

OTHER AGENCIES

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procedures for Compliance with Alyssa's Law

Special Adopted New Rules and Concurrent Proposed Readoption of Specially Adopted

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

Specially Adopted New Rules Adopted and Concurrent Proposed Readoption of Specially Adopted New Rules Authorized: November 6, 2019, by the New Jersey Schools Development Authority, Manuel M. Da Silva, Interim Chief Executive Officer.

Filed: November 8, 2019, as R.2019 d.129.

Authority: P.L. 2019 c. 33.

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

Concurrent Proposal Number: PRN 2019-163.

Effective Date: November 8, 2019.

Expiration Date: November 4, 2020.

Submit written comments via mail or email by February 14, 2020, to:

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Take note that in accordance with P.L. 2019, c. 33, the New Jersey Schools Development Authority (Authority) has adopted the following new rules for school districts seeking funding

for, and in compliance with, the panic alarm installation requirements of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.), which rules became effective on November 8, 2019 (upon acceptance for filing by the Office of Administrative Law). Alyssa's law was effective on September 1, 2019, pursuant to P.L. 2019, c. 33, § 5. The specially adopted new rules shall be effective until May 8, 2020, six months from the effective date of the new rules. As the Authority is concurrently proposing to readopt the specially adopted new rules, the chapter expiration date is extended 180 days to November 4, 2020, pursuant to N.J.S.A. 52:14B-5.1.

The agency special adoption and concurrent proposal follows:

Summary

On February 6, 2019, Governor Murphy signed P.L. 2019, c. 33, Alyssa's Law, requiring that each public elementary and secondary school building in the State be equipped with a panic alarm to alert law enforcement in the event of a school security emergency. Alyssa's Law provides that funding for compliance with the panic alarm requirement would be made available through the proceeds of general obligation bonds issued under the Securing Our Children's Future Bond Act, P.L. 2018, c. 119. Alyssa's Law further requires that the Authority adopt rules to establish a program to effectuate the purposes of Alyssa's Law.

A section-by-section summary of the new rules follows.

Subchapter 1. General Provisions

N.J.A.C. 19:32A-1.1, Applicability and scope

This section sets forth the chapter's purpose and scope, which is to implement the provisions of Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-11) (hereinafter "Alyssa's Law" or "the Act"), which 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 pursuant to the Securing Our Children’s Future Bond Act, P.L. 2018, c. 119 (the Bond Act) shall be utilized to fund the cost of the panic alarms or other alternative mechanisms approved by the Department of Education (the Department) required in school buildings under Alyssa’s Law. The proposed rules provide the mechanism whereby school districts can demonstrate compliance with Alyssa’s Law.

N.J.A.C. 19:32A-1.2, Construction of rules

This section provides that the rules shall be liberally construed to permit the Authority to discharge its statutory obligations under Alyssa’s Law.

N.J.A.C. 19:32A-1.3, Definitions

This section defines terms used throughout the chapter.

The Authority proposes a definition for “alternate emergency mechanism,” which 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. In conjunction with the Department’s rules on security grant funding proposed at N.J.A.C. 6A:26A-4, the proposed definition implements the provisions of N.J.S.A. 18A:41-11, allowing the Department to approve an alternative emergency mechanism to comply with Alyssa’s Law, and achieves the goal of Alyssa’s Law to equip each school building with an emergency mechanism to notify local law enforcement in the event of a school security emergency.

The Authority proposes a definition for “Alyssa’s Law,” which means P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.).

The Authority proposes a definition for “compliance determination,” which 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.

The Authority proposes a definition for “compliance plan,” which 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.

The Authority proposes a definition for “New Jersey Schools Development Authority,” “the Authority,” or “SDA,” which means the New Jersey Schools Development Authority, established pursuant to N.J.S.A. 52:18A-237.

The Authority proposes a definition for “non-compliant school building,” which means a school building that is not equipped with a panic alarm or alternative emergency mechanism satisfying the requirements of Alyssa’s Law.

The Authority proposes a definition for “notice of compliance determination,” which 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.

The Authority proposes a definition for “panic alarm,” which 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.

The Authority proposes a definition for “school,” which means an educational institution that includes any of the grades kindergarten through 12.

The Authority proposes a definition for “school building,” which means a building owned or leased by a school district and used to permanently house students in any combination of grades kindergarten through 12.

The Authority proposes a definition for “school district” or “district,” which 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.), but which, for the purposes of this chapter, does not include charter or renaissance schools.

The Authority proposes a definition for “school security project grant,” which means a grant of funds to a district for a school security project under N.J.A.C. 6A:26A-4, which shall include funding of installation of panic 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.

The Authority proposes a definition for “security project,” which 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 panic alarms and silent security systems. A security project shall not include routine maintenance.

The Authority proposes a definition for “school security emergency,” which 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.

**Subchapter 2. Alyssa's Law Compliance and School Security Grants to Facilitate
Compliance with Alyssa's Law**

N.J.A.C. 19:32A-2.1, Mandatory school district compliance with Alyssa's Law

This section specifies the mandatory nature of school district compliance with Alyssa's law. Subsection (a) provides that 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. Subsection (b) states that compliance with Alyssa's Law is a prerequisite for eligibility for school security project grant funding under N.J.A.C. 6A:26A-4, specifying that when applying for a school security project grant, 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 of the Department (Commissioner) for a school security project grant under N.J.A.C. 6A:26A-4. Finally, subsection (c) indicates that an Alyssa's Law compliance review is required, even for school districts that opt not to seek available school security project funding, providing that 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.

N.J.A.C. 19:32A-2.2, Demonstrating school district compliance with Alyssa's Law

This section provides the standards for determining compliance with Alyssa's Law. The section provides that in order to demonstrate compliance with the requirements of Alyssa's Law, a school district must submit, to the Department, for each school building, a certification of a law enforcement official with jurisdiction in the municipality in which the school building is located, attesting that such school building is equipped with a silent panic alarm that, upon activation, transmits a signal or message to the local municipal police department, or a location designated by the Superintendent of State Police. Alternatively, a school district may demonstrate that a school building is equipped with an alternative emergency mechanism if such alternative emergency mechanism is approved by the Department.

This section further provides that 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 in this chapter and in the Department's rules at N.J.A.C. 6A:26A-4.

N.J.A.C. 19:32A-2.3, School district application for Alyssa's Law compliance determination

This section details the process for applying to the Authority for a compliance determination. Subsection (a) provides that a school district shall apply for a compliance determination using a form provided by the Authority. Subsection (b) provides that the Authority determination will be made based on the information supplied by the school district. Subsections (c) and (d) set forth the information to be supplied by the school district for this review, starting with the requirement of submission of a

full list of all school buildings in the school district, which 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. Subsection (d) specifies that, for each school building on the list, the school district shall demonstrate whether the school building is equipped with a silent panic alarm system that satisfies Alyssa's Law by supplying: a manufacturer's, or other, description of the panic alarm system, 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; photo or video evidence of the panic alarm installed in at least one location in the school building; and a certification 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 the State Police. Subsection (e) requires the district to submit a compliance plan for any and all school buildings in the district that are not demonstrated to be in compliance with Alyssa's Law. The compliance plan shall describe how the school district intends to satisfy the requirements of Alyssa's Law in all non-compliant school buildings in the school district, and may include reference to the school district's planned or pending application for school security grant funding pursuant to N.J.A.C. 6A:26A-4. Finally, subsection (f) provides that the compliance plan shall be submitted by the school district either as part of the compliance determination application, or within 30 days of submission of the compliance determination application.

N.J.A.C. 19:32A-2.4, Determinations upon completion of compliance review

This section provides that 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 silent panic alarm in compliance with Alyssa's Law. This section further provides that if the SDA determines that a school building is equipped with an alternate emergency system that, if approved by the Department, may 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. Finally, this section provides that the SDA shall provide the school district with a notice of compliance for all school buildings demonstrated to be in compliance with Alyssa's Law, and shall transmit such notice of its determinations to the Commissioner to facilitate grant applications for school security project grants.

N.J.A.C. 19:32A-2.5, Grant funding available to facilitate Alyssa's Law compliance

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

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

This section specifies the requirements for demonstrating compliance with Alyssa's Law for those installations of panic alarms or alternate emergency mechanisms occurring after a school district has received an initial notice of compliance determination. Subsection (a)

provides that, upon completion of 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 under 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. Subsection (b) requires that a school district shall supply 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. Subsection (c) provides that 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.

Subchapter 3. Appeals

N.J.A.C. 19:32A-3.1, Appeals

This section provides for an administrative appeal procedure in the event that a school district seeks to challenge a decision or determination of the Authority made under this chapter. The section provides that school districts shall request an appeal in writing within 30 days of the school district's receipt of the Authority's decision, and school districts will be afforded an opportunity to participate in an informal hearing with Authority staff on the papers, in person, or by telephone. The section further provides that in the event that a district receives an adverse decision after the informal hearing, or if the district chooses not to seek an informal hearing, and the matter constitutes a contested case as defined at N.J.S.A. 52:14B-2(b), a district may request

a formal hearing within 45 days of the decision or determination of the Authority, or the written decision resulting from any informal hearing of a challenge to a decision or determination of the Authority. The section further provides that upon the filing of an initial pleading in a contested case, the Board of the Authority may retain the matter for hearing, or may transmit the matter to the Office of Administrative Law for a hearing in accordance with 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. Finally, the section provides that every determination by the Authority of a dispute or controversy arising from this chapter shall constitute final agency action by the Authority Board and 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.

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

Social Impact

The proposed new rules will allow the SDA to evaluate and determine school districts' compliance with Alyssa's Law, and issue a notice of compliance determination to school districts that demonstrate compliance with Alyssa's Law with respect to one or more school buildings in the school district. The Authority's issuance of the notice of compliance will facilitate the process for the Commissioner's issuance of school security grants for installation of panic alarms and alternate emergency mechanisms in compliance with Alyssa's Law, as well as other school security projects as required by N.J.S.A. 18A:7G-5.2, all of which has the positive social impact of making students and staff feel secure in the school environment, so that effective learning can take place.

Economic Impact

The proposed new rules will create a positive economic impact for businesses engaged in school construction and school security, as school districts will be required to demonstrate compliance with Alyssa's Law, and to the extent such school districts may be required to engage school construction and school security firms to install equipment or systems to comply with Alyssa's Law, this demand will create business for these industries. The proposed new rules will have little or no economic impact on school districts themselves, other than minimal administrative costs, because funding is available through school security project grants administered by the Department under the Securing Our Children's Future Bond Act, for reimbursement or purchase and installation of systems or equipment required to comply with this chapter and Alyssa's Law. Any minimal economic impact to school districts would be far outweighed by the benefits of the security improvements for the students, staff, and public in the event of a school security emergency.

Federal Standards Statement

The proposed new rules implement State statutes, namely Alyssa's Law, P.L. 2019, c. 33 (N.J.S.A. 18A:41-10 et seq.), and the Securing Our Children's Future Bond Act, P.L. 2018, c. 119. There are no Federal standards or requirements governing the subject matter of these rules, which apply only to New Jersey school districts that are required to demonstrate their compliance with Alyssa's Law. A Federal standards analysis, therefore, is not required.

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 requirement that school districts comply with Alyssa's Law, through school district engagements of school construction and school security firms to perform installation of panic alarms or alternate emergency mechanisms to satisfy Alyssa's Law.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry as the requirement for installation of panic alarms or alternate emergency mechanisms in school buildings in fulfillment of Alyssa's Law will not require the acquisition of real property.

Regulatory Flexibility Statement

The proposed new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The proposed new rules primarily impact New Jersey school districts, which are not considered a small business.

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. The rules establish standards for the Authority's determination of a school district's compliance with the requirements of Alyssa's Law.

Smart Growth Development Impact Analysis

The proposed new rules will have an insignificant impact on smart growth development because it is extremely unlikely that the adoption of the rules would evoke a change in housing

production in the State of New Jersey's Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the proposed new rules would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules establish standards for determining school districts' compliance with the requirements of Alyssa's Law.

Full text of the specially adopted new rules and concurrently proposed readoption of specially adopted new rules follows:

CHAPTER 32A

PROCEDURES FOR COMPLIANCE WITH ALYSSA'S LAW

SUBCHAPTER 1. GENERAL PROVISIONS

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.

SUBCHAPTER 2. ALYSSA'S LAW COMPLIANCE AND SCHOOL SECURITY GRANTS TO FACILITATE COMPLIANCE WITH ALYSSA'S LAW

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.

SUBCHAPTER 3. APPEALS

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.