

Notice of Proposal

Education

Higher Education

Commissioner of Education

Secretary of Higher Education

Securing Our Children's Future Bond Act Grants

Joint Proposed New Rules: N.J.A.C. 6A:26A

Authorized By: Lamont O. Repollet, Ed.D., Commissioner, Department of Education and Zakiya Smith Ellis, Secretary of Higher Education.

Authority: P.L. 2018, c. 119.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-164.

Submit written comments by February 14, 2020, to:

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The agency proposal follows:

Summary

The Securing Our Children’s Future Bond Act, P.L. 2018, c. 119, (the Act), which authorized the issuance of \$500 million in general obligation bonds to be allocated as grants for the costs of career and technical education (CTE) grants, school security projects, and school district water infrastructure improvements grants in school districts and county colleges, was approved by New Jersey voters on November 6, 2018. The aggregate amount of the bonds is to be allocated as follows: \$350 million for county vocational school district career and technical education (CVSD CTE) grants and for school security project grants to schools; \$50 million for county college CTE grants; and \$100 million for school district water infrastructure improvement grants.

The Commissioner (Commissioner) of the Department of Education (Department) and the Secretary of Higher Education jointly propose new rules at N.J.A.C. 6A:26A, Securing Our Children’s Future Bond Act Grants, to specify the eligibility criteria and procedures for the review and approval of CVSD CTE grants supported by the Act and to ensure that the moneys are distributed consistent with the Act’s intent. In consultation with the New Jersey Schools Development Authority (NJSDA), the Commissioner also proposes new rules to specify the eligibility criteria and procedures for the review and approval of school security project grants. In consultation with the Commissioner of the Department of Environmental Protection (DEP), the Commissioner proposes new rules to specify the eligibility criteria and procedures for the review and approval of school district water infrastructure improvement grants, consistent with the Act.

The Department engaged in continuous, ongoing outreach with the CVSDs in the development of the CTE CVSD grant program to help inform the application criteria. The development of the water infrastructure improvement grants was informed by data gathered

directly from school districts about school district water infrastructure concerns during the implementation of the lead water testing rules at N.J.A.C. 6A:26-12.4, and ongoing dialog with school districts and stakeholders about the need for safe drinking water in New Jersey's schools. Finally, the school security project grants are aligned to NJSDA's rules enacting Alyssa's Law. The Alyssa's Law rules were based, in part, on a survey of school districts' compliance with Alyssa's Law. The school security project grants also implement N.J.S.A. 18A:7G-5.2, a law that was informed by the New Jersey School Security Task Force Report and Recommendations of July 2015, including recommendations from law enforcement and education stakeholders from throughout the State.

The proposed rules advance the Department's goal to ensure equity by grounding the distribution of CVSD CTE grants in a demonstration of proposed 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. In this manner, the CVSD CTE grants target programs that will serve, support, and provide access for students from diverse backgrounds and with individual and distinct educational needs. The proposed rules for school district infrastructure improvement grants will advance equity by including Executive Order No. 23 (2018), which requires that the State of New Jersey ensure residents of all communities receive fair and equitable treatment in decision-making that affects their environment, communities, homes, and health, in the prioritization of the projects. Finally, the school security grant projects will promote equity by ensuring students are safe in their schools.

Subchapter 1. General Provisions

N.J.A.C. 6A:26A-1.1 Purpose and scope

This section sets forth the chapter's purpose and scope, which is to implement the provisions of P.L. 2018, c. 119, the Securing Our Children's Future Bond Act. The proposed rules specify eligibility criteria and procedures for the review and approval of grants to school districts to support CTE, school security projects, including those to support the implementation of Alyssa's Law, P.L. 2019, c. 33, and school district water infrastructure improvement projects. The proposed rules also will ensure that the grant money is distributed consistent with the Act.

N.J.A.C. 6A:26A-1.2 Definitions

This section defines terms used throughout the chapter.

The Department proposes definitions for the following terms:

- "Act" to mean the Securing Our Children's Future Bond Act, P.L. 2018, c. 119.
- "Alternative emergency mechanism" to mean 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. The proposed definition is consistent with Alyssa's Law.
- "Alyssa's Law" to mean P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.).
- "Bonds" to mean the bonds authorized to be issued, or issued, under the Act. The proposed definition is taken from the Act.
- "Career and technical education" or "CTE" to mean as defined at N.J.A.C. 6A:19-1.2.

- “Career and technical education program” or “CTE program” to mean 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. The proposed definition is set forth in paragraph 2 of the Act.
- “Construct” and “construction” to mean 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. The proposed definition is set forth in paragraph 2 of the Act.
- “Cost” to mean 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. The proposed definition is set forth in paragraph 2 of the Act, and as applicable to school districts under this chapter.

- “County college” to mean an entity established pursuant to Chapter 64A of Title 18A of the New Jersey Statutes. The proposed definition is set forth in paragraph 2 of the Act.
- “County vocational school district” or “CVSD” to mean an entity established pursuant to article 3 of Chapter 54 of Title 18A of the New Jersey Statutes. The proposed definition is set forth in paragraph 2 of the Act.
- “Debt service” to mean as set forth at N.J.S.A. 18A:7G-3.
- “Debt service aid” to mean aid provided pursuant to N.J.S.A. 18A:7G-9.
- “Drinking water outlet” to mean as set forth at N.J.A.C. 6A:26-1.2.
- “Economically disadvantaged student” to mean as defined at N.J.A.C. 6A:19-1.2.
- “Education buildings” to mean buildings, structures, and facilities required for the operation of schools, CVSDs, or county colleges. The proposed definition is set forth in paragraph 2 of the Act.
- “English language learner” to mean as defined at N.J.A.C. 6A:15-1.2.
- “Grant” to mean a grant of moneys from the Securing Our Children’s Future Fund approved by the Commissioner for a project.
- “Grant agreement” to mean 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” to mean the same as “homeless child” as defined at N.J.A.C. 6A:17-1.2.
- “Lead service line” to mean, 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, including lead lined/dipped galvanized pipe. The proposed definition aligns to the Federal regulations implementing the Safe Drinking Water Act (SDWA).
- “New Jersey Safe Drinking Water Act” or “NJSDWA” to mean N.J.S.A. 13:1D-1 et seq.
- “New Jersey Schools Development Authority” or “NJSDA” to mean the New Jersey Schools Development Authority established pursuant to N.J.S.A. 52:18A-237.
- “Nontraditional fields” to mean as defined at N.J.A.C. 6A:19-1.2.
- “Panic alarm” to mean 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. The proposed definition is set forth in Alyssa’s Law.
- “Project” to mean 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. The proposed definition is set forth in the Act.

- “Resource family home” to mean as defined at N.J.A.C. 3A:51-1.3.
- “Routine maintenance” to mean as defined at N.J.A.C. 6A:26-1.2.
- “Safe Drinking Water Act” or “SDWA” to mean 42 U.S.C. §§ 300f et seq.
- “School” to mean an educational institution that includes any of the grades kindergarten through 12. The proposed definition is set forth in paragraph 2 of the Act.
- “School building” to mean a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through 12. The proposed meaning provides a narrow definition for structures that are required to comply with Alyssa’s Law by focusing on buildings that are owned or leased by a school district and where students are located.
- “School district” to mean a local or regional school district, a county special services school district, a CVSD, 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.). The proposed definition is set forth in paragraph 2 of the Act.
- “School security emergency” to mean as defined at N.J.A.C. 19:32A-1.3. The proposed definition is set forth in the NJSDA’s rules to implement Alyssa’s Law.

- “Securing Our Children’s Future Fund” to mean 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” to mean 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. The proposed definition is set forth in paragraph 2 of the Act.
- “Student with a disability” to mean as defined at N.J.A.C. 6A:14-1.3.
- “Substantial completion” to mean 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 5. The project is ready for occupancy or use in accordance with its intended purpose. The proposed definition is consistent with N.J.A.C. 19:32, NJSDA’s rules governing grants to regular operating districts for school facilities projects, except that it is aligned to the definition of “project” in this chapter.
- “Water infrastructure improvement” to mean 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. The

proposed definition is set forth in paragraph 2 of the Act and is aligned to the proposed definition of “project.”

N.J.A.C. 6A:26A-1.3 Allocation of Securing Our Children’s Future Bond Act funds

This section sets forth the allocation of the total \$500 million in grant funds pursuant to the Act.

The Department proposes N.J.A.C. 6A:26A-1.3(a)1 to require that \$350 million of the \$500 million will be used for CVSD CTE grants and for school security project grants to school districts. The allocation is in accordance with section 4.a of the Act.

Of the \$350 million, the Department proposes N.J.A.C. 6A:26A-1.3(a)1i and ii to require that \$275 million be allocated for CVSD CTE grants and \$75 million be allocated for school security project grants to school districts. The proposed allocation will include an amount sufficient to address the costs associated with the administrative costs of the Department and other State agencies. The Department proposes to allocate the majority of the \$350 million to CTE grants because it anticipates that increasing the capacity of CVSDs to offer CTE programs will mainly require school construction, which will be much more costly than compliance with Alyssa’s Law and other school security projects that qualify for school security project grants as set forth within this subchapter. The Department utilized its existing knowledge of the cost of school facilities projects and research on the cost of compliance with Alyssa’s Law to inform its allocation of the bond proceeds. Finally, the allocation for costs with the State agencies’ administration of the grants will facilitate the agencies’ oversight of the grant program in accordance with the Act and this chapter.

The Department also proposes N.J.A.C. 6A:26A-1.3(a)2 to allocate \$100 million of the \$500 million set forth in the Act for school district water infrastructure improvement grants. The proposed allocation will include an amount sufficient to address the costs associated with the State agencies' administration of the grant. This proposed allocation is as set forth in the Act. The proposed allocation for costs associated with the agencies' administration of the grant will facilitate the Department's oversight of the grant program in accordance with the Act and this chapter.

N.J.A.C. 6A:26A-1.4 General project eligibility

This section sets forth the general eligibility for the grants pursuant to the Act, as well as the process for the Legislature's approval of the proposed list of eligible projects as required by the Act.

The Department proposes N.J.A.C. 6A:26A-1.4(a) to provide that 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 portion of the cost, of: CVSD CTE projects, school security projects, and school district water infrastructure improvement projects.

The Department proposes N.J.A.C. 6A:26A-1.4(b) to require CVSDs to use the CTE grants to increase the CVSD's capacity to offer CTE programs, prepare students for high demand, technically skilled careers, and align CTE programs with labor market demands or economic development goals. The Department also proposes to require CVSDs to demonstrate the process by which the CVSD engaged employers to identify workforce needs. The proposed rules are in accordance with the requirements in paragraph 4.d of the Act.

The Department proposes N.J.A.C. 6A:26A-1.4(c)1 to require school districts to use the school security project grants to comply with Alyssa’s Law as set forth at N.J.A.C. 19:32A or through approval of an alternative emergency mechanism. The Department proposes N.J.A.C. 6A:26A-1.4(c)2 to require school districts to have complied fully with the requirements of Alyssa’s Law before expending school security project grants for any other school security project. The Department proposes N.J.A.C. 6A:26A-1.4(c)3 to require a school district to use any school security project grant funds not used for Alyssa’s Law compliance to comply with N.J.S.A. 18A:7G-5.2. The Department proposes that school security project grants first be utilized to comply with Alyssa’s Law, as that law requires a portion of the bonds authorized by the Act to be used to fund the full cost of the panic alarms required by Alyssa’s Law or alternative mechanisms approved by the Department. The Department proposes that the remaining school security project grant funds be used to comply with N.J.S.A. 18A:7G-5.2, as that law clearly sets forth a list of security measures required for new school construction or existing school buildings.

The Department proposes N.J.A.C. 6A:26A-1.4(d) to require school districts to use the school district water infrastructure improvement grants solely for water infrastructure improvement projects to remediate contamination. The proposed rule is in accordance with the requirements in paragraph 4(c) in the Act and the definition of “project.”

N.J.A.C. 6A:26A-1.5 Notification of grant award, legislative approval, and grant agreement

This section sets forth the process for notification of a grant award to a school district pursuant to this chapter. The section also sets forth the process for legislative approval of

proposed projects, and a requirement for a grant agreement to be executed after the Legislature approves the list of proposed projects.

The Department proposes N.J.A.C. 6A:26A-1.5(a) to provide that, 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. Proposed N.J.A.C. 6A:26A-1.5(a)1 will require the list of eligible projects to include the amount of the grant for each project. Proposed N.J.A.C. 6A:26A-1.5(a)2 will establish that the list is to 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. The proposed rule is in accordance with paragraph (f) of the Act. Proposed N.J.A.C. 6A:26A-1.5(a)3 will provide that 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. The proposed rule is in accordance with paragraph (f) of the Act.

The Department proposes N.J.A.C. 6A:26A-1.5(b) to state that, 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. The proposed rule will provide notification to a school district that its proposed project is on the list of eligible projects submitted to the Legislature for approval in advance of the notice of grant award.

The Department proposes N.J.A.C. 6A:26A-1.5(c) to require the school district to submit any documentation necessary for school facilities' project approval or other capital project

approval, as applicable, after receiving the notification that the school district's project is on the eligible project list. The proposed rule will enable school districts to undergo the process for school facilities or other capital project approval as quickly as possible prior to the notice of grant award to the school district.

The Department proposes N.J.A.C. 6A:26A-1.5(d) to state that, 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. The proposed rule will ensure that the Commissioner does not provide a notice of grant award to a school district until the list of eligible projects is approved by the Legislature and the Legislature appropriates the funds necessary for the grants in compliance with paragraph 4.f of the Act.

The Department proposes N.J.A.C. 6A:26A-1.5(e) to provide that the Commissioner shall enter into a grant agreement with the school district prior to the disbursement of any grant funds by the Commissioner. The proposed rule will ensure that the Commissioner and the school district enter into a grant agreement that complies with the chapter before funds are dispersed.

N.J.A.C. 6A:26A-1.6 Grant agreements

This section sets forth the requirements for grant agreements related to grants authorized under the Act.

The Department proposes N.J.A.C. 6A:26A-1.6(a) to state that the Commissioner shall not execute a grant agreement until the school district obtains other capital project approval, as applicable, for the approved grant scope of work. The proposed rule will ensure that the school district follows the school facilities rules at N.J.A.C. 6A:26, if applicable to the proposed project, so school facilities meet the requirements for safety and efficiency for all school construction.

The Department proposes N.J.A.C. 6A:26A-1.6(b)1, 2, 3, and 4 to establish that each grant agreement must include, but not be limited to, the following provisions: the school district must abide by any other applicable laws, rules, and regulations; the school district must provide to the Commissioner, upon request, any information regarding the use of the grant and the project's progress; and the disbursement of grant funds must be in accordance with N.J.A.C. 6A:26A-1.7. The proposed rule will ensure that the grant agreement complies with the chapter's grant approval criteria and any other applicable laws, rules, and regulations, while ensuring the Commissioner has sufficient information during the course of the project's completion to confirm the requirements of this chapter and all applicable laws, rules, and regulations are being met.

The Department proposes N.J.A.C. 6A:26A-1.6(c) to state that 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 the disbursed grant funds to the Department. The proposed rule will ensure that school districts adhere to the grant agreement, and provides a remedy if the school districts do not.

N.J.A.C. 6A:26A-1.7 Disbursement of grant funds

This section sets forth the requirements and schedule for disbursement of grant funds.

The Department proposes N.J.A.C. 6A:26A-1.7(a) to require the disbursement of grant funds to be made based on the schedule set forth in this section. The proposed rule will ensure that grants are disbursed based on status of the project's completion.

The Department proposes N.J.A.C. 6A:26A-1.7(b) to require, prior to the disbursement of funds, the school district to 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 proposed rule also will require the school district's request to include the following:

- A complete description of the costs incurred and the vendors to be paid, signed by the school district's chief school administrator;
- A certification of the chief school administrator certifying the completion of any percentage of the project as set forth at N.J.A.C. 6A:26A-1.7(c) or (d), as applicable;
- Sufficient documentation, as determined by the Commissioner, to support the chief school administrator's certification;
- A completed Commissioner-provided project completion checklist for the final disbursement; and
- 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.

The proposed rule will ensure the school district submits sufficient documentation for the Commissioner to determine that disbursement of grant funds is warranted, and to enable the Commissioner to monitor the progress of the projects, and to ensure Alyssa's Law compliance by districts receiving school security grants.

The Department proposes N.J.A.C. 6A:26A-1.7(c) to require the funds for each grant requiring other capital project approval pursuant to N.J.A.C. 6A:26-3.11 to be released in four installments based on project completion, as follows:

- 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;

- 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;
- 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; and
- 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.

The proposed rule will establish a clear schedule for the disbursement of grant funds for grants requiring a school facilities project or other capital project approvals that accounts for the costs of the projects and the timeline for completion of school facilities projects and other capital projects. The proposed schedule is similar to the current process for disbursement of grants pursuant to N.J.S.A. 18A:7G-15 by the NJSDA.

The Department proposes N.J.A.C. 6A:26A-1.7(d) to require the funds for each grant not requiring other capital project approval to be disbursed in two steps: 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; and 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. The proposed rule sets a clear schedule for the disbursement of grant funds for projects not requiring school facilities project or other capital project approval, as they will likely be completed more swiftly than those projects addressed in N.J.A.C. 6A:26A-1.7(c).

The Department proposes N.J.A.C. 6A:26A-1.7(e) to provide that 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. The proposed rule will ensure that all required information and the execution of the grant agreement are completed prior to reimbursement for eligible completed projects.

The Department proposes N.J.A.C. 6A:26A-1.7(f) to prohibit total disbursements from exceeding the grant amount set forth in the grant agreement, and to prohibit CVSD CTE grants from exceeding 75 percent of the total project costs. The proposed rule will ensure that funds are disbursed in accordance with the approval of eligible projects by the Legislature and the county matching requirement as set forth in the Act at paragraph 4.f and paragraph 4.e, respectively.

The Department proposes N.J.A.C. 6A:26A-1.7(g) to state that no disbursement shall be made until after execution of the grant agreement. The proposed rule will ensure that the grantee adheres to the requirements of N.J.A.C. 6A:26A-1.6.

The Department proposes N.J.A.C. 6A:26A-1.7(h) to allow, in the case of special circumstances and/or extraordinary need, the school district to request a waiver from the above applicable schedule of disbursements upon application to the Commissioner indicating the reasons for the request and a proposed schedule of disbursements. The proposed rule will also allow, upon review, the Commissioner to approve the waiver and will require notification to the

school district accordingly. The proposed rule will ensure that if school districts have immediate need of grant funds due to special circumstances or extraordinary need, the Commissioner may disburse funds in advance of the schedule set forth in this section after evaluation and approval of the waiver.

Subchapter 2. Applications for County Vocational School District

Career and Technical Education Grants

N.J.A.C. 6A:26A-2.1 Requirements for county vocational school district career and technical education grants

This section details the requirements for CVSD CTE grants.

The Department proposes N.J.A.C. 6A:26A-2.1(a) to require a CVSD to demonstrate on the application, pursuant to N.J.A.C. 6A:26A-2.3, that the proposed project will meet all of the following criteria:

- The CVSD has obtained a documented commitment for matching funds as outlined at N.J.A.C. 6A:26A-2.2;
- The proposed project shall increase the number of students in CTE programs and academic programs, and increase academic opportunity by expanding existing or offering new CTE programs;
- The proposed project shall target new student seats for CTE programs that prepare students for high demand, technically skilled careers in accordance with:
demonstrated county needs aligned with labor market demands or to economic development goals in the following industries of focus: construction and energy;

finance; health care; leisure and hospitality; life sciences; manufacturing; retail trade; technology; or transportation, distribution, and logistics; and

- The proposed project meets the grant program objectives outlined at N.J.A.C. 6A:26A-2.1(c).

The proposed requirements will ensure CVSDs meet the criteria for matching funds required by N.J.A.C. 6A:26A-2.2 and paragraph 4.e of the Act and the grant will increase the capacity of CVSDs in accordance with paragraph 4.d of the Act. The proposed rule also will ensure the grant's use will align with labor market demands or economic development goals as required by paragraph 4.d of the Act. The proposed list of industries of focus at N.J.A.C. 6A:26A-2.1(a)1 is aligned to the industries identified by the Department of Labor and Workforce Development (DLWD) as meeting the economic development goals required by the Act. Finally, the proposed rule will ensure the CVSD meets the objectives of the program by directly supporting the addition of new student seats in the CTE program and by consisting of one or more of the eligible scopes of work listed at N.J.A.C. 6A:26A-2.1(c).

The Department proposes N.J.A.C. 6A:26A-2.1(b) to require the school district's application to demonstrate the extent to which the proposed project addresses the following objectives of this grant program:

- 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;

- 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;
- Industry valued credentials, which means programs that lead to a DLWD valued credential in a high demand sector, and how the proposal delivers a program(s) that supports the students listed in N.J.A.C. 6A:26A-2.1(b)1 to earn one or more industry valued credential(s);
- 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 the industries of focus and free of charge to economically disadvantaged students;
- 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;
- 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.

The proposed rule will ensure that the approved projects prepare students for high demand, technically skilled careers, as required in paragraph 4.d. of the Act, by requiring collaboration

with county colleges and prospective employers to create a clear pipeline for the student from the CTE program to the career and by providing the opportunity for students to earn industry-valued credentials, college credits, and apprenticeships that qualify the students for the high demand careers. The proposed rule will also ensure that the approved projects align with labor market demands or economic development goals, as required by paragraph 4.d. of the Act, by requiring specific school district plans for equitable access to a diverse student population, tying the projects to high demand sectors and industries, and requiring that the proposed projects are engaging for 21st century learners.

The Department proposes N.J.A.C. 6A:26A-2.1(c) to require all proposed work to directly support the addition of new student seats in the CTE program, and to consist of one or more of the following scopes of work: renovation of existing square footage to increase the number of student seats; new construction, such as a building addition or stand-alone building to increase the number of student seats; 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; the purchase and installation of furniture and equipment, including technology, in new, renovated, or reassigned spaces; site improvements related to CTE program expansion; or demolition of non-instructional buildings or portions of buildings to accommodate new construction that increases the number of student seats. The proposed rule will ensure that approved CTE project proposals will increase capacity at the CVSD for CTE programs by limiting eligible projects to ones that will expand instructional square footage, as required by paragraph 4.d. of the Act.

The Department proposes N.J.A.C. 6A:26A-2.1(d) to state the following scopes of work or costs shall be ineligible for CVSD CTE grants:

- Site acquisition, including to expand an existing site;
- Building system upgrades or improvements not related to CTE program expansion;
- 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 proposed construction;
- Demolition that results in a net loss of CTE student seats;
- Improvements to leased buildings, except where the lessor is a public entity, such as a school district or county college, the term of the lease agreement is for a minimum of 20 years, with an end date no earlier than June 30, 2044, and the CVSD is authorized to make the capital improvements represented in the grant application;
- Costs incurred prior to the signing of a fully executed grant agreement; and
- Costs of professional consultants whose services are not incurred as part of the construction represented in the grant application.

As required by paragraph 4.d of the Act, the proposed rule will ensure that the funds available for CVSD CTE grants are not used for costs that are a less efficient way to increase the CVSD's capacity to offer CTE programs (that is, site acquisition, improvements not directly related to the CTE program, building additions that will not be comprised of a majority of CTE program instructional space, and demolition that results in a loss of instructional space). The proposed rule will also ensure that CVSD CTE grants are not used for leasehold improvements, except where the lessor is a public entity, the term of the lease is for a minimum of 20 years, and the CVSD is authorized to make the capital improvements represented in the grant agreement to

ensure that projects are for the long-term and lasting benefit of the CVSD and the student population served by the school district. Finally, the proposed rule will ensure that CVSD CTE grants are focused on the projects outlined in the proposal, rather than costs incurred prior to the project. As a whole, the proposed rule will ensure the most efficient use of grant funds to increase CTE program capacity.

N.J.A.C. 6A:26A-2.2 Matching funds

This section outlines the proposed number and amounts of grant funds and reiterates the percentage of project costs that may be paid by grant funds, and the amount that must be matched by the CVSD applicant.

The Department proposes N.J.A.C. 6A:26A-2.2(a) to state that 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. The proposed rule implements paragraph 4.e of the Act, which requires that the grant support 75 percent of the cost of the project and the county that established the CVSD supports 25 percent of the project.

The Department also proposes N.J.A.C. 6A:26A-2.2(a)1 to require the remaining costs of the project to be borne by the CVSD. The proposed provision also states that 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 districts pursuant to N.J.A.C. 6A:23A-17.3 and 17.4. The proposed rule will implement paragraph 4.e of the Act and will ensure that the cost to be borne by the CVSD is not passed on to sending school districts in the county through the tuition paid to the CVSD. The Department proposes N.J.A.C. 6A:26A-2.2(a)2 to require that 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. The proposed provision also will require any change to be submitted to the Commissioner for approval. The proposed rule will ensure that the matching funds requirement in paragraph 4.e of the Act is met and that the school district has sufficient funds to complete the proposed project, if the total cost of the project exceeds the projected cost included in the application.

The Department also proposes N.J.A.C. 6A:26A-2.2(a)3 to state that if the total cost of the project falls below the grant application cost estimate after the award of a grant, the Commissioner will adjust the total grant award accordingly. The proposed rule will ensure that the matching funds requirement in paragraph 4.e of the Act is met. The Department also proposes N.J.A.C. 6A:26A-2.2(a)4 to state 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) if the CVSD is unable to provide its share due to higher than estimated costs. The proposed rule will establish a process for the Department to choose another eligible applicant if the CVSD is unable to provide the local share required under paragraph 4.e of the Act due to higher than estimated costs.

N.J.A.C. 6A:26A-2.3 Priority rubric, regional groups, and grant amounts

This section sets forth the criteria that the Commissioner will use to evaluate and rank the CVSD CTE grant applications. The section provides that each application will be evaluated

based on application quality, the extent to which it meets the grant program's objectives, and a series of efficiency factors for construction projects. The section also sorts CVSDs into regional groups based on geographic location and sets forth the amounts of grant awards pursuant to this subchapter.

The Department proposes N.J.A.C. 6A:26A-2.3(a) to state each application shall be ranked according to a scoring rubric by the Commissioner that evaluates the extent to which the proposed project meets the criteria listed in the rule. The Department proposes N.J.A.C. 6A:26A-2.3(a)1 and 2 to require the criteria for ranking to include application quality and 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. The proposed criteria will ensure that the applications that address the grant requirements in the best and most clear way are prioritized to confirm the substantive elements of the application are in place and to ensure the applications meet the grant program requirements set forth in paragraph 4.d of the Act, which are articulated at N.J.A.C. 6A:26A-2.1(c). The Department proposes at N.J.A.C. 6A:26A-2.3(a)3 that the application ranking will be based on the following construction criteria, as applicable: 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; 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 cost per student, which means the ratio of total proposed project costs relative to proposed new CTE program capacity, and compared to applications in the same or similar industry cluster group, and in the same geographic group as set forth at N.J.A.C. 6A:26A-2.3(b).

The proposed rule will ensure that the grants meet the program goals set forth in paragraph 4.d. of the Act to increase the capacity of the CVSD to offer CTE programs in the most efficient manner possible by giving priority to projects that create new program seats in the most efficient way.

The Department proposes N.J.A.C. 6A:26A-2.3(b) to provide that the following geographic location groups will be used to ensure that the expansion of CTE program capacity is distributed throughout the State: group A will include the CVSDs in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem counties; group B will include the CVSDs in Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and Union counties; and group C will include the CVSDs in Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Warren counties.

The Department proposes N.J.A.C. 6A:26A-2.3(c) to require the total amount of grant awards for CVSD CTE program projects to be allocated as follows: \$115 million to fund a minimum of six “small projects,” which means projects with total project costs of \$25 million or less each and no more than \$160 million to fund four “large projects,” which means projects with total project costs of more than \$25 million. The Department proposes N.J.A.C. 6A:26A-2.3(c)1i to stipulate that the \$115 million for small projects will be awarded via one grant to each of the two highest-ranking projects as evaluated pursuant to N.J.A.C. 6A:26A-2.3(a) in each regional group. Proposed N.J.A.C. 6A:26A-2.3(c)1ii will allow, if excess funds remain after the award of the six grants, additional grants to be awarded to the next highest-ranking projects, regardless of regional group. The Department proposes N.J.A.C. 6A:26A-2.3(c)2i to stipulate that the \$160 million for large projects will be awarded via one grant to each of the highest-ranking applicants as evaluated pursuant to N.J.A.C. 6A:26A-2.3(a) in each of the three regional groups and one

grant to the next highest overall applicant in any county. Proposed N.J.A.C. 6A:26A-2.3(c)1ii will allow, if excess funds remain after the award of the four grants, for the remaining funds to be held in reserve or reassigned to projects pursuant to N.J.A.C. 6A:26A-2.3(c)1, as allocated by the Commissioner pursuant to the Act.

The Department proposes N.J.A.C. 6A:26A-2.3(c)3 to provide that the Commissioner shall award no more than four large projects grants (that is, projects in excess of \$25 million). The Department proposes N.J.A.C. 6A:26A-2.3(c)4 to provide that no CVSD CTE grant shall be for more than a total of \$40 million. The proposed rules will ensure that grant funds will be available for distribution to more CVSDs in both small and large projects than if the Department approved only a few large projects. The Department proposes N.J.A.C. 6A:26A-2.3(c)5 to allow the Commissioner to award multiple small project grants to a single CVSD if the total project costs for all of the CVSD's small projects are less than \$25 million. The proposed rule will allow for multiple small project grants to a CVSD so long as the total amount of project costs for all of the CVSD's small projects still meets the small project grant limitation set forth in N.J.A.C. 6A:26A-2.3(c)1.

N.J.A.C. 6A:26A-2.4 Application procedures for county vocational school district career and technical education grants

This section sets forth the application procedures for CVSD CTE grants. The section provides the specific requirements that must be included in the CVSD's application, how many applications may be submitted by each CVSD, and the Commissioner's process for advancing complete applications to be reviewed in accordance with the subchapter's criteria.

The Department proposes N.J.A.C. 6A:26A-2.4(a) to require applicants for CVSD CTE grants to submit a completed application with the following required information in a Commissioner-prescribed format. The Department proposes N.J.A.C. 6A:26A-2.4(a)1 through 5 to require that applicants submit: a completed application form; updates in the Department's web-based long-range facilities plan (LRFP) 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; a complete educational school facilities project application schematic submission; the chief school administrator's certification that the application is in compliance with N.J.A.C. 6A:26-2.1; 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. The proposed rules will ensure that applicants provide information that supports the proposed project's adherence to paragraph 4.d of the Act in the application form and the project description, provide information about how the project will increase the CVSD's capacity to offer CTE programs in updates to the LRFP and the project description, and certify that the project meets the matching requirement required by paragraph 4.e of the Act.

The Department proposes N.J.A.C. 6A:26A-2.4(a)6 to require the completed application to include 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. The Department proposes N.J.A.C. 6A:26A-2.4(a)6i to require the application to indicate how the program will address the objective of equitable access. The proposed provision also will require the application to present a targeted and achievable plan for identifying, recruiting, enrolling, and supporting students from special

populations. The plan must include a data analysis of students served, including a baseline, trends and gaps, and county demographics; targets for annual increases in representation of student populations identified as underserved and aimed at programs that reflect county demographic data; research-based strategies for effectively assembling and communicating with students and families in the identified subgroups, including when and where the school district anticipates making the communications; and a value proposition that promotes CTE generally and the new program(s) specifically. The proposed rule will ensure the applicant demonstrates how the program will expand the CVSD's program capacity as required in paragraph 4.e of the Act.

The Department proposes N.J.A.C. 6A:26A-2.4(a)6ii to require the application's narrative explanation to demonstrate collaboration that must include, at a minimum: letters of interest submitted by one or more interested partners; the grade levels and anticipated number of students to be served; details on the partnership, including the frequency and duration of the program or events and the organizational structure for communication and delivery; and details on the process by which the CVSD engaged employers to identify workforce needs. The proposed rule will ensure that the applicant will provide information regarding when the CVSD entered into a partnership with a county college or employer for the provision of CTE programs, which is a priority set forth in paragraph 4.d(2) and (3) of the Act. The Department proposes N.J.A.C. 6A:26A-2.4(a)6iii to require the application's narrative explanation for a proposal that includes industry-valued credentials to explain how the program is aligned to an industry-valued credential and how the curriculum will promote success for all students in obtaining the industry-valued credential. The proposed rule will ensure that the applicant includes information

sufficient to demonstrate how the proposed project prepares students for high demand, technically skilled careers through industry-valued credentials.

The Department proposes N.J.A.C. 6A:26A-2.4(a)6iv to require the application's narrative description for a proposal that includes college credits to include a sustainable plan that funds college credits for economically disadvantaged students enrolled in the program and a partnership agreement with an accredited two- or four-year institution of higher education. The proposed rule will ensure that applications will indicate how the proposed project prepares students for high demand, technically skilled careers through industry-valued credentials obtained through college credits as required by paragraph 4.d of the Act, and that applications include sufficient information to prioritize proposals that offers a stackable credentials program, which is a program established for the purpose of supporting industry-recognized, short-term credentials and certificates that count toward a higher-level certificate or degree and enable individuals to advance in employment and training over the course of their careers. The Department proposes N.J.A.C. 6A:26A-2.4(a)6v to require the application's narrative description for a proposal that includes an apprenticeship to include, at a minimum: a signed letter of interest by an industry partner or county college partner, as applicable; a description of the current or planned pre-apprenticeship model to be offered with the industry partner; the estimated number of students who will be able to participate in the apprenticeship program; a clearly developed plan for the cost of student participation, such as student transportation, supplies, materials, and access to support services, as well as a sustainability plan; and a specific and detailed plan for student transition to directly enter a registered apprenticeship program from a pre-apprenticeship program. The proposed rule will ensure that approved projects prepare students for high demand,

technically skilled careers through industry-valued credentials as required by paragraph 4.d of the Act.

The Department proposes N.J.A.C. 6A:26A-2.4(a)6vi to require that the application's narrative description include 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. The proposed rule will ensure that approved projects will prepare students for high demand, technically skilled careers as required by paragraph 4.d of the Act.

The Department proposes N.J.A.C. 6A:26A-2.4(a)7 and 8 to require the application to include a copy of the resolution adopted by the CVSD's board of education authorizing the grant application and 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. The proposed rules will ensure that the application and the local matching funds are legally approved by the governing bodies of the CVSD and the county.

The Department proposes N.J.A.C. 6A:26A-2.4(a)9 to require, for proposed work to leased property, a CVSD to also submit 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 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. The proposed rule will ensure that CVSD CTE grants are not used for leasehold improvements, except where the lessor is a public entity, the term of the lease is for a minimum of 20 years, and the CVSD is authorized to make the capital improvements represented in the

grant agreement, all of which will ensure that approved projects are for the long-term and lasting benefit of the CVSD and the student population served by the CVSD.

The Department proposes N.J.A.C. 6A:26A-2.4(b) to limit CVSDs to one grant application for each school campus that may address all or some schools and buildings on the school campus. For the purpose of this subsection only, “school campus” means a parcel of land that is non-contiguous with other school district-owned properties and one school campus may include one or more schools in one or multiple buildings. The proposed rule will ensure equal distribution of the CVSD CTE grants among the existing CVSDs and regional areas across the State by limiting the number of grants per campus.

The Department proposes N.J.A.C. 6A:26A-2.4(c) to state the Commissioner will review all applications for completeness. The proposed rule will ensure that applications are complete and ready for evaluation according to the rubric.

The Department proposes N.J.A.C. 6A:26A-2.4(d) to state the Commissioner will advance complete applications to be evaluated and scored based on the requirements at N.J.A.C. 6A:26A-2.4(a) and criteria at N.J.A.C. 6A:26A-2.3. The proposed rule will establish the procedure for evaluation of complete applications in accordance with the proposed criteria.

The Department proposes N.J.A.C. 6A:26A-2.4(e) to provide that the Commissioner may request clarification or additional information from the applicant during the evaluation and scoring of the application. The proposed rule will ensure the Commissioner has the opportunity to request further information if an application is not complete.

The Department proposes N.J.A.C. 6A:26A-2.4(f) to prohibit a CVSD from making material changes to a project after approval of the grant by the Legislature pursuant to N.J.A.C. 6A:26A-1.5. The proposed rule also will require Commissioner approval of all non-material

changes to the proposed project, including value engineering and square footage reductions that do not impact proposed CTE student seats or change the rubric score of the application. The proposed rule further states that 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. The proposed rule will ensure that changes to the proposed project after the Legislature approves the project do not result in material changes, or ineligible work or costs, and that the project remains qualified for the grant.

N.J.A.C. 6A:26A-2.5 School facilities project approval

This section sets forth the process for the Commissioner to award a grant and the requirements that the successful applicant must complete as a condition of receiving all funds under this grant.

The Department proposes N.J.A.C. 6A:26A-2.5 to require, following receipt of a notification letter and as a condition for receipt of grant funds, the school district to submit a complete LRFP 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. The proposed rule will ensure that CVSD CTE projects comply with the other capital project standards as required by the educational facilities regulations at N.J.A.C. 6A:26.

Subchapter 3. School district water infrastructure improvement project grants

N.J.A.C. 6A:26A-3.1 General eligibility for school district water infrastructure improvement grants

This section sets forth general eligibility requirements for school district water infrastructure improvement grant applications.

The Department proposes N.J.A.C. 6A:26A-3.1(a) to allow school districts to submit school district water infrastructure improvement grant applications for completed or proposed water infrastructure improvement projects at school district schools serving grades kindergarten through 12. The proposed rule will ensure that school district water infrastructure improvement grants comply with the chapter's definitions for "project" and "school."

The Department proposes N.J.A.C. 6A:26A-3.1(b) to require all applicants for school district water infrastructure improvement grants to submit proof of compliance with N.J.A.C. 6A:26-12.4. The proposed rule also states that applications will be disqualified for failure to comply with N.J.A.C. 6A:26-12.4. The proposed rule will ensure that school districts are complying with the lead testing requirements at N.J.A.C. 6A:26-12.4, as the testing results will be used in determining eligibility for the program. The Department will use the application process as an additional measure to enforce the provisions of existing safe drinking water safety rules.

N.J.A.C. 6A:26A-3.2 Eligible work for school district water infrastructure improvement grants

The section describes types of water infrastructure improvements to drinking water outlets and whole system remediation that qualify for school district water infrastructure improvement grants under the subchapter. The section also provides a list of work that is ineligible for grants.

The Department proposes N.J.A.C. 6A:26A-3.2(a) to provide that the Commissioner will award water infrastructure improvement grants for projects that address water contamination,

including 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 district schools and whole system remediation. Proposed N.J.A.C. 6A:26A-3.2(a)1i describes improvements eligible for grants as including 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. Proposed N.J.A.C. 6A:26A-3.2(a)1ii includes, as improvements eligible for grants, the installation of point-of-use treatment devices that are certified to reduce lead or other contaminants in accordance with National Science Foundation/ANSI, in conjunction with an operation and maintenance plan requiring that the school business administrator, or designee, to submit an annual certification that the treatment device is being properly maintained and operated to the executive county superintendent.

Proposed N.J.A.C. 6A:26A-3.2(a)2i describes whole system remediation eligible for grants as including 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. The proposed rule also requires eligible systems to 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. Proposed N.J.A.C. 6A:26A-3.2(a)2ii includes, as whole system remediation eligible for grants, the replacement of lead service lines that provide water to school district schools from the water main to the building inlet. The proposed rule also requires eligible replacement of lead service lines to be conducted in collaboration with the public water system or utility that serves the

facility and to 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. Proposed N.J.A.C. 6A:26A-3.2(a)2iii includes, as whole system remediation eligible for grants, the 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. The proposed rule will ensure that the approved projects to replace lead service lines incorporate the possible ownership arrangements for lead service lines by involving the public water system or utility in the project and by ensuring that projects do not replace only part of a lead service line and create a more negative impact than if the lead service line remained in place. The proposed rule will also limit water infrastructure improvement projects to safe and proven remediation methods that are the most efficient means to address water contamination for as many drinking water outlets as possible, given the total amount of funding available for water infrastructure improvements under the Act. The eligible projects draw on the Department's expertise in the supervision of school facilities projects, as well as the DEP's expertise in implementation of the NJSDWA.

The Department proposes N.J.A.C. 6A:26A-3.2(b) to provide a list of work that is ineligible for school district water infrastructure improvement grants. The Department proposes N.J.A.C. 6A:26A-3.2(b)1 to provide that water infrastructure improvements prior to January 1, 2016, are ineligible for the grants, which will align the reimbursement for completed water infrastructure improvement improvements with the time period for reimbursement of water

quality testing in accordance with P.L. 2017, c. 86. The Department proposes N.J.A.C. 6A:26A-3.2(b)2 to provide that work to be funded by debt service is ineligible for the grants. The proposed rule will ensure that a proposed water improvement project is not contingent on voter approval of a referendum and issuance of bonds and, therefore, the Commissioner is assured the proposed project will not fail after allocation of a school district water infrastructure improvement grant and, for reimbursement requests, that the completed project is not the subject of debt in addition to the bonds issued under the Act.

The Department proposes N.J.A.C. 6A:26A-3.2(b)3 to provide that work not specifically listed at N.J.A.C. 6A:26-3.2(a) is ineligible for school district water infrastructure improvement grants. The proposed rule will ensure that grants are not allocated to projects that do not meet the standards set forth at N.J.A.C. 6A:26-3.2(a). The Department proposes N.J.A.C. 6A:26A-3.2(b)4 to provide that work for fixtures that are not considered drinking water outlets is ineligible for the grants. The proposed rule will ensure that funds under the Act are not expended for outlets that are not drinking water outlets and to align the grant program with the testing requirements at N.J.A.C. 6A:26-12.4.

The Department proposes N.J.A.C. 6A:26A-3.2(b)5 to state that any services performed by consultants or otherwise not included in the full cost of the water infrastructure improvement project are ineligible for the grants. The proposed rule will ensure that the grant monies are used for actual water infrastructure improvements, rather than consultant fees. The Department proposes N.J.A.C. 6A:26A-3.2(b)6 to include whole-school plumbing assessments or any services outside of the subchapter as work ineligible for the grants. The proposed rule will ensure that the grant monies are used for actual water infrastructure improvement grants, rather than

testing, except as set forth in the subchapter; the Department provides for reimbursement for testing through other means at N.J.A.C. 6A:26-12.4.

The Department proposes N.J.A.C. 6A:26A-3.2(b)7 to include improvements to school district schools solely used for early childhood students as ineligible work for school district water infrastructure improvement grants. The proposed rule will ensure that the grants are used only at schools that are covered by the Act, which defines a “school” as including “any of the grades kindergarten through 12.”

The Department proposes N.J.A.C. 6A:26A-3.2(b)8 to state that improvements to a leased building are ineligible for school district water infrastructure improvement grants, except where the lessor is a public entity, such as a school district or county college, the lease agreement’s term is for a minimum of five years with an end date no earlier than June 30, 2024, and the school district is authorized to make the improvements represented in the grant application. The proposed rule will ensure that projects receiving grant funds are to the long-term and lasting benefit of the student population served by the school district.

The Department proposes N.J.A.C. 6A:26A-3.2(b)9 to state that improvements to a charter or renaissance school are ineligible for school district water infrastructure improvement grants, since the definition of “school district” in the Act does not include charter or renaissance schools.

The Department proposes N.J.A.C. 6A:26A-3.2(b)10 to include as ineligible work, the costs for replacement of filters after initial purchase and completion of the water infrastructure improvement project funded by a grant. The proposed rule reflects that the cost of maintenance, such as the replacement of filters after initial purchase and completion of the project, is not included in the Act’s definition of “project.”

N.J.A.C. 6A:26A-3.3 Amount, allocation, and prioritization of school district water infrastructure improvement grants

This section sets forth the limitations on school district water infrastructure improvement grants for both drinking water outlet improvements and whole system remediation, and provides a list of factors that the Commissioner will consider when prioritizing projects if total grant applications exceed the total amount of funds provided under the Act.

The Department proposes N.J.A.C. 6A:26A-3.3(a) to state that, subject to the availability of sufficient funds for eligible projects, grants for school district water infrastructure improvements will be funded at 100 percent of the cost for improvements to drinking water outlets up to a maximum of \$6,000 per unit and at 100 percent of the cost of whole system remediation. The proposed rule will maximize the remediation to be provided under the total \$100 million allocated by the Act for water infrastructure improvements.

The Department proposes N.J.A.C. 6A:26A-3.3(b) to provide that applications will be prioritized or total funds provided will be capped 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. Proposed N.J.A.C. 6A:26A-3.3(b) also states the prioritization or capping will be based on: the type of contaminant and levels of contaminants detected; grade levels served by the school, with highest priority to the earliest grade levels; existing construction age of the school; Executive Order No. 23 (2018); and other relevant criteria as determined by the Commissioner. If the total amount of \$100 million allocated to water infrastructure improvements in the Act is not sufficient to fully fund every submitted project, the proposed rule will ensure the disbursed funds will be prioritized based on

health and safety considerations, such as the type of contaminant and levels of contaminants detected, grade levels served by the school, and the school's existing construction age. The proposed rule also will ensure that the environmental justice priorities outlined in Executive Order No. 23 are considered in prioritizing water infrastructure improvement projects. Finally, the proposed rule will ensure that the Commissioner has sufficient discretion to include other relevant criteria in the prioritization of water infrastructure improvement projects, so the Commissioner can consider the best available criteria, including, for example, the testing data submitted with project applications or a real-time public health emergency.

N.J.A.C. 6A:26A-3.4 Application procedures for school district water infrastructure improvement grants

This section sets forth the application procedures for school district water infrastructure improvement grants, including the time period for submission, a list of the materials that are required for a complete application, and the Commissioner's process to review, evaluate, and prioritize applications.

The Department proposes N.J.A.C. 6A:26A-3.4(a) to state that applications for school district water infrastructure improvement grants will not be accepted before or after the submission time period established by the Commissioner. The proposed rule sets expectations that the Commissioner will set the time period during which applications will be accepted.

The Department proposes N.J.A.C. 6A:26A-3.4(b) to establish a list of materials that will be required for a complete application. The Department proposes N.J.A.C. 6A:26A-3.4(b)1 to include the Water Infrastructure Improvement Grant Application form as a requirement for a complete application. The proposed rule will ensure that the Commissioner-designated

application form, which will cover some of the information required for reviewing the eligibility of the project and prioritizing the project, is submitted as part of the application. The Department proposes N.J.A.C. 6A:26A-3.4(b)2 to require inclusion of the consultant certification verifying the proposed scope of work and costs to ensure that the work's scope and costs have been verified by an appropriate, credentialed consultant.

The Department proposes N.J.A.C. 6A:26A-3.4(b)3 to require invoices and proof of payment, if submitting a request for reimbursement of completed water infrastructure improvement work, as part of a complete application. The proposed rule will ensure that the Commissioner has sufficient documentation of expenditures for completed work that school districts submit for reimbursement. The Department proposes N.J.A.C. 6A:26A-3.4(b)4 to require the inclusion of a resolution adopted by the district board of education approving the grant application's submission and affirming the availability of local funds to complete the project if the total estimated costs exceed the grant allocation. The proposed rule will ensure that the school district has the legal authority to submit the grant application through the district board of education's approval and that the school district will have sufficient funds to complete the project if it exceeds the total grant amount.

The Department proposes N.J.A.C. 6A:26A-3.4(b)5 to require a sustainability plan for filtration solutions, including testing schedules and proposed maintenance procedures and schedules, as part of a complete application. The proposed rule will require school districts that install a filtration system to have a plan to make sure the system continues to function beyond initial installation, which ultimately will ensure that students continue to have access to safe drinking water beyond the completion of the water infrastructure improvement project. The Department proposes N.J.A.C. 6A:26A-3.4(b)6 to require a complete application to include the

submission of a copy of the most recent districtwide water quality testing results for all buildings completed by a certified laboratory; and 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 a copy of the water quality testing results that triggered the project if the application includes a request for reimbursement of completed water infrastructure improvement projects. The proposed rule will require the submission of water quality testing results to ensure that applying school districts are eligible for water infrastructure improvement grants and to provide sufficient information for the Commissioner to prioritize projects, if necessary.

The Department proposes N.J.A.C. 6A:26A-3.4(b)7 to require complete applications to include a copy of a water bill or other documentation that evidences which public water system serves the building(s), if applicable, to ensure that school districts replacing lead service lines are conducting the replacement in conjunction with the public water system or utility that serves the facility. The Department proposes N.J.A.C. 6A:26A-3.4(b)8 to require proof of compliance with N.J.A.C. 6A:26-12.4 and 6A:26A-3.4(b)6i. The proposed rule will ensure that the school district has complied with the eligibility requirements at N.J.A.C. 6A:26A-3.1(b).

The Department proposes N.J.A.C. 6A:26A-3.4(b)9 to require a complete application for proposed work at a leased property to include an executed lease agreement or an 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 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. The proposed rule will ensure that the requirements at N.J.A.C. 6A:26A-3.2(b)8 are demonstrated in the application.

The Department proposes N.J.A.C. 6A:26A-3.4(c) to state the Commissioner will review all applications for school district water infrastructure improvement grants for completeness. The proposed rule will ensure that the Commissioner has all of the required documentation for project review, evaluation, and approval prior to advancing the application.

The Department proposes N.J.A.C. 6A:26A-3.4(d) to state the Commissioner will advance only complete applications to be evaluated based on the subchapter's criteria and prioritized pursuant to the criteria identified at N.J.A.C. 6A:26A-3.3(b). The proposed rule will ensure that only complete applications advance.

The Department proposes N.J.A.C. 6A:26A-3.4(e) to enable, upon review of complete applications, the Commissioner to request the following before approving a grant under the subchapter: clarification or additional information based on the information submitted in the school district application; review of the application by another State agency to determine compliance with the program's requirements; on-site inspections by another State agency to determine compliance with the program's requirements; and other terms determined by the Commissioner. The proposed rule will ensure that the Commissioner is able to obtain all necessary information to evaluate and prioritize school district water infrastructure projects, even if the information is not included in the school district's original application. The proposed rule also will allow the Commissioner to utilize the expertise of the Department's partner agencies identified in the Act and in the regulation of school facilities in determining compliance with the program's requirements.

N.J.A.C. 6A:26A-3.5 Closeout

This section addresses the steps that a school district must take upon closing out a school district water infrastructure improvement grant pursuant to this subchapter. The section includes provisions on required water testing and the funding for closeout water testing.

The Department proposes N.J.A.C. 6A:26A-3.5(a) to require, upon completion and before closeout of the project, the school district to conduct a sampling and analysis in accordance with the SDWA. The proposed rule will ensure that the school district conducts water testing and that the water infrastructure improvement remediated the contamination in the school district.

The Department proposes N.J.A.C. 6A:26A-3.5(b) to allow water testing conducted upon closeout of a water infrastructure improvement project pursuant to the subchapter to be an allowable cost included in the grant. The proposed rule will ensure that the school district has funding to complete the water testing that will verify that the project has remediated the contamination.

Subchapter 4. School Security Project Grants

N.J.A.C. 6A:26A-4.1 General eligibility criteria for school security project grants

This section sets forth the general eligibility criteria for school security projects.

The Department proposes N.J.A.C. 6A:26A-4.1(a) to state that 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 the subchapter. The proposed rule will

ensure that school security project grants are provided to school districts that operate school buildings and the program is aligned to the Act's definition of "security project."

The Department proposes N.J.A.C. 6A:26A-4.1(b) to state the Commissioner may award school security project grants to school districts for planned or completed projects to comply with Alyssa's Law and for planned school security projects to implement the provisions of N.J.S.A. 18A:7G-5.2. The proposed rule will ensure that school security project grants are used for authorized purposes.

The Department proposes N.J.A.C. 6A:26A-4.1(c) to state the Commissioner shall not award school security project grants to a school district that fails to demonstrate compliance with Alyssa's Law in each school building in the school district or to submit a school security project application that includes projects that will ensure the school district is in compliance with Alyssa's Law. The proposed rule will ensure that school districts that apply for school security project grants will comply with Alyssa's Law. The proposed rule also will provide school districts the option of demonstrating whether they are already in compliance with Alyssa's Law or will be utilizing the school security project grants to comply.

The Department proposes N.J.A.C. 6A:26A-4.1(d) to state that school security projects to comply with Alyssa's Law are limited to "school buildings," and school security projects to comply with N.J.S.A. 18A:7G-5.1 are limited to "schools" as both terms are defined in the chapter. The proposed rule will align the school security grant program to the Act and the rules implementing Alyssa's Law.

The Department proposes N.J.A.C. 6A:26A-4.1(e) to state the Commissioner will calculate a maximum grant allowance for each school district based on the school district's student population and grades served. The proposed rule will ensure that school security project

grants are distributed in a way that accounts for the relative size and type of school buildings, based on grades served, in each school district applying for the grant.

The Department proposes N.J.A.C. 6A:26A-4.1(f) to allow that 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, as long as each school building meets the requirements for compliance with Alyssa's Law. The proposed rule will provide school districts with flexibility on how to allocate its school security grant funding between individual school buildings, as long as the school district demonstrates compliance with Alyssa's Law in each school building.

The Department proposes N.J.A.C. 6A:26A-4.1(g) to require a school district that proposes to expend funds in excess of its maximum grant allowance to comply with Alyssa's Law to demonstrate the existence of local funds to fund the excess cost of the proposed project to comply with Alyssa's Law. The proposed rule also will prohibit debt service aid from being provided to support the raising of local funds for an excess cost for a proposed project to comply with Alyssa's Law. The proposed rule will ensure that a school district's sole source of State funding for Alyssa's Law compliance is from the grant funds under the subchapter and that any excess costs will be covered by local funds.

N.J.A.C. 6A:26A-4.2 Application procedures for a school security grant

This section sets forth the procedures for school districts to apply for school security grants. The section sets limitations on the number of applications per school district and lists the specific required documents and other information that must be included for a complete

application. Finally, the section provides the Commissioner's process for collecting additional information from school districts and notifying them of a grant determination.

The Department proposes N.J.A.C. 6A:26A-4.2(a) to require school districts applying for a school security grant to submit one application that includes all eligible school buildings and projects. The proposed rule will ensure that school districts submit applications on a districtwide basis, rather than on an individual school level, which will streamline the process for determination of Alyssa's Law compliance and allocation of security grants to school districts under this subchapter.

The Department proposes N.J.A.C. 6A:26A-4.2(b) to require school districts applying for a school security grant to submit the following documentation within the deadlines set by the Commissioner: a School Security Grant Application form; a resolution adopted by the district board of education that affirms the grant application's submission and the availability of local funds in case the total estimated costs of the proposed project exceeds the school district's grant allowance. The proposed rule will ensure that school districts complete the required application form and provide a district board of education resolution to demonstrate that the grant application is legally authorized by the school district's governing body and that local funds are available for the school security project's cost that exceeds the grant allowance.

The Department proposes N.J.A.C. 6A:26A-4.2(b)3 to require applying school districts to submit documentation to demonstrate compliance or a plan to comply with Alyssa's Law using the school security project grant. Proposed N.J.A.C. 6A:26A-4.2(b)3i will require the documentation to include proof of a determination of compliance with Alyssa's Law by the NJSDA if the school district has obtained the proof of compliance prior to the submission of an application for a school security project grant. For a school district that seeks reimbursement for

a completed project to comply with Alyssa's Law, proposed N.J.A.C. 6A:26A-4.2(b)3ii will require submission of the required documentation for compliance with Alyssa's Law 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 detailed and dated invoices and proof of payment.

For a school district that seeks grant funding for a proposed project to comply with Alyssa's Law, proposed N.J.A.C. 6A:26A-4.2(b)3iii will require submission of 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 or an alternative emergency mechanism. Proposed N.J.A.C. 6A:26A-4.2(b)3iii(1) will also require the description to be prepared by a school district representative or by the vendor, designer, or proposed installer of the project. Proposed N.J.A.C. 6A:26A-4.2(b)3iii(2) and (3) will also require submission of a detailed cost estimate by a vendor or design professional for the proposed project, specified by school building, and the anticipated installation completion date for each school building. Proposed N.J.A.C. 6A:26A-4.2(b)3iii(4) will require submission of a written acknowledgment by the chief school administrator, school business administrator, or designee, that the proposed installer meets license requirements or that provides a description of the proposed installer's credentials. Proposed N.J.A.C. 6A:26A-4.2(b)3iii(5) will require submission of 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 proposed rule also will require

the certification to be signed by a representative from local law enforcement or the State Police; the chief school administrator, school business administrator, or designee; 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. Proposed N.J.A.C. 6A:26A-4.2(b)3iii(6) will require submission of 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 if the proposed project does not meet any provision of N.J.S.A. 18A:41-11.a through d.

The Department proposes N.J.A.C. 6A:26A-4.2(b)4 to require school districts applying for a proposed project to comply with N.J.S.A. 18A:7G-5.2 to submit a detailed description of the security objective and proposed project, a detailed cost estimate by a professional, and an estimated completion date. The proposed rule will ensure that school districts submit sufficient information for the NJSDA and Commissioner to confirm compliance with Alyssa's Law and the cost of the compliance, as well as to determine whether the proposed school security work is eligible for the grant program under the subchapter.

The Department proposes N.J.A.C. 6A:26A-4.2(b)5 to require a school district applying for proposed work at leased property to submit an executed lease agreement or an MOU between the school district and the lessor that memorializes the requirements at N.J.A.C. 6A:26A-4.4(d)2, as well as 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. The proposed rule will ensure that the school district provides sufficient information to demonstrate compliance with N.J.A.C. 6A:26A-4.4(d)2.

The Department proposes N.J.A.C. 6A:26A-4.2(c) to allow the Commissioner to request clarification of information contained in the school district's application or additional information related to a submitted application. The proposed rule will ensure that the Commissioner is able to obtain all of the necessary information to evaluate the school district's application.

N.J.A.C. 6A:26A-4.3 Maximum school district allowance for school security grants

This section sets forth the methodology for determining the allocation of school security grants to school districts.

The Department proposes N.J.A.C. 6A:26A-4.3(a) to provide that approved grants for school security projects will fund 100 percent of total eligible project costs up to the maximum school district allowance. The proposed rule informs school districts of the amount of school security project grants that the Commissioner will grant to school districts.

The Department proposes N.J.A.C. 6A:26A-4.3(b) to state that 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. Under the proposed rule, approved school security grants will be based on factors that ensure school districts have sufficient funds to comply with Alyssa's Law and to make school security improvements in accordance with the size of the school district and the amount of funds provided for by the Act.

The Department proposes N.J.A.C. 6A:26A-4.3(c) to allow a school district to revise its application to reduce the project's scope of work or identify local funds for the excess cost if the final cost of the school district's proposed school security projects exceed the amount in its application, as long as the project still conforms with the subchapter and any project modification is memorialized in an addendum to the grant agreement. The proposed rule will ensure that an unexpected high final cost of the proposed work does not prevent the work from moving forward if the school district can revise its project or identify local funds to pay for the excess cost.

N.J.A.C. 6A:26A-4.4 Eligible expenditures for school security grants

This section sets forth the criteria for eligible and ineligible expenditures of school security grants. The section also lists school security project work that is eligible and ineligible for school security project grant funding.

The Department proposes N.J.A.C. 6A:26A-4.4(a) to require grants awarded pursuant to the subchapter to comply with Alyssa's Law to meet the requirements set forth at N.J.A.C. 19:32A. The proposed rule will ensure that grants for Alyssa's Law projects meets the rules promulgated by the NJSDA to ensure compliance with Alyssa's Law.

The Department proposes N.J.A.C. 6A:26A-4.4(b) to state that requests for reimbursement of costs to comply with Alyssa's Law incurred before the effective date of Alyssa's Law are eligible for funding, as long as the costs were incurred after January 1, 2016. The proposed rule will ensure that reimbursement for completed Alyssa's Law projects is consistent with this subchapter and the rule for reimbursement of completed water infrastructure improvement projects at N.J.A.C. 6A:26A-3.

The Department proposes N.J.A.C. 6A:26A-4.4(c) to state the following proposed school security projects for work pursuant to N.J.S.A. 18A:7G-5.2 are eligible for grant funding:

- 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;
- Lighting around buildings and parking lots;
- Surveillance cameras;
- Signage;
- 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;
- Access control systems that allow for remote locking and unlocking of all building access doors;
- Keyless locking mechanism on interior doors to spaces serving as safe havens during lockdowns;
- Ballistic or shatter resistant film on glass entrance door sidelights and other vulnerable first floor areas;
- Surveillance cameras; and
- Dedicated servers and emergency generators for security systems.

The proposed rule prioritizes school security work required by N.J.S.A. 18A:7G-5.2 that is efficient and that school districts will likely be able to plan for and accomplish within the limitations of the funds provided under the Act. The proposed rule also provides that the proposed work adheres to the Act's definition of "security project."

The Department proposes N.J.A.C. 6A:26A-4.4(d) to state the following expenditures are ineligible for school security grant funding:

- Expenditures that do not comply with N.J.A.C. 6A:26A-4.1(b). The proposed rule will ensure that the school security grant funds to school districts are used for the construction, improvement, alteration, or modernization of all or any part of a school in a school district for school security purposes, and are not used for routine maintenance or other costs that are not directly provided for under the Act's definition of "security project";
- Expenditures at leased facilities, except where the lessor is a public entity, such as a school district or county college, the term of the lease agreement is for a minimum of five years, with an end date no earlier than June 30, 2024, and the school district is authorized to make the improvements represented in the grant application. The proposed rule will ensure that the grant funds projects for the long-term and lasting benefit of the student population served by the school district;
- Expenditures at school buildings that do not serve students in any combination of grades kindergarten through 12. The proposed rule aligns the rules to the Act's definitions for "school" and "school district" by limiting expenditures to costs at school districts and in buildings that serve students in grades kindergarten through 12;
- Expenditures pursuant to N.J.S.A. 18A:7G-5.2 without a demonstration of compliance with Alyssa's Law. The proposed rule also will ensure compliance

with Alyssa’s Law by not allowing school districts to expend funds to comply with N.J.S.A. 18A:7G-5.2 without demonstrating Alyssa’s Law compliance;

- New construction for security vestibules in excess of 300 square feet. The proposed rule will ensure that school security grant funds are used as efficiently as possible to provide maximum school security improvements across each school district by limiting the size of the construction of security vestibules;
- School security audits, safety assessments, or security monitoring fees. The proposed rule will ensure that the school security grant funds to school districts are used for the construction, improvement, alteration, or modernization of all or any part of a school in a school district for school security purposes, and are not used for routine maintenance or other costs that are not directly provided for under the Act’s definition for “security project”; and
- Expenditures to complete the grant application. The proposed rule will ensure that the school security grant funds to school districts are used for the construction, improvement, alteration, or modernization of all or any part of a school in a school district for school security purposes, and are not used for routine maintenance or other costs that are not directly provided for under the Act’s definition for “security project”.

As the Department has provided a 60-day comment period in this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules for CVSD CTE grants will increase student access to CTE programs that prepare students for high demand, technically skilled careers. The Department anticipates the CVSD CTE grant program will create a positive social impact by increasing educational options that support students as they enter the workforce, including connecting students with apprenticeships and potential employers and opportunities to obtain college credits and other industry-valued credentials. The focus of the CVSD CTE program on equitable access will create expanded educational opportunity and a lifelong social impact on employability and workforce participation for students from diverse backgrounds. The water infrastructure improvement grants will have a positive social impact by ensuring both students and school district staff have access to safe drinking water at schools, which will create immediate and lasting health benefits. Finally, the school security grants will contribute to the security of schools in school districts throughout the State by funding panic alarms and other school security projects, which will have the positive social impact of making students and staff feel more secure in the school environment.

Economic Impact

The proposed rules will create a positive economic impact for students who will have increased access to CTE programs that prepare them for entry into high demand, technically skilled careers and educational programs that are aligned with the State's labor market demands or economic development goals. The CVSD CTE grants will also positively impact employers who partner with CVSDs in the expansion of CTE programs, as the partners will have access to trained employees to grow their businesses. All three of the proposed grant programs will create a positive impact for industries involved with school construction and school security as the

grants to school districts will create business for these industries in the amount of the grants awarded. As the CTE grants require matching local funds in the amount of 25 percent of total project costs, it will result in increased costs to CVSDs that receive a grant under this chapter. However, because CVSDs must bear the cost of the matching local funds, school districts that send students to CVSDs will not see an increase in costs.

Federal Standards Statement

The proposed new rules will not be inconsistent with, or exceed, Federal requirements or standards as there are no Federal requirements or standards related to the chapter.

Jobs Impact

The proposed new rules may result in the generation of jobs in the school construction and school security industries as a result of the grants to school districts.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry as proposed projects cannot include site acquisition.

Regulatory Flexibility Statement

Certain entities that qualify as small businesses under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., such as employers that partner with CVSDs for a CTE program that is the subject of a grant application, are expected to enter into a partnership agreement with the

CVSD as a matter of best business practices. However, the proposed rules impose no reporting, recordkeeping, or further compliance requirements on small businesses.

Housing Affordability Impact Analysis

The proposed new rules will have no impact on the affordability of housing or on the average cost of housing in the State. There is an extreme unlikelihood the proposed new rules would evoke a change in the average costs associated with housing because the proposed new rules establish standards for the review and approval of, and eligibility criteria for, grants to school districts for CVSD CTE grants, school district water infrastructure improvement grants, and school security grants.

Smart Growth Development Impact Analysis

The proposed new rules will likely have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed rules establish procedures for the review and approval of, and eligibility criteria for, grants to school districts for CVSD CTE grants, school district water infrastructure improvement grants, and school security grants. While the capital improvements that will be the subject of the grant-funded projects may slightly increase, over the long term, the cost of housing because of the increased quality of the educational offerings and school district facilities in the CVSD or school district, the impacts are attenuated and impossible to predict until the grants are approved under the chapter.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the proposed rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the proposed rules establish procedures for the review and approval of, and eligibility criteria for, grants to school districts for CVSD CTE grants, school district water infrastructure improvement grants, and school security grants.

Full text of the proposed new rules follows:

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.