

N.J.A.C. 19:32A

TITLE 19. OTHER AGENCIES
NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
CHAPTER 32A. PROCEDURES FOR COMPLIANCE WITH ALYSSA'S LAW

CHAPTER AUTHORITY: P.L. 2019, c. 33.

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2021 d.057, effective May 5, 2021.

See: 51 N.J.R. 1851(a), 53 N.J.R. 1018(a).

CHAPTER HISTORICAL NOTE:

Chapter 32A, Procedures for Compliance with Alyssa's Law, was adopted as special adopted and concurrent proposed new rules by R.2019 d.129, effective November 8, 2019. See: 51 N.J.R. 1851(a).

In accordance with N.J.S.A. 52:14B-5.1, Chapter 32A, Procedures for Compliance with Alyssa's Law, was scheduled to expire on November 4, 2020. Pursuant to Executive Order No. 127 (2020), the expiration date was extended until 90 days after the last day of the public health emergency declared in Executive Order No. 103 (2020).

Chapter 32A, Procedures for Compliance with Alyssa's Law, was readopted as R.2021 d.057, effective May 5, 2021. See: Source and Effective Date.

19:32A-1.1 Applicability and scope

This chapter is promulgated by the New Jersey Schools Development Authority to effectuate the purposes of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-11), in conjunction with complementary rules simultaneously enacted by the Commissioner of the Department of Education (Department) at N.J.A.C. 6A:26A-4 to effectuate the Securing Our Children's Future Bond Act, P.L. 2018, c. 119. Alyssa's Law provides that all school facilities shall include a panic alarm connected to local law enforcement, and provides further that a portion of the proceeds of general obligation bonds issued under the Bond Act shall be utilized to fund the cost of the panic alarms required in school buildings under Alyssa's Law, or other alternative mechanisms approved by the Department under the Bond Act. This chapter is adopted in order to provide the mechanism whereby school districts can demonstrate compliance with Alyssa's Law.

19:32A-1.2 Construction of rules

This chapter shall be liberally construed to permit the Authority to discharge its statutory obligations under Alyssa's Law.

19:32A-1.3 Definitions

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

"Alternate 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" or "the Act" means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.).

"Commissioner" means the Commissioner of the Department of Education.

"Compliance determination" means a determination of the Authority that a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings within the school district, which determination shall be memorialized in a formal, written notice of compliance determination.

"Compliance plan" means the document submitted to the Authority by a school district as part of the compliance determination review process that sets forth the school district's plan for achieving compliance with Alyssa's Law with respect to any non-compliant school buildings in the school district, including, if applicable, reference to the school district's application for school security project grant funding under N.J.A.C. 6A:26A-4, to comply with Alyssa's Law.

"New Jersey Schools Development Authority," "the Authority," or "the SDA" means the New Jersey Schools Development Authority, established pursuant to N.J.S.A. 52:18A-237.

"Non-compliant school building" means a school building that is not equipped with a panic alarm or alternative emergency mechanism satisfying the requirements of Alyssa's Law.

"Notice of compliance determination" means the formal, written memorialization of the SDA's determination that a school district has demonstrated compliance with Alyssa's Law with respect to one or more school buildings within the school district.

"Panic alarm" means a silent security system signal generated by the manual activation of a device to alert law enforcement to a life-threatening or emergency situation requiring a response from law enforcement, as set forth at N.J.S.A. 18A:41-11.

"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 a life-threatening or emergency situation requiring a response from law enforcement, including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation that occurs in or near a school building.

"School security project grant" means a grant of funds to a school district for a school security project under N.J.A.C. 6A:26A-4, which shall include funding of installation of alarms in compliance with Alyssa's Law, N.J.S.A. 18A:41-11 et seq., if needed, and may include funding of security measures to implement the provisions of N.J.S.A. 18A:7G-5.2.

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

19:32A-2.1 Mandatory school district compliance with Alyssa's Law

(a) Each school district in the State is required to demonstrate compliance with Alyssa's Law with respect to each school building in such school district, by submitting, to the Authority, an application for a compliance determination, identifying each school building in the school district and providing documentation sufficient to enable the Authority to evaluate and determine whether each school building is in compliance with Alyssa's Law.

(b) In order to be eligible to receive a school security project grant under N.J.A.C. 6A:26A-4, a school district must submit an application to the Authority for a compliance determination prior to, or simultaneous with, the school district's application to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4.

(c) School districts that do not elect to apply to the Commissioner for a school security project grant under N.J.A.C. 6A:26A-4 must apply to the Authority for a compliance determination no later than 60 days after the grant application deadline established by the Commissioner for submission of applications for a school security project grant under N.J.A.C. 6A:26A-4.

19:32A-2.2 Demonstrating school district compliance with Alyssa's Law

(a) In order for a school district to demonstrate compliance with the requirements of Alyssa's Law, it must submit, to the Authority, proof that each school building in the district is equipped with a silent panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school facility in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of the State Police. Such proof shall be provided for each school building in the school district, in the form of a certification of a law enforcement official with jurisdiction in the municipality in which the school building is located.

(b) A district may demonstrate that a school building is compliant with Alyssa's Law, as an alternative to (a) above, if such school building is equipped with an alternative emergency mechanism that is approved by the Department.

(c) If a school district cannot demonstrate compliance with the requirements of Alyssa's Law with respect to one or more of the school buildings located in the school district, then the school district must install a panic alarm or an approved alternative emergency mechanism in such non-compliant school building and can apply to the Commissioner for a grant covering the costs of such proposed installation, pursuant to the procedures specified at N.J.A.C. 6A:26A-4.

19:32A-2.3 School district application for Alyssa's Law compliance determination

(a) A school district shall apply to the Authority for a compliance determination utilizing the application form supplied by the Authority.

(b) The Authority shall review and evaluate the district's compliance with Alyssa's Law based on information supplied by the school district as part of the school district's application to the Authority.

(c) The school district shall provide, as part of the application, a full list of all school buildings in the school district. The list shall be accompanied by a certification of the superintendent or business administrator for the school district, attesting to the completeness and accuracy of the list.

(d) For each school building on the school district's list, the school district shall demonstrate whether the school building is equipped with a panic alarm system that satisfies Alyssa's Law, in accordance with N.J.A.C. 19:32A-2.2, by supplying the following:

1. The manufacturer's description of the panic alarm system, or a brief description of the panic alarm system or equipment to be installed, including a description of the method of operation of the panic alarm for signaling local law enforcement, sufficient to demonstrate how the proposed installation will satisfy the requirements of Alyssa's Law;
2. Photo or video evidence of the panic alarm installed in at least one location in the school building; and
3. A certification, in the form provided by the Authority, by a law enforcement official with jurisdiction in the municipality in which the school building is located, confirming that the school building is equipped with a panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or in the case of a school building in a municipality without a local municipal police department, transmits a signal or message to a location designated by the Superintendent of State Police.

(e) If, for any school building on the school district list, the school district cannot demonstrate that the school building is equipped with a panic alarm or alternate emergency mechanism in compliance with Alyssa's Law, the school district shall provide a compliance plan indicating how the school district will satisfy the requirements of Alyssa's Law in all non-compliant school buildings in the school district, including, if applicable, reference to the school district's planned or pending application for school security grant funding pursuant to N.J.A.C. 6A:26A-4.

(f) The school district shall supply the compliance plan to the Authority with the compliance determination application, or within 30 days of submission of the compliance determination application.

19:32A-2.4 Determinations upon completion of compliance review

(a) The SDA shall review the materials submitted by the school district and shall determine, for each school building listed by the school district, whether the school building is equipped with a panic alarm in compliance with Alyssa's Law.

(b) As an alternative to (a) above, if upon review of the materials submitted by the school district, the SDA determines that a school building is equipped with a system or equipment that may constitute an alternate emergency system, if approved by the Department, and if approved, would satisfy the requirements of Alyssa's Law, the SDA shall recommend that the Department approve the alternate emergency system, and if approval is granted by the Department, the SDA shall determine the school building to be in compliance with Alyssa's Law.

(c) The SDA shall provide the school district with a notice of compliance determination for all school buildings demonstrated to be in compliance with Alyssa's Law, and shall transmit such notice of its determinations to the school district and the Commissioner to facilitate grant applications for school security project grants.

19:32A-2.5 Grant funding available to facilitate Alyssa's Law compliance

In order to receive school security project grant funding available for compliance with Alyssa's Law, a school district shall apply to the Commissioner for a school security project grant, pursuant to N.J.A.C. 6A:26A-4.

19:32A-2.6 Submission of certification upon completion of panic alarm or alternate emergency mechanism installations in compliance with Alyssa's Law

(a) When a school district completes an installation of a panic alarm or alternate emergency mechanism in satisfaction of Alyssa's Law at any school building previously included in a compliance plan in accordance with N.J.A.C. 19:32A- 2.3(e), the school district shall submit, to the Authority, upon completion of the work, or at such other time as may be specified at N.J.A.C. 6A:26A-4, or in any grant agreement relating to such work, a certification of a law enforcement official as described at N.J.A.C. 19:32A-2.3(d)3.

(b) The school district shall submit any other documentation reasonably requested by the Authority to demonstrate a previously non-compliant school building's compliance with Alyssa's Law, in order to permit the Authority to update its compliance determination for the school district to include newly-compliant school buildings.

(c) The Authority shall provide an updated notice of compliance determination to the school district and to the Department, upon the school district's submission of documentation under this section, as additional panic alarm or alternate emergency mechanism installations are completed, if the documentation submitted is sufficient to demonstrate a school building's compliance with Alyssa's Law.

19:32A-3.1 Appeals

(a) School districts may appeal decisions or determinations of the Authority under this chapter, and such appeals shall be requested in writing, and an opportunity given for an informal hearing on the papers, in person, or by telephone with Authority staff. Such written request for an informal hearing must be made within 30 days of the receipt of the Authority's decision.

(b) In the event of an adverse decision after an informal hearing under (a) above, or if a school district determines not to seek an informal hearing, and providing further, that the dispute or controversy is a contested case, as defined at N.J.S.A. 52:14B-2(b), a district may request, within 45 days of the written decision resulting from the informal hearing or the determination of the Authority if an informal hearing is not sought, a formal hearing.

(c) Upon filing of the initial pleading in a contested case, the Board of the Authority may, by resolution, either retain the matter for a hearing directly or transmit the matter for a hearing before the Office of Administrative Law. Such hearings shall be governed by the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) Every determination of a dispute or controversy arising from this chapter by the Authority, constituting final agency action by the Board, shall be embodied in a written decision, which shall set forth findings of fact and conclusions of law pursuant to the applicable rules of the Office of Administrative Law.