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# NYSED Office of Facilities Planning Newsletter



Carl T. Thurnau, P.E. Issue #115 - June 2014

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Carl Thurnau, PE

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## The School Facilities - School Year Cycle

June is a time of transition for school facilities. While many in the school district look forward to summer break, many school facility directors are gearing up for their busiest season. Their school year runs on a 12-month cycle.

The month of June may include one or more of the following activities:

- ✓ Preparing the high school gymnasium for graduation and the arrival of countless elderly grandparents.
- ✓ Preparing for the start of a major construction project in a school.
- ✓ A time to prepare for the thorough cleaning of school facilities (inside and out) — floors, windows, toilet rooms, classrooms, swimming pools, etc.
- ✓ A time to plan for the implementation of a wide variety of repairs, operations, and maintenance tasks throughout the school, painting,

patching, caulking, etc.

- ✓ A time of wonderment and discovery— perhaps unearthing a pungent sneaker or a mummified peanut butter and jelly sandwich buried in the depths of a student's locker.

On the other hand, June may be the time to prepare for the arrival of a new group of students for summer school or a community day camp program.

The critical point to remember is that regardless of what activity is scheduled to take place, the vast majority of school facilities remain occupied and active throughout the entire calendar year.

The building occupants may be campers, cleaners, clerical, or teachers and students, but that school is still occupied.

Therefore, school safety measures which are in place from September to June must remain in place

during the summer months as well.

This includes maintaining clear and unobstructed exits, no chains on doors, no portable gates blocking means of egress, ensuring fire alarms are operable, potable water and adequate toilet facilities are available, etc. Likewise, this is not the time to ignore school security measures.

Finally, June is a time of celebration and anticipation; ending the 2013-14 school year while looking forward to the 2014-15 school year. No matter what June means to you, have a great summer season and thank you for your good work.

**Is there a topic you would like addressed in the Facilities Planning Newsletter?**

**Please email suggested topics and comments to:  
lsahr@mail.nysed.gov.**

## Certificate of Occupancy Process Changes

The primary role of the NYSED Office of Facilities Planning is serving as the Authority Having Jurisdiction (AHJ) for building code compliance in public elementary / secondary schools in New York State (excluding New York City). In this role, a key function is the collection of annual Fire Safety Reports and the subsequent issuance of the annual Certificate of Occupancy. The longstanding process of Facilities Planning staff mailing labels to school districts, school districts mailing paper Fire Reports to Facilities Planning, and Facilities Planning staff mailing paper copies of Certificates of Occupancy is about to change.

An on-line Fire Safety-Certificate of Occupancy system will be phased in during the 2014-15 school year. Depending on the number of buildings in a school district or BOCES, this new system has the potential to save schools time and money. These savings will come through the elimination of printing copies of the 5-page report, postage, and handling time.

The new system will only be accessible through the Education Department's Web Portal, with protection from unauthorized use through a process of secure User IDs and passwords.

As part of the system's launch, changes are being made to the configuration of the geographic Fire Safety "Zones" - which essentially define when annual reports are due and when annual Certificates of Occupancy expire. As an example, the "Big 4" city school districts (Buffalo, Rochester, Syracuse, and Yonkers) now constitute their own zone.

The new system will integrate each of these school districts into the geographic zone where they are physically located. Therefore, Buffalo's reports will be due at the same time as the rest of the schools in Erie County.

Other elements of the new on-line system will include:

- The verification of every facility which a school district or BOCES owns or leases, including the verification of the actual street address. (P.O. boxes are not street addresses!)
- Fire Report data will be entered on-line - along with the name and certificate number of the code enforcement official who performed the inspection. The certificate number will be electronically cross-referenced with the NYS Department of State's database.
- As with other processes managed on-line, Superintendents of Schools will need to verify and certify the accuracy of the data.
- Certificates of Occupancy will be provided via a PDF file and then printed by the school district or BOCES.

Detailed information on the upcoming changes will be provided within the next few months.

## UPDATED—NYSED Manual of Planning Standards

As a reminder— the NYSED Office of Facilities Planning has released an updated **DRAFT 2014 Manual of Planning Standards (MPS)**.

**The updated DRAFT 2014 MPS is available for comment until July 1, 2014.**

Please send comments to: **[EMSCFP@mail.nysed.gov](mailto:EMSCFP@mail.nysed.gov)** and put "**MPS Comment**" in the subject line.

We will review all comments received and make corrections, additions, and/or deletions as deemed necessary by NYSED Facilities Planning staff.

The final MPS will be released on or about October 1, 2014, and any projects received by the Department on or after December 1, 2014 will be subject to the new MPS.

Please review the updated **DRAFT 2014 Manual of Planning Standards (MPS)** at:

[www.p12.nysed.gov/facplan/documents/MPS-2014.pdf](http://www.p12.nysed.gov/facplan/documents/MPS-2014.pdf).



# Final Cost Report Due Date Issues

The NYSED Office of State Aid recently compiled a list of Final Cost Reports (FCR) that are due by **June 30, 2014**. These are projects that were approved by the Commissioner of Education (Office of Facilities Planning) prior to July 1, 2011 and are not subject to the new Final Cost Report rules associated with Chapter 97.

These projects represent the best list based on data available to the Department, but it may not include all possible projects. It remains the school district's responsibility to submit FCR's for all projects in a timely manner whether they are on the list or not.

If school districts are unable to file the FCR by June 30, 2014 for reasons beyond their control, they may ask for an extension from the Office of Facilities Planning. Appropriate reasons for extensions will be liens, litigation, punch-list work not completed, warranty issues, or any other reason why the final payment cannot be processed.

The Office of Facilities Planning will review those requests and issue extensions where appropriate.

The following is the link to the list of district & BOCES capital construction projects with Final Cost Reports due June 30, 2014 that had not been received at NYSED as of approximately April 8, 2014:

[https://stateaid.nysed.gov/build/xls\\_docs/FCR\\_due\\_6302014.xls](https://stateaid.nysed.gov/build/xls_docs/FCR_due_6302014.xls)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

# Reminder: NYS Law Chapter 85, Laws of 2010

NYS Law Chapter 85, Laws of 2010, all schools and day care centers must comply with restrictions on pesticide use.

The law restricts use of pesticides to products containing active ingredients listed as exempt under 25(b) of the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA). The pesticides must also include inert ingredients that are eligible under 4a of the 25(b) FIFRA exemption.

Pesticides containing any active or inert ingredients not listed under the exemption and eligibility criteria of 25(b) FIFRA must receive **one-time emergency application approval from appropriate channels**.

To receive approval for **a one-time emergency application**, schools must do the following:

- ✓ All public schools seek approval from their local school board.
- ✓ All nonpublic schools and day care centers receive approval from the county department health department (DOH), NYS DOH district office, or the NYS DOH Bureau of Toxic Substance Assessment.

- ✓ Nonpublic schools and day care centers on environment-related determinations are approved by the DEC [www.dec.ny.gov/chemical/41822.html](http://www.dec.ny.gov/chemical/41822.html).

**Emergency applications can not be scheduled as an annual event.** In other words, the emergency application of a specific product on the football field can not be scheduled as a routine activity each year. The intent of the declaration by the school board is to permit an emergency application to address an unforeseen problem which now needs to be addressed. This may include the presence of such things such as poison ivy, a nest of biting or stinging insects, etc. The elimination of dandelions on the first of August each year is not an emergency.



For more information, please see:

- ✓ [www.dec.ny.gov/chemical/41822.html](http://www.dec.ny.gov/chemical/41822.html)
- ✓ [www.dec.ny.gov/docs/materials\\_minerals\\_pdf/guidancech85.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf)
- ✓ [www.northeastipm.org/bmps-for-school-ipm](http://www.northeastipm.org/bmps-for-school-ipm)

## Smart Schools Bond Act of 2014

The **Smart Schools Bond Act of 2014** will be put to New York State voters this coming November. The public will be asked to provide \$2 billion for public for technology, pre-K construction, and security capital projects.

Based on language in the State budget, a smart schools advisory panel will be set up with representation from SUNY, NYSED, DOB, and more. The advisory panel will determine the requirements of a required Smart Schools Investment Plan for approval. "Smart Schools Projects" (of which there are 4 subcategories of projects) would need to be included in the Investment plan to be eligible for a Grant.

Once the investment plan is approved, the project does not need additional approval unless it involves a capital project. The four project sub-categories are 1) pre-k or transportable replacement project, 2) community connectivity project, 3) classroom connectivity project, and 4) school safety and technology project.

Two of the four subcategories of projects appear to need a building permit: "pre-Kindergarten or transportable classroom unit replacement project", and "school safety and

security technology project". A third type may need one or Two building permits. A "community connectivity project" is to connect the community, including school buildings. One permit might be needed for School property from SED, and one may be needed from the local jurisdiction for work under their jurisdiction in the community.

Finally, a permit may or may not be needed for a "Classroom connectivity project" which means broadband wiring and wireless internet for school buildings only (no community) OR to acquire learning hardware such as desktops, laptops, and tablets. If a project were to include the purchase of computers, laptops and tablets only, without the wiring for broadband and wireless internet, a building permit would not be necessary.

Once a district has an allocation, it appears that any funds not expended, disbursed or encumbered shall be carried over to the next succeeding school year.

Additional information will be provided as soon as it becomes available.

## Clean Air Act Standards for Area Source Boilers

The EPA finalized changes to the Clean Air Act Standards for area source and major source boilers and you may be required to conform to these new regulations.

### How do I determine if my facility is an "Area Source"?

Area sources are commercial (laundries, apartments, hotels), institutional (schools, churches, hospitals, etc.) or industrial (manufacturing, refining, processing, etc.) facilities that emit or have the potential to emit less than 10 tons per year or a single **hazardous air pollutant**, or less than 25 tons per year of combined hazardous air pollutants.

### Am I affected by this rule?

You are affected if your facility is an "Area Source" and the boiler burns coal, oil, biomass, or non-waste materials.

### The following boilers are NOT covered by the rule:

- ✓ Gas-fired boilers (a boiler that primarily burns gas is still considered a gas-fired boiler even if it also burns oil or other liquid fuel during periods of gas curtailment, gas supply interruption, startups, or for periodic testing not to exceed 48-hours during any calendar year.

- ✓ Boilers that burn solid waste.
- ✓ Hot water heaters.
- ✓ Waste heat boilers (heat recovery steam generators).
- ✓ Temporary boilers.
- ✓ Residential boilers.
- ✓ Electric boilers.
- ✓ Electric steam generating units (EGU's).

### My boilers fall into this category—what's the next step?

You must complete an "Initial Notification of Availability" and you may need to provide proof that your boilers are professionally cleaned and tuned as required by the regulation.

### For more information, go to the EPA web site at:

[www.epa.gov/boilercompliance/](http://www.epa.gov/boilercompliance/).

# Public Schools Leased to Private Entities: Certificates of Occupancy and Local Code Enforcement

Decreased student enrollment often results in public school districts consolidating into fewer buildings. This means that buildings may be left vacant—or in many cases, the unused school buildings are leased to private entities.

The New York State Education Department (NYSED) is the Authority Having Jurisdiction (AHJ) for building code enforcement in New York State public school districts (excluding New York City). Fire safety reports submitted by public school districts to NYSED each year result in the issuance of annual Certificates of Occupancy.

However, if a public school building is completely vacant, being leased to private businesses, a private school, etc., and no longer being used for any public school purpose, local jurisdictions then become the authority having jurisdiction. In other words, the local code enforcement agency is responsible for issuing building permits and certificates of occupancy.

In the event the school district reoccupies the building for school district use at a future date, then the authority having jurisdiction will revert back to NYSED and the issuance of annual NYSED-issued certificates of occupancy will resume.

The following chart outlines this policy:

Building Owner	Occupancy & Usage	Authority Having Jurisdiction for Code Enforcement
Public School District	School District	NYSED
Public School District	Public School District & Private Business	NYSED
Public School District	Private Business ONLY	Local Code Enforcement Agency



## School Laboratory Safety Reminder



School science demonstrations can be very valuable; they can also be extremely dangerous. A chemistry demonstration in a New York State high school recently produced a plume of fire which left two students with significant burns. As a result of this incident, Deputy Commissioner Ken Slentz disseminated a January 2014 memo on **Safety Practices and Protocols in Schools** - see: [www.p12.nysed.gov/docs/science-lab-safety-practices.pdf](http://www.p12.nysed.gov/docs/science-lab-safety-practices.pdf).

As a reminder, please keep in mind that New York State Education Law §409-a and Commissioner's Regulation 8 NYCRR 141.10 (**Eye Safety Devices**) requires boards of education, trustees, or persons in charge of every public and nonpublic school "to provide eye safety devices for the protection of employees, pupils, and visitors" and requires eye safety devices be worn in shops and laboratories whenever individuals are in dangerous proximity to a potential eye hazard.

The regulation further states that "in shop or laboratory situation where the activity is such that hazards may develop without warning, safety devices must be worn by all persons in the area."

Eye safety devices are defined in the regulation as "face shields, goggles, safety glasses, welding helmets, hoods, or other specialized equipment in compliance with the American National Standard Practice for Occupational and Educational Eye and Face Protection, 287.1-1968, promulgated by the American National Standards Institutes, Inc.

Finally the regulations requires that devices are properly repaired, cleaned, stored, and that a procedure be adopted to prevent the spread of germs and diseases when the user changes.

# Energy Independence and Security Act of 2007: Building a Better Light Bulb

www2.epa.gov/cfl  
[www.energystar.gov/ia/products/lighting/cfls/downloads/EISA\\_Backgrounder\\_FINAL\\_4-11\\_EPA.pdf](http://www.energystar.gov/ia/products/lighting/cfls/downloads/EISA_Backgrounder_FINAL_4-11_EPA.pdf)  
[www.consumer.ftc.gov/articles/0164-shopping-light-bulbs](http://www.consumer.ftc.gov/articles/0164-shopping-light-bulbs)

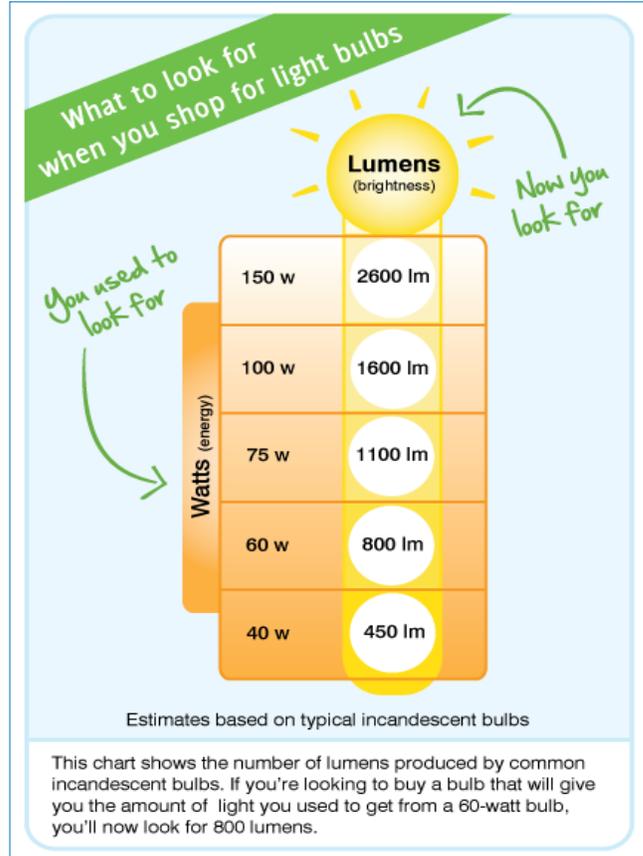
The Federal Energy Independence and Security Act of 2007 (EISA), a law intended to increase the nation's energy independence, included a multi-year phase-in period (January 1, 2012—January 1, 2014).

A key provision of the EISA relates to energy efficiency standards in incandescent and compact fluorescent light (CFL) bulbs. Specifically, the efficiency of CFL bulbs is measured in lumens (brightness) rather than watts (energy used). Rather than being marketed by the amount of energy (watts) used by the bulb, bulbs will be sold based on how much light (lumens) the bulb generates. According to the EPA, standard incandescent technology has been essentially the same for over a century. New CFL technology will result in significant energy savings for the end user.

The chart at the right illustrates a comparison between the watts used by standard incandescent light bulbs vs. the lumens generated by the new CFL. To further reduce the amount of energy consumed to light a room, purchase light bulbs with an Energy Star label.

**Some key things to keep in mind:**

- ✓ The EISA does not ban the use or purchase of incandescent bulbs.
- ✓ It does not ban the sale or manufacture of ALL incandescent bulbs, just those common household incandescent (and other) bulbs that are not energy-efficient. Many bulbs, including specialty bulbs, three-way bulbs, chandelier bulbs, refrigerator bulbs, and plant grow lights are exempt from the law's requirements.
- ✓ As with any fluorescent bulb, care must be taken if a CFL breaks or burns out and needs to be disposed. The following EPA web site addresses these concerns: [www2.epa.gov/cfl](http://www2.epa.gov/cfl).



The following chart outlines the EISA phase-in period since it was initiated in 2012 and the amount of energy used to generate the same amount of light:

Standard Incandescent Bulbs	After the Standard	Standard Effective Date
100 watt	≤ 72 watts	January 1, 2012
75 watt	≤ 53 watts	January 1, 2013
60 watt	≤ 43 watts	January 1, 2014
40 watt	≤ 29 watts	January 1, 2014

# National Weather Service Lightning Safety Awareness



Spring and summer outdoor activities and lightning safety awareness are issues which must go hand-in-hand.

The following facts and reminders may be found on the NWS web site at: [www.lightningsafety.noaa.gov](http://www.lightningsafety.noaa.gov).

- ✓ **NO PLACE outside is safe when thunderstorms are in the area!!**
- ✓ **If you hear thunder, lightning is close enough to strike you.**
- ✓ **When you hear thunder, immediately move to safe shelter: a substantial building with electricity or plumbing or an enclosed, metal-topped vehicle with windows up.**
- ✓ **Stay in safe shelter at least 30 minutes after you hear the last sound of thunder.**

To minimize risk, plan ahead so that people can get to a safe place quickly if a thunderstorm threatens. If the sky looks threatening or if you hear thunder, get inside a safe place immediately. Once inside, avoid contact with corded phones, electrical equipment, plumbing, and windows and doors.

The NWS recommends that individuals in charge of outdoor sports activities have a lightning safety plan. The plan should address the following questions:

- ✓ When should activities be stopped?
- ✓ Where should people go for safety?
- ✓ When should activities be resumed?
- ✓ Who should monitor the weather and who decides when to stop activities?
- ✓ What should be done if someone is struck by lightning?

According to the NWS, a significant lightning threat may extend outward from the base of a thunderstorm cloud about 6 -10 miles. This means that people should be in a safe place when a thunderstorm is 6 -10 miles away.

**If you see lightning.** The ability to see lightning varies depending on the time of day, weather conditions, and obstructions such as trees. In clear air, and especially at night, lightning can be seen from storms more than 10 miles away provided that obstructions don't limit the view of the thunderstorm.

**If you hear thunder.** Thunder can usually be heard for a distance of about 10 miles provided that there is no background noise. Traffic, wind, and precipitation may limit the ability to hear thunder to less than 10 miles. If you hear thunder, though, it's a safe bet that the storm is within ten miles.

Keep in mind that if you can hear thunder, lightning is close enough to strike you.

The following NWS poster and other NWS poster can be downloaded from:

[www.lightningsafety.noaa.gov/posters.htm](http://www.lightningsafety.noaa.gov/posters.htm)



[www.lightningsafety.noaa.gov](http://www.lightningsafety.noaa.gov)

## Facilities Planning: True or False



Managing a school facility requires a skilled professional adept at understanding and interpreting a wide variety of requirements. This article addresses issues which school facility directors often need to address. This is a regular feature in the Facilities Planning newsletter.

### True or False?

There are requirements for hot water in schools (excluding food service areas) - including (but not limited to) requirements for hot water in school restrooms and health offices.

### True.

The hot water requirements are in the NYS Property Maintenance Code— Section M505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F (43 degrees C) where hot-water is required.

SED would not enforce greater than 100 degrees F for elementary schools.

### True or False?

Chapter 85 of the Laws of 2010 does NOT apply when schools are not in session—meaning schools can apply pesticide products on playfields, play grounds, etc. during school vacations without the school board first declaring an emergency.

### False.

Chapter 85 applies regardless of the time of year, the day of the week, or the time of day. The law applies 12 months/year, 7 days/week, and 24-hours/day.

Guidance on this law can be accessed at:  
[www.dec.ny.gov/docs/materials\\_minerals\\_pdf/guidanceceh85.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/guidanceceh85.pdf).

## Questions From the Field:

This section will address an actual question which has been raised by a school facility professional in the field.

The presence of chemicals in school science/chemistry labs is not a new subject. A question was recently asked concerning the existence of a list of approved and non-approved chemicals that may be used in school labs. This response was developed with the assistance of Will Jaacks, Associate in Science Education in the NYSED Office of Curriculum and Instruction.

The only substance banned from use or storage in primary and secondary schools is elemental mercury. See [www.dec.ny.gov/chemical/8512.html](http://www.dec.ny.gov/chemical/8512.html) for more information regarding the management of mercury-added consumer products. A link to the law prohibiting the use and purchase of elemental mercury in primary and secondary schools is included on this web site.

Whether or not statute has been enacted regarding the use or storage of specific substances, the safety and health of students is of the utmost importance. Schools must ask the very difficult questions regarding chemical use, storage, disposal, and educational value. Safe alternatives to laboratories requiring special safety precautions should be employed. A good rule to follow is to weigh the educational benefit and the potential safety hazards. If a safer route can be followed while obtaining the same educational value, then the safer route should be followed.

Additional information may be found in the following resources:

- **National Science Teachers Association (NSTA)** web site includes a wealth of valuable information concerning school science classroom and laboratory safety and health issues —see: [www.nsta.org/safety](http://www.nsta.org/safety).
- **EPA's Twelve Principles of Green Chemistry** may be accessed at: [www.epa.gov/sciencematters/june2011/principles.htm](http://www.epa.gov/sciencematters/june2011/principles.htm).
- **NIOSH—CPSC School Chemistry Laboratory Safety Guide** may be accessed at: [www.cdc.gov/niosh/docs/2007-107/pdfs/2007-107.pdf](http://www.cdc.gov/niosh/docs/2007-107/pdfs/2007-107.pdf)