per student, which means the ratio of the total square footage to be renovated or newly constructed relative to the proposed new CTE program capacity, as compared to applications in the same or similar industry cluster group; and
    - iii. Cost per student, which means the ratio of total proposed project costs relative to proposed new CTE program capacity, as compared to

applications in the same or similar industry cluster group and in the same geographic group as set forth in (b) below.

(b) The following regional groups will be used to ensure that the expansion of CTE program capacity is distributed throughout the State:

1. Group A will include the CVSDs in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem counties;
2. Group B will include the CVSDs in Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and Union counties; and
3. Group C will include the CVSDs in Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Warren counties.

(c) The total amount of grant awards for CVSD CTE program projects shall be granted as follows:

1. One-hundred-and-fifteen million dollars to fund a minimum of six “small projects,” which means projects with total project costs of \$25 million or less each, including:
  - i. One grant to each of the two highest-ranking projects as evaluated pursuant to (a) above in each regional group as defined in (b) above; and
  - ii. If excess funds remain after the award of the six grants as set forth in (c)1i above, additional grants will be awarded to the next highest-ranking projects.
2. No more than \$160,000,000 to fund four “large projects,” which means projects with total project costs of more than \$25 million, as follows:

- i. One grant to each of the highest-ranking applicants as evaluated pursuant to (a) above in each of the three regional groups as defined in (b) above, and one grant to the next highest overall applicant without regard to regional group; and
  - ii. If excess funds remain after the award of the four grants provided for in (c)2i above, the remaining funds may be held in reserve, or reassigned to projects pursuant to (c)1 above, as allocated by the Commissioner pursuant to the Act.
3. The Commissioner shall award no more than four large project grants.
4. No CVSD CTE large project grant shall be for more than a total of \$40 million.
5. The Commissioner may award multiple small project grants to a single CVSD if the total project costs for all of the CVSD's proposed small projects are less than \$25 million.

**6A:26A-2.4 Application procedures for county vocational school district career and technical education grants**

- (a) Each applicant for CVSD CTE grants shall submit a completed application with the following required information in a format prescribed by the Commissioner:
  1. A completed application form;
  2. Updates in the Department's web-based long-range facilities plan reporting system to the CVSD's room inventories of the school(s) and associated building(s) for which grant funding is requested to represent existing and proposed conditions as represented in the school facilities project application;

3. A complete educational school facilities project application schematic submission as set forth at N.J.A.C. 6A:26-3.2(b)1;
4. Certification by the chief school administrator that the application is in compliance with N.J.A.C. 6A:26A-2.1;
5. A project description of the proposed school facilities project and how it supports CTE program expansion in accordance with labor market demands and economic development goals, including proposed changes to existing CTE programs and student capacity;
6. A narrative explanation of how the application addresses the objectives of the grant program at N.J.A.C. 6A:26A-2.1(c), as applicable, and as outlined below:
  - i. For equitable access, the application shall present a targeted and achievable plan for identifying, recruiting, enrolling, and supporting students from special populations. The plan shall include the following:
    - (1) A data analysis of students served, including a baseline, trends, and gaps, and county demographics;
    - (2) Targets for annual increases in representation of student populations identified as underserved and aimed at programs that reflect county demographic data;
    - (3) Research-based strategies for effectively assembling and communicating with students and families in the identified subgroups, including when and where the CVSD anticipates making the communications; and

- (4) A value proposition that promotes CTE generally and the new program(s) specifically.
- ii. To demonstrate collaboration, the application shall include, at a minimum:
  - (1) Letters of interest submitted by one or more interested partners;
  - (2) The grade levels and anticipated number of students to be served;
  - (3) Details on the partnership, including the frequency and duration of the program or events and the organizational structure for communication and delivery; and
  - (4) Details on the process by which the CVSD engaged employers to identify workforce needs.
- iii. An application that includes industry-valued credentials shall explain:
  - (1) How the program is aligned to an industry-valued credential; and
  - (2) How the curriculum will promote success for all students in obtaining the industry-valued credential.
- iv. An application that includes college credits shall include:
  - (1) A sustainable plan that funds college credits for economically disadvantaged students enrolled in the program; and
  - (2) A partnership agreement with an accredited two- or four-year institution of higher education;
- v. An application that includes an apprenticeship shall include, at a minimum, the following:
  - (1) A signed letter of interest by an industry partner or county college partner, as applicable;

- (2) A description of the current or planned pre-apprenticeship model to be offered with the industry partner;
  - (3) The estimated number of students who will be able to participate in the apprenticeship program;
  - (4) A clearly developed plan for the cost of student participation, such as student transportation, supplies, materials, and access to support services. The plan must include a sustainability plan; and
  - (5) A specific and detailed plan for student transition to directly enter a registered apprenticeship program from a pre-apprenticeship program.
- vi. An explanation of the extent to which the proposed project will meet the innovation criteria set forth at N.J.A.C. 6A:26A-2.1(c)6;
- 7. A copy of the resolution adopted by the CVSD's district board of education authorizing the application for the grant;
  - 8. A copy of the resolution adopted by the county board of chosen freeholders approving the application's submission and the total amount of county contribution; and
  - 9. For proposed work to leased property, the CVSD shall also submit:
    - i. An executed lease agreement or a memorandum of understanding (MOU) between the CVSD and the lessor that memorializes the requirements set forth at N.J.A.C. 6A:26A-2.1(d)5; and
    - ii. The CVSD's district board of education resolution that includes an acknowledgment that, upon termination of the lease by either party prior



to June 30, 2044, the CVSD shall be required to return a pro rata share of the CVSD CTE grant to the Commissioner.

- (b) CVSDs shall be limited to one grant application for each school campus.
  - 1. For the purposes of this subsection only, “school campus” shall mean a parcel of land that is non-contiguous with other school district-owned properties. One school campus may include one or more schools in one or multiple buildings.
  - 2. The school district’s grant application may address all or some schools and buildings on the school campus.
- (c) The Commissioner will review all applications for completeness.
- (d) The Commissioner will advance complete applications to be evaluated and scored based on the requirements in (a) above and the criteria at N.J.A.C. 6A:26A-2.3.
- (e) The Commissioner may request clarification or additional information from the applicant during the evaluation and scoring of the application.
- (f) No CVSD shall make material changes to the project after approval of the grant by the Legislature pursuant to N.J.A.C. 6A:26A-1.5. All non-material changes to the proposed project, including value engineering as set forth at N.J.A.C. 6A:26A-2.2(a)2 and square footage reductions that do not impact proposed CTE student seats or change the rubric score of the application, shall be approved by the Commissioner. Violation of this subsection shall result in the termination of the grant agreement and repayment of any grant funds to the Department by the CVSD.

**6A:26A-2.5 School facilities project approval**

Following receipt of a notification letter pursuant to N.J.A.C. 6A:26A-1.5, and as a condition for receipt of grant funds, the school district shall submit a complete long-range facilities plan

amendment and respond to schematic submission review comments, as applicable, to facilitate other capital project approval pursuant to N.J.A.C. 6A:26-3.11.

### **Subchapter 3. School District Water Infrastructure Improvement Grants**

#### **6A:26A-3.1 General eligibility for school district water infrastructure improvement grants**

- (a) School districts may submit school district water infrastructure improvement project grant applications for completed or proposed water infrastructure improvement projects at school district schools serving grades kindergarten through 12.
- (b) All applicants for school district water infrastructure improvement grants shall submit proof of compliance with N.J.A.C. 6A:26-12.4. Applications will be disqualified for failure to comply with N.J.A.C. 6A:26-12.4.

#### **6A:26A-3.2 Eligible work for school district water infrastructure improvement grants**

- (a) The Commissioner will award water infrastructure improvement grants for projects that address water contamination, including:
  - 1. Improvements to drinking water outlets with a detectable level of lead or other contaminants, as demonstrated by testing conducted pursuant to N.J.A.C. 6A:26-12.4, located in school district schools. The improvements shall include:
    - i. The replacement of drinking water outlet fixtures with fixtures that are certified lead-free by an American National Standards Institute (ANSI) accredited third-party certification body that provides certification pursuant to the SDWA lead-free requirement for manufacturers of drinking water system and plumbing products; and

- ii. The installation of point-of-use treatment devices that are certified to reduce lead or other contaminants in accordance with National Science Foundation/ANSI standards, in conjunction with an operation and maintenance plan requiring that the school business administrator, or his or her designee, shall submit an annual certification that the treatment device is being properly maintained and operated to the executive county superintendent; or
2. Whole system remediation, which includes:
- i. The installation of automated water flushing systems, which means systems that utilize time-operated valves that are set to flush pipes to maintain non-detectable lead levels and mitigate other water quality conditions. Eligible systems shall be capable of storing instructions and data for a minimum of 12 months, offer continuous monitoring of water quality conditions, and be capable of 10 flushing program events per day;
  - ii. Replacement of lead service lines that provide water to school district schools from the water main to the building inlet.
    - (1) The replacement of the lead service line shall be conducted in collaboration with the public water system or utility that serves the facility;
    - (2) The proposed project shall address the replacement of the entire lead service line from water main to curb, even when the public water system or utility owns a portion of the lead service line, when to replace only the school district portion would be a greater,

temporary negative impact to lead exposure or does not remove the entire source of lead in the service line; or

- iii. Installation, repair, or reconstruction of the non-community or non-public well system to address demonstrated water contamination or exceedance of a maximum contaminant level or action level, including any primary drinking water standard as set forth under the SDWA or NJSDWA, and excluding piping replacement in the distribution system.

(b) The following work is ineligible for school district water infrastructure improvement grants:

1. Water infrastructure improvements completed prior to January 1, 2016;
2. Work to be funded by debt service;
3. Work not specifically listed in (a) above;
4. Work for fixtures that are not considered drinking water outlets pursuant to this chapter and N.J.A.C. 6A:26-1.2;
5. Any services performed by consultants or otherwise not included in the full cost of the water infrastructure improvement project;
6. Whole-school plumbing assessments, or any services not authorized by this subchapter;
7. Improvements to school district schools solely used for early childhood students;
8. Improvements to a leased building, except where:
  - i. The lessor is a public entity, such as a school district or county college;
  - ii. The term of the lease agreement is for a minimum of five years, with an end date no earlier than June 30, 2024; and

- iii. The school district is authorized to make the capital improvements represented in the grant application.
- 9. Improvements to a charter or renaissance school; and
- 10. Costs for replacement of filters after initial purchase and completion of the water infrastructure improvement project funded by a grant.

**6A:26A-3.3 Amount, allocation, and prioritization of school district water infrastructure improvement grants**

- (a) Subject to the availability of sufficient funds for all eligible projects, grants for school district water infrastructure improvement projects will be funded:
  - 1. For improvements to drinking water outlets, 100 percent of eligible costs up to a maximum of \$6,000 per unit; and
  - 2. For whole system remediation, 100 percent of the cost.
- (b) If total grant applications for school district water infrastructure improvement grants that are eligible pursuant to N.J.A.C. 6A:26A-3.2(a) exceed the total amount of funds pursuant to the Act, applications will be prioritized or total funds provided will be capped based on:
  - 1. The type of contaminant and levels of contaminants detected;
  - 2. Grade levels served by the school, with highest priority to the earliest grade levels;
  - 3. Existing construction age of the school;
  - 4. Executive Order No. 23 (2018); and
  - 5. Other relevant criteria as determined by the Commissioner.

**6A:26A-3.4 Application procedures for school district water infrastructure improvement grants**

- (a) Applications for school district water infrastructure improvement grants will not be accepted before or after the time period for application submission as established by the Commissioner;
- (b) The following materials shall be required for a complete application:
  - 1. Water Infrastructure Improvement Grant Application form;
  - 2. Consultant certification verifying proposed scope of work and costs;
  - 3. Invoices and proof of payment, if submitting a request for reimbursement of completed water infrastructure improvement work;
  - 4. Resolution adopted by the district board of education approving the submission of the grant application and affirming the availability of local funds to complete the project if the total estimated costs exceed the grant allocation;
  - 5. Sustainability plan for filtration solutions, including testing schedules and proposed maintenance procedures and schedule;
  - 6. Water quality testing results:
    - i. A copy of the most recent districtwide water quality testing results for all buildings completed by a certified laboratory;
    - ii. A copy of the Water Outlet Inventory and Filter Inventory for all buildings included in the proposed work or work submitted for reimbursement for the school district water infrastructure improvement grant, unless the work is solely lead service line replacement; and

- iii. For requests for reimbursement of completed water infrastructure improvement projects, a copy of the water quality testing results that triggered the project;
  - 7. Copy of a water bill or other documentation that evidences which public water system serves the building(s), if applicable;
  - 8. Proof of compliance with N.J.A.C. 6A:26-12.4 and (b)6i above; and
  - 9. For proposed work at leased property, the school district shall also submit:
    - i. An executed lease agreement or a memorandum of understanding (MOU) between the school district and the lessor that memorializes the requirements set forth at N.J.A.C. 6A:26A-3.2(b)8; and
    - ii. The district board of education resolution that includes an acknowledgment that, upon termination of the lease by either party prior to June 30, 2024, the school district shall be required to return a pro rata share of the water infrastructure improvement grant to the Department.
- (c) The Commissioner will review all applications for school district water infrastructure improvement grants for completeness.
- (d) The Commissioner will advance only complete applications to be evaluated based on the criteria set forth in this subchapter and prioritized pursuant to the criteria identified at N.J.A.C. 6A:26A-3.3(b).
- (e) Upon review of complete applications, the Commissioner may request the following before approving a grant under this subchapter:
  - 1. Clarification or additional information based on the information submitted in the school district application;

2. Review of the application by another State agency to determine compliance with the requirements of the program;
3. On-site inspections by another State agency to determine compliance with the requirements of the program; and
4. Such other terms as determined by the Commissioner.

#### **6A:26A-3.5 Closeout**

- (a) Upon completion and before closeout of the project, the school district shall conduct a sampling and analysis in accordance with the Safe Drinking Water Act.
- (b) Water testing conducted upon closeout of a water infrastructure improvement project pursuant to this subchapter shall be an allowable cost included in the grant under this subchapter.

### **Subchapter 4. School Security Project Grants**

#### **6A:26A-4.1 General eligibility criteria for school security project grants**

- (a) School security project grants shall be available to school districts that operate school buildings and are approved for grant funding by the Commissioner in accordance with this subchapter.
- (b) The Commissioner may award school security project grants to school districts for the following:
  1. Planned or completed projects to comply with Alyssa's Law; and
  2. Planned school security projects to implement the provisions of N.J.S.A. 18A:7G-5.2.



- (c) The Commissioner shall not award school security project grants to a school district that fails to:
1. Demonstrate compliance with Alyssa’s Law in each school building in the school district; or
  2. Submit a school security project application that includes projects that will ensure the school district is in compliance with Alyssa’s Law.
- (d) School security projects to comply with Alyssa’s Law are limited to school buildings. School security projects to comply with N.J.S.A. 18A:7G-5.1 are limited to schools.
- (e) For each school district, the Commissioner will calculate a maximum grant allowance based on the school district’s student population and grades served, as set forth at N.J.A.C. 6A:26A-4.3(b).
- (f) As long as each school building meets the requirements for compliance with Alyssa’s Law as set forth at N.J.A.C. 19:32A, a school district may allocate its total security grant funding to comply with Alyssa’s Law among school buildings within the school district, in its discretion.
- (g) A school district that proposes to expend funds in excess of its maximum grant allowance to comply with Alyssa’s Law shall demonstrate the existence of local funds to fund the excess cost of the proposed project to comply with Alyssa’s Law. No debt service aid shall be provided to support the raising of local funds for an excess cost for a proposed project to comply with Alyssa’s Law.

**6A:26A-4.2 Application procedures for a school security grant**

- (a) School districts applying for a school security grant shall submit one application that includes all eligible school buildings and projects.

- (b) School districts applying for a school security grant shall submit the following documentation within the deadlines set by the Commissioner:
1. A School Security Grant Application form;
  2. The resolution adopted by the district board of education affirming the following:
    - i. The submission of the grant application; and
    - ii. The availability of local funds in case the total estimated costs of the proposed project exceeds the school district's grant allowance; and
  3. Documentation to demonstrate compliance or a plan to comply with Alyssa's Law using the school security project grant, which shall include the information in this paragraph.
    - i. If the school district has obtained proof of compliance with Alyssa's Law from the NJSDA pursuant to N.J.A.C. 19:32A prior to the submission of an application for a school security project grant, proof of a determination of compliance by NJSDA; or
    - ii. For reimbursement for a completed project to comply with Alyssa's Law:
      - (1) Required documentation for compliance with Alyssa's Law as set forth at N.J.A.C. 19:32A-2.3(d) and, if the proposed project does not meet any provision of N.J.S.A. 18A:41-11.a through d, a description of how the proposed project meets the spirit and intent of Alyssa's Law and why it should be approved as an alternative emergency mechanism by the Department; and
      - (2) Detailed and dated invoices and proof of payment.
    - iii. For a proposed project to comply with Alyssa's Law:

- (1) A description of the proposed project, including a description of the method of operation for signaling law enforcement, sufficient to demonstrate how the proposed project will address the provisions of Alyssa's Law in accordance with N.J.A.C. 19:32A-2.5 or an alternative emergency mechanism. The description shall be prepared by a representative of the school district, or by the vendor, designer, or proposed installer of the project;
- (2) A detailed cost estimate by a vendor or design professional for the proposed project, specified by school building;
- (3) The anticipated installation completion date for each school building;
- (4) A written acknowledgment by the chief school administrator, school business administrator, or a designee of either, that the proposed installer meets the license requirement set forth at N.J.S.A. 45:5A-27, or that provides a description of the proposed installer's credentials;
- (5) A Commissioner-approved certification that the proposed project will connect to, and upon activation, notify local law enforcement or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the Superintendent of the State Police. The certification shall be signed by a representative from local law enforcement or the State Police; the chief school administrator,

school business administrator, or a designee of either; a proposed installer of the panic alarm licensed pursuant to N.J.S.A. 45:5A-27; or a school district architect or other design consultant who designed the project; and

(6) If the proposed project does not meet any provision of N.J.S.A. 18A:41-11.a through d, a detailed description of how the proposed project meets the spirit and intent of Alyssa's Law and why the proposed project should be approved as an alternative emergency mechanism by the Department;

4. For a proposed project to comply with N.J.S.A. 18A:7G-5.2:

- i. A detailed description of the security objective and proposed project;
- ii. A detailed cost estimate by a professional; and
- iii. An estimated completion date; and

5. For proposed work at leased property, the school district shall also submit:

- i. An executed lease agreement or a memorandum of understanding (MOU) between the school district and the lessor that memorializes the requirements at N.J.A.C. 6A:26A-4.4(d)2; and
- ii. A resolution adopted by the district board of education that includes an acknowledgment that, upon termination of the lease by either party prior to June 30, 2024, the school district shall be required to return a pro rata share of the school security project grant to the Department.

(c) The Commissioner may request clarification of information contained in the school district's application or additional information related to a submitted application.

#### **6A:26A-4.3 Maximum school district allowance for school security grants**

- (a) Approved grants for school security projects will fund 100 percent of total eligible project costs up to the maximum school district allowance.
- (b) The maximum school district allowance shall be based on the number of students in grades kindergarten through 12 in the school district as reported on the Application for State School Aid (ASSA), and their grade levels, multiplied by the square feet per student factors prescribed in the Facilities Efficiency Standards (FES), multiplied by a funding multiplier as determined by the Commissioner based on the total funds for school security projects set forth in the Act.
- (c) If the final cost of the school district's proposed school security projects exceeds the amount in its application pursuant to N.J.A.C. 6A:23A-4.2, the school district may revise its application to reduce the project's scope of work or identify local funds for the excess cost, as long as the project still conforms with this subchapter. Any modification to the project pursuant to this subsection shall be memorialized in an addendum to the grant agreement.

#### **6A:26A-4.4 Eligible expenditures for school security grants**

- (a) Grants awarded pursuant to this subchapter to comply with Alyssa's Law shall meet the requirements set forth at N.J.A.C. 19:32A.
- (b) Requests for reimbursement of costs to comply with Alyssa's Law incurred before the effective date of Alyssa's Law shall be eligible for funding, as long as they were incurred after January 1, 2016, and comply with this subchapter.
- (c) The following proposed school security projects for work pursuant to N.J.S.A. 18A:7G-5.2 shall be eligible for grant funding:

1. Bollards or other barriers impact rated for vehicles along the roadway or curb line in front of the school to prevent vehicles from gaining access to exterior walls, entrances, and areas of mass gatherings, such as courtyards;
  2. Lighting around buildings and parking lots;
  3. Surveillance cameras;
  4. Signage;
  5. A secure vestibule with interior doors and an access control system with remote unlocking features, intercom, fixed cameras, and bullet resistant glazing at the school's main entrance not in excess of 300 square feet;
  6. Access control systems that allow for remote locking and unlocking of all building access doors;
  7. Keyless locking mechanism on interior doors to spaces serving as safe havens during lockdowns;
  8. Ballistic or shatter resistant film on glass entrance door sidelights and other vulnerable first floor areas; and
  9. Dedicated servers and emergency generators for security systems.
- (d) The following expenditures are ineligible for school security grant funding:
1. Expenditures that do not comply with N.J.A.C. 6A:26A-4.1(b);
  2. Expenditures at leased facilities, except where:
    - i. The lessor is a public entity, such as a school district or county college;
    - ii. The term of the lease agreement is for a minimum of five years, with an end date no earlier than June 30, 2024; and

- iii. The school district is authorized to make the improvements represented in the grant application;
- 3. Expenditures at school buildings that do not serve students in any combination of grades kindergarten through 12;
- 4. Expenditures pursuant to N.J.S.A. 18A:7G-5.2 without a demonstration of compliance with Alyssa's Law;
- 5. New construction for security vestibules in excess of 300 square feet;
- 6. School security audits, safety assessments, or security monitoring fees; and
- 7. Expenditures to complete the grant application.