

18A:18-2.2, 2.3

LEGISLATIVE FACT SHEET

on Bds. of Ed. to include facilities for physically handicapped.

N.J.R.S. 18A:18-2.2, 2.3

(1975 Amendment)

LAWS OF 1975

CHAPTER 219 Oct. 8, 1975

SENATE BILL 1251 (and over)

ASSEMBLY BILL

INTRODUCED June 13, 1974

BY Dodd

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES ^{See other side} NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING *None discovered*

VETO

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SPONSOR'S STATEMENT to Senate Bill, No. 1251

This bill requires boards of education to provide facilities for the physically handicapped in school buildings undergoing major remodeling or renovation, as well as in newly-constructed school buildings, so that students with physical handicaps may more fully participate in school activities. In addition, school districts which fail to comply with the provisions of this act may be penalized by the withholding of State aid.

JA/PC
11/7/75

OVER →

CHAPTER 219 LAWS OF N J 1975
APPROVED 10-8-75

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1251

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1974

By Senator DODD

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act requiring boards of education to include facilities for the physically handicapped in plans and specifications for public work, and supplementing chapter 18 of Title 18A of the New Jersey Statutes," approved March 8, 1971 (P. L. 1971, c. 42).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 2 of P. L. 1971, c. 42 (C. 18A:18-2.2) is amended to
2 read as follows:

3 2. Every board of education shall require that all plans and
4 specifications for bids on any contract with the board for the con-
5 struction, remodeling or renovation of any public building shall
6 provide facilities for the physically handicapped.

7 As used in this act, "remodeling or renovation" shall mean
8 to construct an addition, alter the design or layout of said public
9 building so that a change or modification of the entrance facilities,
10 toilet facilities, or vertical access facilities is achieved, or make
11 substantial repairs or alterations. As used herein, "substantial
12 repairs or alterations" shall mean that if the cost of making such
13 repairs or alterations:

14 (1) Shall exceed 60% of the value of the building, the entire
15 building shall be made to comply with the requirements of this act;

16 (2) Shall be between 30 and 60% of the value of the building,
17 only those portions of the building repaired or altered shall be
18 made to comply with the requirements of this act; or

19 (3) Shall be under 30% of the value of the building, such repairs
20 or alterations shall be either in accordance with the requirements
21 of this act, or in compliance with their previously required con-
22 dition and with the same or equivalent material or equipment,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

23 *provided the general safety and public welfare are not thereby*
 24 *endangered.*

24A **The value of such public buildings shall be determined by every*
 24B *board of education in accordance with a formula which shall be*
 24C *established by the State Board of Education. Said formula may*
 24D *take into account the size, age, type of construction, original build-*
 24E *ing cost and replacement cost of any such building.**

25 The State Board of Education, by rules and regulations, shall
 26 prescribe the kinds, types and quality of **[such facilities which*
 27 *shall include, but not be limited to, the following:]** **the afore-*
 27A *mentioned facilities for the physically handicapped.**

28 **[(a) [At least one principal entrance to the building with ramp*
 29 *access in accordance with specifications for ramps established by*
 30 *rule of the State Board of Education.] All public buildings shall*
 31 *contain at least one principal entrance accessible to and usable*
 32 *by physically-handicapped persons, which shall be either ramped*
 33 *or at ground level;*

34 (b) On each floor occupied by pupils at least one watercloset stall,
 35 for each sex, in general pupil toilet rooms, to accommodate wheel-
 36 chair pupils which shall include adequate stall-door width, grab
 37 rails, sufficient space and appropriate height;

38 (c) A drinking fountain of suitable height and extension, for
 39 wheelchair pupils, on every floor used for pupil occupancy;

40 (d) In any multistory building an elevator, sufficient in size to
 41 accommodate a wheelchair;

42 (e) In all laboratory and shop facilities at least one working
 43 area dimensioned to permit use by physically-handicapped pupils;

44 (f) One public telephone at a height accessible to wheelchair
 45 pupils.]*

1 **2. (New section) The provisions of this act shall not apply to*
 2 *the construction, remodeling or renovation of public buildings when*
 3 *contracts for the actual construction, remodeling or renovation*
 4 *thereof have been entered into **or when plans and specifications*
 5 *for construction have previously been approved by the Department*
 6 *of Education** prior to the effective date of this act.**

1 **[2.]* *3.* (New section) The Commissioner of Education is*
 2 *hereby authorized to withhold all or part of any State aid paid to*
 3 *any school district pursuant to chapter 58 of Title 18A of the New*
 3A *Jersey Statutes or pursuant to any other law, unless and until*
 4 *said school district shall comply with the provisions of this act*
 5 *with respect to facilities for the physically handicapped.*

1 **[3.]* *4.* This act shall take effect immediately.*

SENATE, No. 1251

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1974

By Senator DODD

Referred to Committee on Institutions, Health and Welfare

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15 building shall be made to comply with the requirements of this act;

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18 made to comply with the requirements of this act; or

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21 of this act, or in compliance with their previously required con-
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 24 *endangered.*

25 The State Board of Education, by rules and regulations, shall
 26 prescribe the kinds, types and quality of such facilities which shall
 27 include, *but not be limited to*, the following:

28 (a) **【At least one principal entrance to the building with ramp**
 29 **access in accordance with specifications for ramps established by**
 30 **rule of the State Board of Education.】** *All public buildings shall*
 31 *contain at least one principal entrance accessible to and usable*
 32 *by physically-handicapped persons, which shall be either ramped*
 33 *or at ground level;*

34 (b) On each floor occupied by pupils at least one watercloset stall,
 35 for each sex, in general pupil toilet rooms, to accommodate wheel-
 36 chair pupils which shall include adequate stall-door width, grab
 37 rails, sufficient space and appropriate height;

38 (c) A drinking fountain of suitable height and extension, for
 39 wheelchair pupils, on every floor used for pupil occupancy;

40 (d) In any multistory building an elevator, sufficient in size to
 41 accommodate a wheelchair;

42 (e) In all laboratory and shop facilities at least one working
 43 area dimensioned to permit use by physically-handicapped pupils;

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1 2. (New section) The Commissioner of Education is hereby
 2 authorized to withhold all or part of any State aid paid to any
 3 school district pursuant to chapter 58 of Title 18A of the New
 3A Jersey Statutes or pursuant to any other law, unless and until
 4 said school district shall comply with the provisions of this act
 5 with respect to facilities for the physically handicapped.

1 3. This act shall take effect immediately.

STATEMENT

This bill requires boards of education to provide facilities for the physically handicapped in school buildings undergoing major remodeling or renovation, as well as in newly-constructed school buildings, so that students with physical handicaps may more fully participate in school activities. In addition, school districts which fail to comply with the provisions of this act may be penalized by the withholding of State aid.

[OFFICIAL COPY REPRINT]

SENATE, No. 1251

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1974

By Senator DODD

Referred to Committee on Institutions, Health and Welfare

AN Act to amend and supplement "An act requiring boards of education to include facilities for the physically handicapped in plans and specifications for public work, and supplementing chapter 18 of Title 18A of the New Jersey Statutes," approved March 8, 1971 (P. L. 1971, c. 42).

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3 2. Every board of education shall require that all plans and
4 specifications for bids on any contract with the board for the con-
5 struction, *remodeling or renovation* of any public building shall
6 provide facilities for the physically handicapped.

7 *As used in this act, "remodeling or renovation" shall mean*
8 *to construct an addition, alter the design or layout of said public*
9 *building so that a change or modification of the entrance facilities,*
10 *toilet facilities, or vertical access facilities is achieved, or make*
11 *substantial repairs or alterations. As used herein, "substantial*
12 *repairs or alterations" shall mean that if the cost of making such*
13 *repairs or alterations:*

14 (1) *Shall exceed 60% of the value of the building, the entire*
15 *building shall be made to comply with the requirements of this act;*

16 (2) *Shall be between 30 and 60% of the value of the building,*
17 *only those portions of the building repaired or altered shall be*
18 *made to comply with the requirements of this act; or*

19 (3) *Shall be under 30% of the value of the building, such repairs*
20 *or alterations shall be either in accordance with the requirements*
21 *of this act, or in compliance with their previously required con-*
22 *dition and with the same or equivalent material or equipment,*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

23 provided the general safety and public welfare are not thereby
24 endangered.

24A *The value of such public buildings shall be determined by every
24B board of education in accordance with a formula which shall be
24C established by the State Board of Education. Said formula may
24D take into account the size, age, type of construction, original build-
24E ing cost and replacement cost of any such building.*

25 The State Board of Education, by rules and regulations, shall
26 prescribe the kinds, types and quality of *[such facilities which
27 shall include, but not be limited to, the following:]* *the afore-
27A mentioned facilities for the physically handicapped.*

28 *(a) [At least one principal entrance to the building with ramp
29 access in accordance with specifications for ramps established by
30 rule of the State Board of Education.] All public buildings shall
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32 by physically-handicapped persons, which shall be either ramped
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41 accommodate a wheelchair;

42 (e) In all laboratory and shop facilities at least one working
43 area dimensioned to permit use by physically-handicapped pupils;

44 (f) One public telephone at a height accessible to wheelchair
45 pupils.]*

1 *2. (New section) The provisions of this act shall not apply to
2 the construction, remodeling or renovation of public buildings when
3 contracts for the actual construction, remodeling or renovation
4 thereof have been entered into prior to the effective date of this act.*

1 *[2.]* *3.* (New section) The Commissioner of Education is
2 hereby authorized to withhold all or part of any State aid paid to
3 any school district pursuant to chapter 58 of Title 18A of the New
3A Jersey Statutes or pursuant to any other law, unless and until
4 said school district shall comply with the provisions of this act
5 with respect to facilities for the physically handicapped.

1 *[3.]* *4.* This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 1251

—◆—
STATE OF NEW JERSEY
—◆—

ADOPTED NOVEMBER 25, 1974

Amend page 2, section 1, line 24, after “.”, insert new paragraph as follows:

“The value of such public buildings shall be determined by every board of education in accordance with a formula which shall be established by the State Board of Education. Said formula may take into account the size, age, type of construction, original building cost and replacement cost of any such building.”.

Amend page 2, section 1, lines 26-27, omit “such facilities which shall include, but not be limited to, the following:”, insert as “the aforementioned facilities for the physically handicapped.”.

Amend page 2, section 1, lines 28-45, omit subsections (a) through (f) in their entirety.

Amend page 2, section 1, line 45, after “.”, insert new section as follows:

“2. (New section) The provisions of this act shall not apply to the construction, remodeling or renovation of public buildings when contracts for the actual construction, remodeling or renovation thereof have been entered into prior to the effective date of this act.”.

Amend page 2, sections 2-3, line 1, renumber sections 2 and 3 as 3 and 4.

SENATE INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
SENATE, No. 1251

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 1974

This bill requires boards of education to provide facilities for the physically handicapped in school buildings undergoing major remodeling or renovation, as well as in newly-constructed school buildings, so that students with physical handicaps may more fully participate in school activities. In addition, school districts which fail to comply with the provisions of this act may be penalized by the withholding of State aid.

As amended by the Senate Committee this bill gives complete discretion to the State Board of Education to prescribe what facilities shall be provided for the physically handicapped. The amendments also require the State board to establish a formula according to which the value of school buildings can be assessed, in order to aid local boards in determining when, and to what extent, repair and alteration costs require compliance with the provisions of this act. Finally, the amendments exclude from the provisions of this act all construction, remodeling or renovation for which contracts have been entered into prior to the effective date of this act.

FISCAL NOTE TO
SENATE, No. 1251
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: APRIL 8, 1975

The OCR of Senate Bill No. 1251 requires boards of education to provide facilities for the physically handicapped in newly-constructed schools or schools undergoing major remodeling and renovations.

By what amount enactment of this legislation would increase school building or renovation costs is indeterminable. However, a review of school building applications for 1973-74 has been made. These applications were reviewed and it is judged 67 projects would have been affected by the provisions of this legislation had it been law. The average additional cost to these districts would have been about \$17,700.00 per district.

State building aid will not be affected by the provisions of this bill.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

FISCAL NOTE TO
SENATE, No. 1251

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1974

Senate Bill No. 1251 requires boards of education to include facilities for the physically handicapped in plans and specifications for public work.

Based on the annual Federal report regarding school construction and school building aid data from the Office of School Finance and Auditing in the Department of Education, the Department of Education estimates that enactment of this legislation would require an additional State expenditure of \$3.3 million in fiscal 1974-75, \$3.7 million in fiscal 1975-76 and \$4.1 million in fiscal 1976-77. The Department further estimates that enactment would require additional expenditures by local governments in the amount of \$18.7 million in fiscal 1974-75, \$20.8 million in fiscal 1975-76 and \$22.9 million in fiscal 1976-77. It is thought expenditures would level off at approximately the 1976-77 amounts as the effects of declining enrollments are experienced.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.