

PUBLIC NOTICE

EDUCATION

COMMISSIONER OF EDUCATION

Notice of Receipt and Action on Petition for Rulemaking

Fiscal Accountability, Efficiency, and Budgeting Procedures

Capital Reserve

N.J.A.C. 6A:23A-14.1

Petitioner: Robert Lorfink.

Take notice that on February 27, 2019, the Department of Education (Department) received a petition for rulemaking from the above petitioner, requesting an amendment at N.J.A.C. 6A:23A-14.1(h) to correct a cross-reference to N.J.A.C. 6A:26, Educational Facilities.

The petitioner specifically requested that the Department change N.J.A.C. 6A:23A-14.1(h)6 through a notice of administrative correction, as permitted by N.J.A.C. 1:30-2.7, to correct the cross-reference. N.J.A.C. 6A:23A-14.1(h)6 allows a district board of education to withdraw funds from the capital reserve account at any time for the transfer of funds to the line items in the capital outlay major account/fund for the purchase of land by district board of education resolution and after receiving three approvals, including Commissioner approval, in accordance with N.J.A.C. 6A:26-3.13.

The petitioner's request stated that existing N.J.A.C. 6A:26-3.13, Review, approval, and use of temporary facilities, does not address approval of an acquisition of land. The petitioner also noted that in 2013, the Department recodified N.J.A.C. 6A:26-3.13, Acquisition of land by school districts, as N.J.A.C. 6A:26-3.12 and that the cross-reference at N.J.A.C. 6A:23A-14.1(h)6 has not been updated.

The petitioner stated that updating the cross-reference will provide clarity regarding what district boards of education must do to use capital reserve to acquire land.

The Department agrees with the petitioner's request and has prepared a notice of administrative correction, which is published elsewhere in this edition of the New Jersey Register.

Therefore, the petitioner's request is hereby approved.