NYSED Office of Facilities Planning; Room 1060 EBA; Albany, NY 12234 — 518-474-3906 www.p12.nysed.gov/facplan

NYSED Office of Facilities Planning Newsletter

Carl T. Thurnau, P.E. | Issue #123 August 2015

Newsletter Highlights

A Season of Change for SED and the Office of Facilities

Thank you to all who helped spread the word about the need for staffing in the State Education Department's (SED) Office of Facilities Planning. Through your efforts we were rewarded with an additional $800,000 in funding. We will use a significant portion of this funding for new staffing positions which will then reduce project review times.

Please note that engineering and architectural positions are currently open in Facilities Planning.

Facilities Planning has received approval to hire two engineers **and** two architects, and we fully anticipate that we will be approved to hire two additional engineers in the future. See the announcements at: www.oms.nysed.gov/hr/flyers_P12/P12_1426_04402.htm **and** www.oms.nysed.gov/hr/flyers_P12/P12_1361_04418_repost.htm.

Please also note that these are New York State Civil Service positions which require candidates to successfully pass a written exam. Since we are currently inviting open applications, successful candidates will be required to take the appropriate Civil Service exam when it is offered in the future in order to be eligible for a permanent appointment. Until then, candidates will be appointed provisionally. Applicants must be currently licensed to practice in New York State. Recruitment will continue until the positions are filled. Please help spread the word so we can get folks on board as soon as possible to help you get your projects approved!

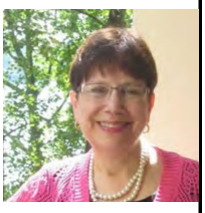
Interested individuals should e-mail their resume to me ASAP at carl.thurnau@nysed.gov. Applicants will be contacted for interviews. Applicants should also feel free to contact our office with questions at 518-474-3906.

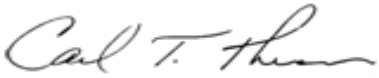
There are more changes to report on the personnel front. The New York State Board of Regents recently appointed a new Education Commissioner, Mary Ellen Elia. Please see the following to learn more about Commissioner Elia: www.nysed.gov/Press/MaryEllen-Elia-Appointed-New-Commissioner-of-the-State-Education-Department.

Also, Charles Szuberla (NYS Registered Architect and the former Coordinator of the Office of Facilities Planning) is now Acting Deputy Commissioner for the SED Office of P-12 Education.

In addition, Laura Sahr, who has been with SED since 1982, will be retiring and relocating to Nevada effective September 4. Throughout her career in Facilities Planning, Laura worked with schools on a wide range of topics ranging from the old asbestos unit in the late 1980s to guiding the development and implementation of the on-line fire safety system in 2015. She also served as the Facilities Planning point person on numerous school facility health/safety topics. During the course of her career, she worked in every Facilities Planning title, with the exception of architect and engineer. Beyond her work in Facilities Planning, Laura guided the launch of the Dignity for All Students Act and also assisted schools across the State to prepare for and recover from a multitude of emergencies and disasters.

Laura coordinated the NYSED team at the State Office of Emergency Management for 15 years. This included responding to the events of September 11, 2001, Tropical Storms Irene and Lee, and Super Storm Sandy. Laura worked with schools on preparing for non-weather related events as well, including radiological emergencies near nuclear power plants, pandemic influenza, and Y2K. She also served with the New York State team that traveled to Florida in 2004 to assist with hurricane response. Finally, Laura has been the principal researcher, writer, and editor for the Facilities Planning Newsletter. She will truly be missed.





Is there a topic you would like addressed in the Facilities Planning Newsletter? Please email suggested topics and comments to: emscfp@nysed.gov

Potential Gap in Pocket (Stacking) Area Coverage for Certain Electrically Operated Partition Safety Systems

It has recently come to our attention that there may be gaps in the coverage of pocket (stacking) areas of certain electrically operated partition safety systems.

Electrically operated partition safety systems that employ the use of passive infrared (PIR) sensors to provide the required coverage in the pocket (stacking) area of the partitions may have been set up, or may have been modified, such that they do not provide coverage that is equivalent to (or meets the intent of) the requirements of Part 155.25 of the Regulations of the Commissioner of Education.

The Regulations of the Commissioner of Education, paragraph 155.25(c) (3) states: "device(s) are provided for all partitions that will stop the forward or backward motion of the partition and stop the stacking motion of the partition when a body or object passes between the leading panel of such partition and a wall or other termination point, or when a body or object is in the stacking area of such partition;"

We have allowed passive infrared sensors to be used for coverage in the pocket areas, where they were set up as following: Passive infrared sensors must be located to provide coverage to the entry of the stacking area. The sensors and coverage must always be active. If the sensors covering entry to the stacking area detect a body (a change in the heat differential) at any time, the entire partition operating system must be deactivated such that the partition cannot move. In order to activate the system, the operators must inspect both sides of the stacking area, and simultaneously activate two reset stations, one on each side of the stacking area. In this way, if a person enters the stacking area, the partition will not be able to move, until after the system is reset. If they attempt to enter the stacking area during operation of the partition either the sensors providing protection along the path of travel and/or the sensors providing coverage of the entry to the stacking area will pick up a heat differential and stop the partition.

Information has been provided to the State Education Department (SED) that indicates there are electrically operated partition safety systems, using always active passive infrared sensors for pocket area coverage, that are set up to provide coverage in only a narrow strip located along the wall of the pocket areas. The coverage area is so narrow that an occupant could enter the pocket area when the partition is extended without being picked up by a sensor. The systems are apparently set up to monitor the narrow strip because covering the entire pocket trips the system when the sensor detects the movement of the partition itself in the stacking or unstacking motion.

Based upon the information provided, SED performed a walk test of a pocket (stacking) area of one electrically operated partition that was in the fully extended position. The walk test verified the information received. Pockets on both sides of the partition can be accessed, and traversed from the point of entry to the back wall, along a path that is within the area swept by the partition as it folds into the stacking area, without resulting in the need to reset the system at the reset stations. Movement in the area near the wall of the pocket (outside of the sweep of the partition as it folds) resulted in the need to reset the system at the reset stations. It appears the sensors located in the pocket do not provide full coverage of the entry to the pocket area. It may be possible for an occupant to be located in portions of the pocket area, and the partition could be started up and moved.

The area of greatest concern in a pocket area is the area into which the partition is stacked. If a pocket can be accessed by a person without the system completely shutting down, the system does not meet the intent of the regulations.

If a school district has an electrically operated partition safety system using passive infrared sensors to provide coverage in the pocket (stacking) areas, proper operation of the system must be verified prior to allowing use of the partition. If the test demonstrates that the partition safety systems are functioning properly, the partition may continue to be used in accordance with regulation and district policy. If the test demonstrates that partition safety systems are not operating properly, the partition must be immediately disabled until the safety systems are corrected and verified to function properly.

For all future operations, we strongly encourage districts to implement the following new policy regarding partition operation safety procedures:

1) **Partition operators must not rely on safety system.**

2) **Partition operators must personally and physically verify that the path of travel, and the stacking pocket if so equipped, are free from objects or people prior to moving the partition. It is recommended that this additional signage be posted at all operating stations. It is also recommended that this new policy be incorporated into required annual operator training.**

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Potential Gap in Pocket (Stacking) Area Coverage for Certain Electrically Operated Partition Safety Systems (cont.)

POCKET COVERAGE TEST PROCEDURE FOR SAFETY SYSTEMS WITH PIR SENSORS

NOTE: Perform this test twice for each pocket. Testing one side of each pocket independently will determine if specific PIR sensors are not working properly. Some installations may have multiple pockets.

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1. Verify that the path of travel, and the stacking pocket, if so equipped are free from objects or people.

2. Partition fully extended: The partition must be fully extended for this test procedure.

   a) If the partition is not in the fully extended position, operate system, using all safety procedures, to place partition in fully extended position, and then shut system down at the control stations. Remove all keys from control stations.

   b) If the partition is fully extended, verify the system has been reset, or reset the system, at the reset locations, located in the vicinity of the pocket areas. Do not place keys in control stations.

3. Enter the stacking pocket staying as close to the partition as possible. Leave the stacking pocket, again, staying as close to the partition as possible. Do not interfere with a narrow space along the pocket wall.

4. If the reset station has a visual indicator to indicate that reset is required, check indicator.

   a) If the indicator does not indicate reset is required, the system has failed the test.

5. If the reset station does not have a visual indicator:

   a) Remove all people and objects from the area covered by the entire safety system.

   b) Attempt to operate partition.

If installed correctly, the partition safety system should have detected movement and disabled the operation of the system requiring a re-set. If installed incorrectly, the partition will operate normally without requiring the safety system to be reset.

Questions on this topic may be directed to: martin.doyle@nysed.gov.

WARNING

ELECTRICALLY OPERATED PARTITION

New Cooling Tower Registration Requirements

Emergency regulations were adopted on August 17, 2015 by the State Department of Health (NYSDOH) which address cooling tower registration requirements. Legionnaire's Disease has been traced to cooling towers that were not properly maintained. The intent of the regulations is to help prevent future outbreaks of Legionnaire's.

The emergency regulations will remain in effect for 90 days, after which they will be adopted as permanent regulations. During the 90-day period the regulations may be amended before they become permanent. A cooling tower is defined in the new regulation as "a tower, evaporative condenser or fluid cooler that is part of a recirculated water system incorporated into a building's cooling, industrial process, refrigeration or energy production system."

The new regulations include the following requirements:

- ✓ Owners of buildings with existing cooling towers must register their towers with NYSDOH within the next 30 days. Thereafter, all new cooling towers must be registered prior to initial operation. There is no cost to register a cooling tower with NYS. Information requested includes (but is not limited to): the cooling tower manufacturer; the model and serial number; the cooling capacity; detailed information concerning the tower's last inspection; cleaning, and disinfection, and more.
- ✓ Inspections must be performed by a NYS licensed professional engineer; a certified industrial hygienist; a certified water technologist; **or** an environmental consultant with training and experience performing inspections pursuant to the current standard industry protocols including, but not limited to, ASHRAE 188-2015.
- ✓ Building owners with cooling towers must also collect samples and obtain culture testing within the next 30 days. Thereafter, testing must be performed every 90 days, or in accordance with a maintenance program and plan obtained by the building owner. Immediate disinfection is required if culture sample testing demonstrates a need. (See pages 9-11 for details on interpreting sample results at: www.health.ny.gov/diseases/communicable/legionellosis/docs/emerg_regs.pdf)
- ✓ Building owners with cooling towers must obtain and implement a maintenance program and plan by March 1, 2016. The plan must include a schedule for routine sampling, as well as procedures for emergency testing and disinfection to destroy Legionella bacteria. The plan must be maintained on the premises where the cooling tower is located and made available immediately upon request.
- ✓ All cooling towers must be inspected within the next 30 days (from August 17, 2015) and thereafter every 90 days. All cooling towers must be certified as complying with all regulatory requirements by November 1, 2016, and thereafter annually by November 1 of each year.
- ✓ All cooling towers must be registered in a statewide electronic system. All actions required by the new regulations must be reported through the electronic system within 10 days of such actions being taken.

An individual who cleans and disinfects a cooling tower must be a commercial pesticide applicator or pesticide technician who is qualified to apply biocide in a cooling tower and certified pursuant to Article 33 of the Environmental Conservation Law and 6 NYCRR Part 325, or a pesticide apprentice under the supervision of a certified applicator. In addition, only biocide products registered by the NYS Department of Environmental Conservation (NYSDEC) may be used in disinfection.

An officer, employee or agent of NYSDOH or local DOH may enter any property to inspect cooling towers for compliance with the requirements of the regulation. If an owner does not properly register, certify, inspect, clean or disinfect their cooling tower, NYSDOH or local DOH may determine that such condition constitutes a nuisance and may take such action as authorized by law. Violations of the regulations are subject to civil and criminal penalties, and each day that an owner remains in violation of any provision constitutes a separate and distinct violation of the provision.

For additional information on these requirements, please see: www.ny.gov/services/register-cooling-tower-and-submit-reports

Questions on the registration of cooling towers may be directed to: Cooling.Tower@health.ny.gov **or** 518-402-7650.

For additional information on Legionnaire's Disease, see: www.health.ny.gov/diseases/communicable/legionellosis/

An information hotline has also been established to address questions and concerns related to these new requirements at: 1-888-769-7243.

New York State Labor Law: Mold Assessment and Remediation Requirements (effective January 1, 2016)

On January 29, 2015, a bill addressing mold assessment and remediation was signed into law by Governor Cuomo. **The new mold assessment and remediation requirements take effect on January 1, 2016.**

(http://labor.ny.gov/workerprotection/safetyhealth/mold/Chapter_Amendment.pdf)

Mold 101: Thousands of species of mold spores may be found naturally both indoors and outdoors. As an example, when you step outside and smell decomposing leaves—you may be inhaling tiny mold spores. According to the State Department of Labor, mold requires three basic conditions in order to grow: water/moisture (typically more than 55% indoor humidity levels); an organic food source (paper, fabric, sheetrock, etc.); and proper temperature (typically 40 to 99F).

Mold can begin to develop and grow on damp surfaces within 24 to 48 hours. While it is impossible to 'mold-proof' a school or a house; mold growth can be reduced by controlling indoor humidity levels and eliminating water leakage/problems.

Also, according to the U.S. Centers for Disease Control and Prevention (CDC), "some people are sensitive to molds. For these people, exposure to molds can cause symptoms such as nasal stuffiness, eye irritation, wheezing, or skin irritation. Some people, such as those with serious allergies to molds, may have more severe reactions. Severe reactions may occur among workers exposed to large amounts of molds in occupational settings, such as farmers working around moldy hay." www.cdc.gov/mold/faqs.htm#mold

www.epa.gov/mold/moldcourse/imagegallery3.html

Remember—the key to mold control is moisture control. Therefore, in a school, the quickest way to control moisture is to eliminate and repair water leaks, clean up standing water, and insulate cold surfaces to prevent water condensation. If there are water stains on ceiling tiles, you must determine the cause and make the repair. Is there a broken pipe? Is there a problem with the roof? Switching out the ceiling tile won't resolve the underlying problem.

State Labor Law—Article 32: The new Article 32 of Labor Law defines a mold "project" as one which includes mold remediation, mold assessment, or mold abatement of areas greater than 10 sq feet, but does not include: routine cleaning or construction, maintenance, repair or demolition of buildings, structures or fixtures undertaken for purposes other than mold remediation or abatement.

The law requires all assessors, contractors, and workers in the mold remediation industry be at least 18-years old, trained, and licensed. Licenses shall be valid for two years from the date of issuance.

There are provisions which exempt specific circumstances from certain licensing rules. These include, but are not limited to:

- residential property owners performing work on their own property;
- design professionals licensed pursuant to Title 8 of Education Law (architects, engineers, etc.) provided they are acting within the scope of the practice; and
- Federal/State/Local/Public Authority and employees doing work in any property owned or managed by such governmental unit/authority.

A written mold remediation plan must be prepared by a New York State licensed mold assessment contractor based on the conditions discovered during the assessment. No person may own an interest in the licensee who performs the mold assessment and the licensee who performs the mold remediation on the same property. Additionally, no licensee shall perform both mold assessment and mold remediation on the same property.

The State Department of Labor has developed descriptions of each mold-related title, as well as course outlines and course hours. Courses will include mandatory lecture and hands-on instruction, as well as written exams.

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New York State Labor Law: Mold Assessment and Remediation Requirements (cont.)

Mold Assessment Consultant Course (32-hours)

Title Description: Prepare a Mold Remediation Plan for client based on the conditions discovered during the assessment phase of the project. Some of the course topics include:

- Sources, conditions, and prevention of mold growth, potential health effects, HVAC basics, prevention of IAQ problems, improving maintenance, housekeeping, and moisture control;
- Workplace hazards, PPE, Respirators, asbestos, confined spaces, and lock out/tag out;
- Performance of visual inspections for mold, measurement equipment (moisture and humidity meters, etc);

www.epa.gov/mold/mold_remediation.html#Plan

- Sampling methods and work practices;
- Documentation, chain of custody, clearance testing and procedures, interpreting sampling results;
- Writing mold management plans, mold remediation plans, determining clearance criteria, contract specifications, job cost estimates, liability and insurance costs; and
- Work practices for removing, cleaning, and treating mold.

Mold Remediation Contractor Course (24-hours)

Title Description: Prepare a *Mold Remediation Plan* for client based on the conditions discovered during the assessment phase of the project. Some of the course topics include:

- Sources, conditions, prevention of mold growth, potential health effects, HVAC basics;
- Workplace hazards and worker protection, PPE, Respirators, asbestos, confined spaces, and lock out/tag out;
- Technical and legal considerations, documentation, chain of custody, and clearance testing;
- State-of-the-art work practices and technologies, building construction and sciences, moisture control, and water intrusion;
- Writing mold management plans, mold remediation plans, and engineering controls;
- An overview of mold remediation projects techniques, including containment, air filtration, work practices for removing, cleaning and treating mold;
- Contract specifications, job cost estimates, liability and insurance costs; and
- Determining clearance criteria, post remediation clearance testing, and protecting occupants from mold exposure.

Remediation Worker Course (16-hours)

Title Description: Performs the mold remediation work as specified in the mold remediation work plan. Some of the course topics include:

- Indoor air pollution, sick buildings, and potential health effects;
- Hazard Communication, workplace hazards, PPE, respirators, asbestos, confined spaces, lock out/tag out; and
- Work practices for removing, cleaning and treating mold, and hands-on work area prep.

The fees for licensure are in the law (details haven't been released by the Department of Labor), however information on the fees can be accessed at: http://labor.ny.gov/workerprotection/safetyhealth/mold/Chapter_Amendment.pdf. The Department of Labor is authorized to inspect on-going and completed mold assessment and remediation projects, as well as conduct random investigations based on complaints. For additional information related to the New York State mold assessment and remediation law, please see:http://labor.ny.gov/workerprotection/safetyhealth/mold/mold-program.shtm.

Building Permits Required for Demolition

NYSED Facilities Planning Newsletter #118 (January 2015), included an article about when building permits are required. Since that time, we have received several questions about project scope which has prompted us to update our guidance again. **The updated guidance now requires a building permit for demolition of existing buildings and earth moving.**

New York State Department of State Regulations (19 NYCRR Chapter 32 Part 1203.3) which implements the Uniform Code states that "Building permits shall be required for work which must conform to the Uniform Code." The Building Code of New York State Chapter 33 “Safeguards During Construction”, provides guidance regarding safety during construction and protection of adjacent public and private property, including requirements for demolition.

Earth moving could include the creation of a new or the extension of an existing paved parking lot or roadway. The U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYSDEC) have both issued specific guidance regarding stormwater management associated with these types of activities. As such, schools engaged in these types of projects must first obtain a building permit from NYSED.

More information about stormwater management can be found on the EPA web site at: http://water.epa.gov/polwaste/npdes/stormwater/index.cfm or on the NYSDEC web site at: www.dec.ny.gov/chemical/8468.html.

Please keep in mind that the demolition of existing buildings also requires compliance with all rules and regulations related to hazardous material abatement, including New York State Department of Labor Industrial Code Rule 56 (12 NYCRR Part 56) see: www.labor.ny.gov/workerprotection/safetyhealth/Links/CR56.htm.

Please follow this link to updated building permit guidance on our web site: www.p12.nysed.gov/facplan/articles/B03_when_building_permit_required.html.

Where a building permit is required, the usual procedure for a typical capital construction project submission to the Office applies, except where noted otherwise.

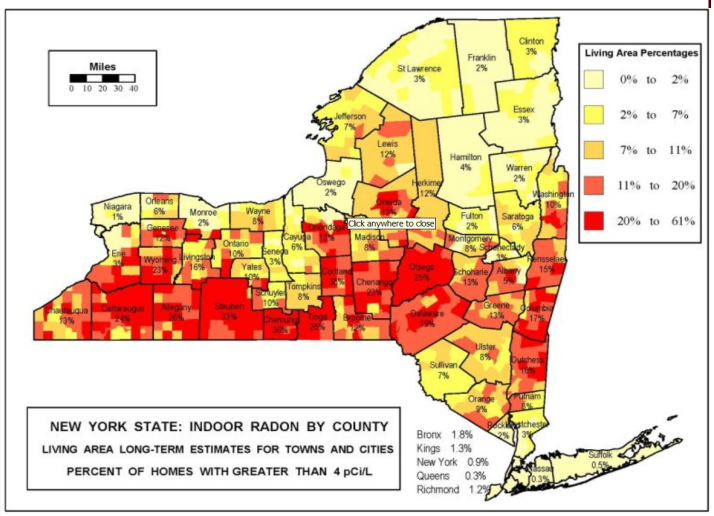
Radon and Schools

This is a reminder that 8 NYCRR155.5 **requires** public schools to “….take responsibility to be aware of the geological potential for high levels of radon and test and mitigate as appropriate.” Radon is an invisible naturally occurring radioactive gas that can cause cancer. There are several resources available to assist schools in satisfying the legal requirement set forth in regulation.

The U.S. Environmental Protection Agency (EPA) addresses radon in schools as an indoor air quality (IAQ) issue. The EPA’s *Indoor Air Quality Tools for Schools* program includes detailed guidance on how to integrate radon testing and mitigation into a school’s overall IAQ program. See: www.epa.gov/iaq/schools/managing_radon.html and www.epa.gov/iaq/schools/index.html. The State Department of Health (NYSDOH) Radon Program and Wadsworth Center web sites include detailed information, including maps, related to the confirmed presence of radon in New York State counties and towns. This data is based on residential readings using both short-term and long-term testing methods.

- Radon Maps of New York State by County and Town
  www.wadsworth.org/radon/data.htm
- Measured Basement Screening Radon Levels by County, September 2014 and Measured Basement Screening Radon Levels by Town - 2014
  www.health.ny.gov/environmental/radiological/radon/maps_statistics.htm

For assistant on this topic, contact the NYSDOH Center for Environmental Health, Bureau of Environmental Radiation Protection at: 518-402-7556 or radon@health.ny.gov.



Mandated School District Health and Safety Committee

The question of what defines a "school district health and safety committee" is one which generates many phone calls to Facilities Planning. Most calls are related to the functional status and role of the committee and whether the health and safety committee (established as part of the RESCUE regulations) can be combined with other mandated committees in the school district. This intent of this article is to clarify this topic.

First and foremost, the district health and safety committee is not optional. Commissioner's Regulation 8 NYCRR 155 defines the requirement to establish a health and safety committee, as well as its core and expanded membership.

Unlike other committees required by regulation which focus on concerns related to actions and interactions of students, staff, and parents, such as such as the committees required by the SAVE legislation, the focal point of the health and safety committee is the physical plant or actual school facility. This includes but is not limited to concerns related to indoor air quality, pest management, and safety during construction.

Can the health and safety committee be combined with other committees? Yes—but each committee's duties defined in statute or regulation must still be addressed. The agenda of one committee cannot by superseded by the agenda of the other. In addition, the health and safety committee's requisite core and expanded membership defined in sections 155.4 and 155.5 of regulation must be followed.

The following are excerpts from the regulation highlighting the health and safety committee's membership and roles.

Section 155.4 Uniform Code of Public School Building Inspections, Safety Rating and Monitoring

(d) Monitoring system. Boards of education and boards of cooperative educational services shall establish a process to monitor the condition of occupied public school buildings in order to assure that they are safe and maintained in a state of good repair...:

(1) Establishment of a health and safety committee comprised of representation from district officials, staff, bargaining units, and parents.

In addition to having a health and safety committee, the board of education must adopt the following:

(7) Procedures for investigation and disposition of complaints related to health and safety. Such procedures shall involve the health and safety committee and at a minimum shall conform to the following requirements:

(i) Provide for a written response to all written complaints. Such written response shall describe:

(a) the investigations, inspections or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections or tests are not necessary;

(b) the results of any investigations, inspections or tests which address the complaint;

(c) the actions, if any, taken to solve the problem; and

(d) the action, if any, taken if the complaint involved a violation of law or of a contract provision.

(ii) A copy of the response shall be forwarded to the health and safety committee.

Section 155.5 Uniform Safety Standards for School Construction and Maintenance Projects

(2) Boards of education and boards of cooperative educational services shall establish procedures for involvement of the health and safety committee to monitor safety during school construction projects. The health and safety committees in school districts other than in cities with one million inhabitants or more **shall be expanded** during construction projects to include the project architect, construction manager, and the contractors. Such committee shall meet periodically to review issues and address complaints related to health and safety resulting from the construction project. In the case of a city school district in a city of one million inhabitants or more, the board of education shall submit procedures for protecting health and safety during construction to the commissioner for approval. Such procedures shall outline methods for compliance with this section.

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Mandated School District Health and Safety Committee (cont.)

(n) Post construction inspection. The school district or board of cooperative educational services shall provide the opportunity for a walk-through inspection by the health and safety committee members to confirm that the area is ready to be reopened for use.

We are aware that schools are required to establish many committees, however the health and safety committee defined in Commissioner's Regulations 155.4 and 155.5 is the only committee committed to ensuring a healthy and safe physical environment in which students can learn and adults can work.

Working in close partnership with the health and safety committee, districts should continually strive to maintain facilities that are conducive to learning and working.

AHERA Inspections and Recordkeeping Reminders—Follow-Up

This article is to follow-up to information presented on AHERA inspections in the July 2015 Facilities Planning Newsletter.

New York State Department of Labor (NYSDOL) staff are currently conducting random inspections in schools to ensure compliance with the federal Asbestos Hazard Emergency Response Act (AHERA). As noted previously, one of the items that inspectors will likely request is written documentation proving that the mandated "short-term worker notification" occurs as required by AHERA §763.84.

The following form and sign-in sheet is an excellent example of how this notification can be documented.

Remember—copies of such notifications need to be retained as part of the overall AHERA management plan.

For detailed guidance related to AHERA compliance, see:

www2.epa.gov/asbestos/school-buildings#requirements.

www2.epa.gov/asbestos/school-buildings#resources

Notice To Short-Term Workers

All workers entering the _____School must sign-in, thereby acknowledging the presence and locations of asbestos-containing materials (ACM) in the _____School. No work will be allowed in the areas listed below without prior approval from _____, the AHERA Designated Person for the _____School District.

By signing the form below, I acknowledge that I have reviewed the management plan for the School and know the locations of the ACM associated with the building and have training to work in areas which I may come in contact with ACM.

Worker Sign-In

Date	Work Location	Name (printed & signature)	Company	Phone #

Launching the On-Line Fire Safety Reporting System—Tips and Reminders

The following are some simple tips and reminders for navigating the on-line fire safety reporting system.

- ✓ **BE CREATIVE!** If your school district has storage sheds at multiple buildings, please name them something other than "storage shed". Multiple buildings with the exact same name is often confusing to the individual charged with verifying and certifying the buildings in the district. An example of a simple and descriptive name is "storage shed #1 @ high school."
- ✓ Once the buildings have been verified and certified, they must be imported into SEDREF before the annual fire inspection data can be entered. The fire inspection data can not be entered unless the import into SEDREF has been completed.
- ✓ Remember—if your school district owns a building that is being leased to BOCES, the district still owns the building. In other words in this type of example, when you're asked to verify whether or not the school district owns the building, the answer should be "yes." This may sound overly simplistic, but this issue resulted in many telephone calls and emails to our office.
- ✓ The superintendent of schools will receive an email from NYSED once the window has opened in your geographic region enabling the data entry of fire inspection report data. If your region isn't open yet, the building verification and certification process can still be completed, but there will be no prompts for entering the fire inspection report until your region opens.
- ✓ Please direct all portal access, entitlement, and password questions to the SEDDAS Help Desk at: 518-473-8832 **or** seddas@nysed.gov. Facilities Planning staff cannot resolve password or entitlement questions.

Specific questions on the fire safety system may be directed to the Office of Facilities Planning at:

518-474-3906 or email firesafety@nysed.gov.

Facilities Planning Staff Telephone and Email

The following is the most current Facilities Planning staff directory (alphabetical by category):

Coordinator		
Carl Thurnau	518-474-3906	Carl.Thurnau@nysed.gov

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Dan Lim	518-486-2052	Dan.Lim@nysed.gov
Dan Westbrook	518-408-1552	Daniel.Westbrook@nysed.gov

Fire Safety		
Vacant	Effective	September 4, 2015

Project Managers		
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Debbie Johnson	518-486-2048	Debbie.Johnson@nysed.gov
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Public Libraries in New York State

Public libraries provide vital services in communities across the State. Many public libraries have traditionally been considered part of the school district in which they're located. This includes submitting plans and specifications to Facilities Planning for library capital construction projects, as well as ensuring that the annual fire inspection is conducted and certificate of occupancy is issued.

As school districts have been verifying and certifying their buildings in the on-line fire system, an unexpected question has arisen: Who is responsible for public library facilities? Unfortunately, the answer is not as straightforward as one would hope and may vary from community to community. Therefore, school district administrators and school boards should be consulted concerning the status of the public library facility in your community.

A **Public Library District** is a library that enables voters to approve the library budget and elect library trustees.

In New York State, public library districts may be characterized as one of the following types: (www.nysl.nysed.gov/libdev/libs/pltypes.htm)

- ✓ **School District Public Library**
  A School District Public Library is created by passage of a referendum placed on the school district ballot. A petition signed by 25 qualified voters within the school district is necessary to place the proposition for a vote. School District Public Libraries have service areas that coincide with the school districts in which they are located, and voters within the school district determine the library's budget and trustees.

- ✓ **Special Legislative District Public Library**
  The vote to create a Special Legislative District Public Library is authorized by State legislation. A State Legislator introduces a bill specifying the service area of the library and authorizing a public vote to create the library, elect trustees, and establish a budget. Once the State legislation is passed, an election is scheduled within the municipality to select trustees and approve the initial library budget.

- ✓ **Association Library District**
  This model is available to libraries currently chartered as Association Libraries that do not want to relinquish their "private" status by re-chartering as a School District Public Library or a Special Legislative District Public Library.

This article specifically addresses **School District Public Libraries.**

According to guidance issued by the New York State Library's Office of Library Development, "School District Public Libraries are totally independent of the school district. Once the library has been established, the library board has the authority to schedule a vote on a library budget each year. If the proposition to fund a School District Public Library passes, the school district must collect the tax money and pay the funds to the library. Because they are public entities, School District Public Libraries are subject to civil service and public procurement laws and regulations… School District Public Libraries have the ability to raise funds for capital projects by directing the school board to place a bonding resolution on the ballot." www.nysl.nysed.gov/libdev/libs/pldtools/guide/1mdlpsd.htm

In addition, "the school board has the right to set the time and place for the vote; usually it will coincide with the next school district election. However, the school district may choose to schedule the vote to be held in the library on a separate date." www.nysl.nysed.gov/libdev/libs/pldtools/guide/1bltsd.htm.

The Office of Library Development also states that "the school district collects tax money for the library and turns the funds over to the library board. The school district has no direct control over the operations of the library." www.nysl.nysed.gov/libdev/libs/pldtools/guide/1stppsd.htm

For detailed information on the three types of public library districts in New York State, please see the chart on the following page and www.nysl.nysed.gov/libdev/libs/pldtools/index.html.

New York State Library

Public Libraries in New York State (cont.)

New York State Library

Types of Public Libraries: A Comparison

	Association Library	Municipal Public Library	School District Public Library	Special District Public Library
How Established	By vote of association members or as trustees operating under a will or deed of trust.	By vote of county, city, town or village board; or by petition and referendum.	By vote of school district voters.	By special act of State legislature and vote of special district voters.*
Charter	Regents incorporate by charter.	Regents incorporate by charter.	Regents incorporate by charter.	Regents incorporate by charter.
Registration	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.
Tax Funds	May receive appropriation from units of government. Also tax levy by vote of municipal or school district voters. Library should sign contract with appropriating unit. May petition municipal and/or school district tax payers for funds.	Budget approved by county, city, town, or village board. Also tax levy by vote of municipal or school district voters. May petition municipal and/or school district tax payers for funds.	Budget approved by school district voters. May also petition for a tax levy from municipalities.	Budget approved by district voters. May also petition for a tax levy from municipalities, unless enactment legislation specifies otherwise.
Bonding Authority	Not permitted. Requires a special act of legislation through Dormitory Authority of the State of New York (DASNY)	Municipal government may bond if it owns the library building.	School district may bond on behalf of the library, if school district or library owns the library building.	A municipality may bond on behalf of district if legislation allows.*
Board of Trustees	Number: 5-25. Elected by association members. Term of office: set by charter. Responsible to association membership and to Regents. Residential requirements may be established in bylaws.	Number: 5-15. Approved by municipal governing board; term of office: three or five years if established after 1921.** Responsible to municipal government, public, and Regents. Must be residents of municipality (except village library).	Number: 5-15. Elected by school district voters. Term of office: three or five years (if established after 1921).** Responsible to school district voters and Regents. Must be residents of school district.	Number: determined by enabling legislation. Elected by residents of special district. Term of office: five years or as defined by legislation. Responsible to special district voters and Regents. Residency requirements determined by enabling legislation.
Community Involvement	Public can join association and may vote for trustees.	Public "owns" library; votes for elected officials who are sympathetic to library needs.	Public "owns" library and votes directly for trustees and budget.	Public "owns" library and votes directly for trustees and budget.
Retirement Benefits	May purchase retirement benefits from private vendor. Some may be in State Retirement System if specified in statute.	State Retirement System benefits through municipality.	State Retirement System benefits through school district or independently.	State Retirement System benefits if library district opts to participate.
Civil Service	Employees not covered by Civil Service.	Employees subject to Civil Service Law.	Employees subject to Civil Service Law.	Employees subject to Civil Service Law.

Notes:

* Special district public libraries are created by act of the New York State Legislature. Each one is different and reflects the particular needs and situation of that district. There is no comprehensive legal definition of a special district public library.

** Became effective January 1, 1999.

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?

The names of all individuals licensed by the New York State Department of Environmental Conservation (NYSDEC) as pesticide applicators are in a publically available database.

True.

The NYSDEC Bureau of Pest Management - Information Portal available at: http://www.dec.ny.gov/nyspad/?0 includes the names of all NYS licensed pesticide professionals, as well as courses and instructors.

True or False?

NYS Code Enforcement Technicians are now known as NYS Building Safety Inspectors.

True.

The title has changed from Code Enforcement Technician to Building Safety Inspector pursuant to Title 19 NYCRR Part 1208-3.1. Training requirements are specified in 19 NYCRR Part 1208-3.2. The Building Safety Inspector basic training program includes at least 60 hours of training; the Code Enforcement Official basic training program includes not less than a total of 120 hours of training, including the 60-hour Building Safety Inspector basic training program.

Lists of all certified Code Enforcement Officials and Building Safety Inspectors are posted on the NYS Department of State web site:

Building Safety Inspectors
www.dos.ny.gov/DCEA/certBSIlist.html

Code Enforcement Officials
www.dos.ny.gov/DCEA/certceolist.html

True or False?

Flying the American flag outside public school buildings is optional in New York State.

False.

Article 9, Section 418 of NYS Education Law states that: It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flag-staff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

Questions From the Field:

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

Are there resources available for getting rid of bed bugs in schools?

Dr. Jody Gangloff-Kaufmann, Community Integrated Pest Management (IPM) Coordinator at Cornell University, has developed guidance on how to deal with bed bugs using IPM. The following is courtesy of the Cornell IPM program.

Adult bed bugs are straw-colored to reddish-brown, oval bodied insects with undeveloped wings, and their upper bodies are covered with short, golden hairs. Before feeding, they're 1/4–3/8" long and nearly as flat as a piece of paper, which is why and how they can fit into very narrow crevices. Their appearance changes after they've fed; bed bugs become bloated and dark red. The average lifespan of a bed bug is 3-10 months and a female may lay more than 100 eggs during that time. Under ideal conditions a bed bug population can double every 16 days!

To get rid of bed bugs, you need to clean—thoroughly! This means clearing out all clutter and removing items where bed bugs could hide behind or underneath, such as pictures and posters, rugs and other items on the floor, electrical switch plates, around window and door casings, and even in the folds of draperies and underneath electronics. Vacuuming with a brush is an effective way to remove live and dead bed bugs. Be sure to empty the vacuum immediately. If the vacuum has a bag, enclose the bag in a plastic bag that is sealed and discard. If you have a bagless vacuum, dispose of the contents in a plastic bag that is sealed and immediately discard and wash the dust canister with soapy water. Bed bugs are sensitive to extreme temperatures. Toss linens, curtains, etc. into a hot (125°F) dryer for 20 minutes to kill bed bugs. Eliminate their shelter by sealing cracks and crevices with caulk in areas such as window sills or along baseboards. Some insecticides are also effective. (Note: NYS pesticide application rules apply.) This includes botanical oils that repel and kill insects; some cleaning products are also labeled for use against bed bugs. The standard insecticides used for bed bug control are pyrethroids, which come in a variety of formulas and products. One system, the total release fogger ("bug bomb"), is **NOT** recommended.

For more information, please contact Cornell University's Pesticide Management Education Program at (607) 255-1866, http://pmep.cce.cornell.edu, or see: www.nysipm.cornell.edu/whats_bugging_you/bed_bugs/default.asp.(from www.nysipm.cornell.edu/factsheets/buildings/bb_are_back.pdf)