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facplan

# NYSED Office of Facilities Planning Newsletter



Carl T. Thurnau, P.E. Issue #116 - September 2014

## Newsletter Highlights

Message from  
Carl Thurnau, PE

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## Welcome to the 2014-15 School Year

The beginning of the school year is a time filled with a sense of anticipation and optimism. While a classroom teacher works toward student success, school facilities staff want to demonstrate and display a school building that is clean, safe, and in good repair. To do this, school facilities staff need the full support and cooperation of their school board, administrators, teachers, parents, and students.

The staff charged with custodial and maintenance duties cannot ensure safe and healthy schools on their own. The building may be in pristine condition, but the faculty and staff need to understand their role in keeping the school safe.

The following are a few examples of how and why the entire school staff need to work together.

- ✓ Univents must not be covered with books or other materials. Restricting the air flow is counterproductive to

ensuring a healthy school environment.

- ✓ As with the univents, rescue windows must not be blocked by books, boxes, plants, or anything else. **To block the access to a rescue window is to intentionally put students and staff in harms way.**
- ✓ Do not store open containers (boxes, bags, etc.) of food in classrooms. Open containers of food are simply invitations for insects and/or rodents to move in for the upcoming winter.
- ✓ If insects and/or rodents are detected, remember that ONLY an individual certified by the NYS Department of Conservation (DEC) as a pesticide applicator can apply a product—AND if that person is an employee of the school district, the district must be registered as a

pesticide agency by DEC.

- ✓ Faculty and staff should be reminded that they are not to bring any cleaning supplies (including air fresheners, disinfectants, etc.) from home. ALL products used in a school must be purchased through the district and the safety data sheet (SDS) retained under Right-to-Know requirements.

Whether you are a school employee, the parent of a student, or someone else associated with the school, we all share a responsibility to keep school facilities safe.

Have a safe and successful school year!

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

Please email suggested topics and comments to:

Isahr@mail.nysed.gov.

## NYSED Updates

The NYS Education Department (NYSED) has seen a number of changes over the summer—both items which have been in the news and others which have been taking place behind the scenes.

- Cosimo Tangorra has been appointed by the State Board of Regents as the new Deputy Commissioner of NYSED's Office of P-12. Mr. Tangorra is the former Superintendent of Schools for Central Valley School District (formerly the Ilion and Mohawk Central School Districts). Prior to Central Valley, he served as the Superintendent at the Oppenheim-Ephratah Central School District, Trumansburg Central School District, and Ilion Central School District. He began his career as an Independent Living Coordinator, Special Education Teacher, and Building Principal.
- Former NYSED Deputy Commissioner Ken Slentz has been appointed as Superintendent of Schools in the Skaneateles Central School District.

- The NYSED web site has been totally redesigned. Please visit the new site at: [www.nysed.gov](http://www.nysed.gov).
- NYSED will be migrating its email system to Microsoft Outlook within the next few weeks. This change means ALL NYSED email addresses will change. The following is an example of an old address with a new address:

**OLD ADDRESS:** [cthurau@mail.nysed.gov](mailto:cthurau@mail.nysed.gov)

**NEW ADDRESS:** [carl.thurnau@nysed.gov](mailto:carl.thurnau@nysed.gov)

**In the meantime, please continue to use the OLD address format. Once the change is made, we will post a notice on our web site at: [www.nysed.gov/facplan](http://www.nysed.gov/facplan).**

## Annual Visual Inspections (AVI) & Building Condition Surveys (BCS) Update

As most of you know, we anticipate the Governor will sign the Bill allowing the 2014 AVI to be avoided. However, preparations should be in full swing for the 2015 BCS!

Districts can incur costs in either the 2014-2015 school year or the 2015-2016 school year, but not past the final deadline established for data submission to SED.

Per statute, the actual survey should be completed by November 15, 2015, and the data submission should be completed by January 15, 2016—barring any SED-related delays as have been experienced in the past.

We will not be able to establish the reimbursement rate until next spring/summer after the escalation since 2010 has been calculated by DOL, but expect it will be approximately \$0.27/sq ft. All costs associated with the survey itself, as well as any necessary testing costs, specifically related to the determination of a system condition, will be eligible under the cost ceiling. Examples of testing may be roof scans, arc flash testing of electrical switchgear, video inspection of piping, etc. Talk with your professionals about appropriate testing where necessary. Any unnecessary testing will only increase State and local costs.

Some services are not eligible for reimbursement. SED has reviewed several RFP's that request prices for "basic BCS" services - those that meet the statute - and "enhanced BCS" services - those that offer products and/or services above the minimum.

Please be advised that "enhanced services" are not eligible for BCS reimbursement. Enhanced services include such things as assistance in completing comprehensive maintenance plans, populating maintenance programs with equipment and utility data, pre-construction investigations, project planning, commissioning services, etc.

The final format is not expected to change significantly, but it will not be available until spring/summer of 2015. Finally, districts will be reimbursed at the lower of:

- ✓ the actual survey expense multiplied by the current aid ratio;
- ✓ or the allowable sq ft cost multiplied by the current aid ratio.

Districts cannot be reimbursed at the selected aid ratio.

Please contact your Facilities Planning project manager with any other questions you may have.



## U.S. Department of Justice: ADA and Evacuation Planning

A New York State school district and the U.S. Department of Justice (DOJ) recently entered into a consent decree whereby the district admitted to not evacuating a student in a wheel chair during a building emergency.

The press release from DOJ read:

**Manhattan U.S. Attorney Files And Settles Lawsuit Against XXX School District For Failure To Evacuate Students With Disabilities During School-Wide Evacuation In Violation Of The ADA.**

There are definitely lessons to be learned from this case—lessons which must be taken seriously.

The following language from the consent decree serves as a critical reminder for all schools:

The Americans with Disabilities Act of 1990 (ADA) “requires that students with disabilities be given the opportunity to participate meaningfully in all programs put in place by their schools—a requirement that applies with particular force to emergency preparedness. There is never an excuse for jeopardizing the safety of any child.”

In this particular case, the DOJ investigation “revealed that the district had failed to maintain evacuation plans for students with disabilities and failed to permit them to participate fully in evacuation drills.”

The following are key points from the consent decree:

- ✓ The district shall ensure that students with disabilities are able to meaningfully participate in evacuations—**whether actual evacuations or drills.**
- ✓ Upon the request of any student with any student with a disability, make reasonable modifications to its policies, practices, and procedures concerning the placement of such student in particular classrooms.
- ✓ The district shall adopt and implement individualized evacuation plans for all students with disabilities relating to mobility impairments attending the school such that all such students have the opportunity to meaningfully participate in evacuations—whether actual evacuations or drills—conducted by the district.
- ✓ The consent decree further requires the district to provide ADA training to all district employees.

There are many resources available to assist school districts with ADA compliance issues at [www.ada.gov](http://www.ada.gov).



## UPDATED—NYSED Manual of Planning Standards

Facilities Planning staff are in the process of reviewing all of the comments and suggestions that were submitted for the revised **2014 NYSED Manual of Planning Standards (MPS)**.

We are on schedule to release the final 2014 MPS this fall. As a reminder, future projects will be subject to the provisions within the new MPS. The effective date of the updated MPS will be posted on our web site. A suitable transition period will be provided.

**Please check the Facilities Planning web site for updates on this item.**



# Preparing for Changes to the NYSED Fire Safety System

The existing NYSED Fire Safety System was designed when the “web” referred to something a spider made and when being “on-line” meant waiting for something while standing behind someone else. To keep up with changing technology, the Fire Safety System will soon enter the 21st century—with accessibility through the web to enter fire inspection data through NYSED’s secure on-line portal.

## Some features of the new system include:

- All public school fire safety report data must be entered into the secure on-line portal. Paper reports will no longer be accepted. (Note—this is the same secure portal already in use by school districts for various purposes, including entering BEDS information.)
- SED will no longer be providing labels.
- Certificates of occupancy (CO) will be printed by the school district. SED will no longer mail CO.
- School districts must verify the names and addresses of every school building (instructional and otherwise) prior to using the system to enter fire inspection data.
- School districts must identify the actual street address of all buildings—**a P.O. box is not a street address.**
- The 2014-15 school year will serve as a time to transition from the existing fire inspection zones to fire inspection regions—which mirror regions already in use by other SED offices.

The following regions will be defined geographically by county and “Big 4” city school districts:

Western: Buffalo City SD, Erie, Niagara, Wyoming

Genesee Finger Lakes: Rochester City SD, Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Yates

Southern Tier West: Allegany, Cattaraugus, Chautauqua

Southern Tier Central: Chemung, Schuyler, Steuben

Southern Tier East: Broome, Chenango, Delaware, Otsego, Tioga, Tompkins

Central: Syracuse City SD, Cayuga, Cortland, Madison, Onondaga, Oswego

Upper Mohawk Valley: Herkimer, Oneida

Black River-St. Lawrence: Franklin, Jefferson, Lewis, St. Lawrence

Lake George-Champlain: Clinton, Essex, Hamilton, Warren, Washington

Upper Hudson: Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie

Mid-Hudson: Yonkers City SD, Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

Long Island: Nassau, Suffolk

## The following are some suggestions to prepare for the new system:

- Ensure all buildings (instructional, non-instructional—including sheds, etc.) have current certificates of occupancy.
- Keep in mind that the CO must be displayed in a prominent place near the main entrance of the building.
- Inform Facilities Planning staff if buildings have been sold or demolished.
- Inform Facilities Planning staff if LOIs were sent to Facilities Planning for the construction of new buildings which were never built.

**NOTE: The actual launch date for the new system hasn't been determined, although it is fully anticipated that it will take place during the 2014-15 school year.**

**In the meantime, the current system will remain in effect.**

**More information will follow as the launch date gets closer.**

## Smart Schools Bond Act of 2014—Update

As a reminder, the **New York State Smart Schools Bond Act of 2014** will be on the statewide ballot in November. The public will be asked to approve \$2 billion for public school technology, pre-K construction, and security capital projects.

More information will be provided as it becomes available and once a successful bond act is authorized by state voters, however, at the moment the following information is provided for information and planning purposes.

A smart schools advisory panel will determine the requirements of a required [Smart Schools Investment Plan](#) districts will submit for approval. "Smart Schools Projects" (of which there are 4 sub-categories of projects) will need to be included in the Investment plan to be eligible for a Smart Schools Bond Act Grant. Once the investment plan is approved, the project does not need additional approval unless it involves a capital project.

The 4 project subcategories are (1) pre-k construction or transportable replacement project; (2) community connectivity project;

(3) classroom connectivity project; and (4) school safety and technology project. At present, it appears that two categories of projects would need a building permit: "pre-Kindergarten or transportable classroom replacement project", and "school safety and security technology project".

Details about permitting for a "community connectivity project" or a "classroom connectivity project" are unclear at this time. Projects that only involve acquisition of hardware such as desktops, laptops, and tablets would not need a building permit. Each district has an allocation which can be viewed on their State Aid runs—on the State Aid web site. Funds not expended, disbursed or encumbered shall be carried over to the next succeeding school year.

This information is subject to change and further guidance will be provided in the future, however, districts are encouraged to re-view district needs in relation to these project categories and have a plan to proceed if funding becomes available.

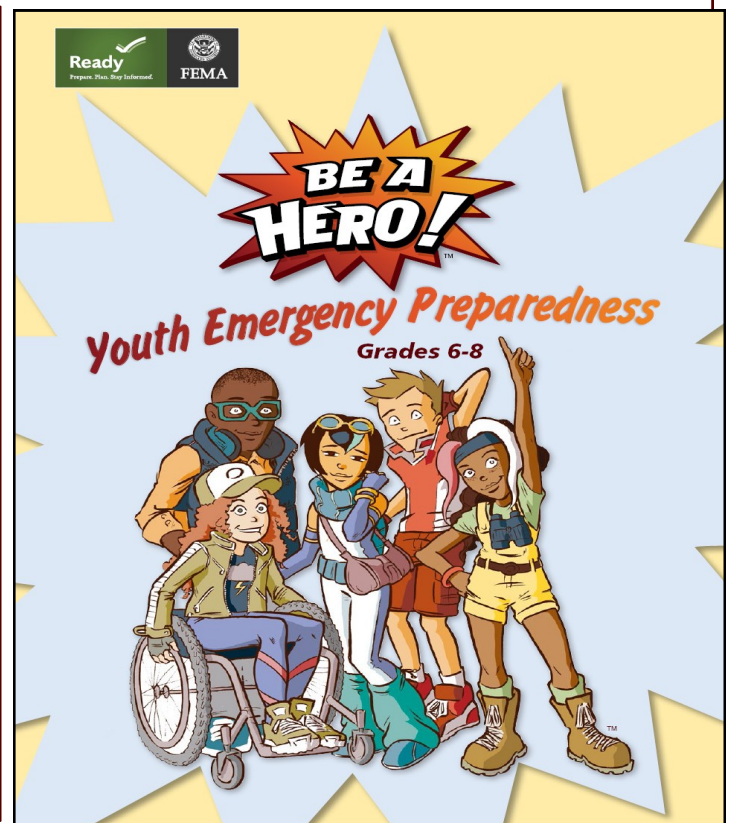
## September is National Preparedness Month

The 2014 National Preparedness Month theme is: **"Be Disaster Aware, Take Action to Prepare."** The Ready Campaign establishes four building blocks of emergency preparedness:

- ✓ Be informed
- ✓ Make a Plan
- ✓ Build a Kit
- ✓ Get Involved. America's PrepareAthon!

The goal of the PrepareAthon is to encourage individuals to focus on a simple, specific activity that will increase preparedness. This is a new national community-based campaign for action that focuses on increasing emergency preparedness through hazard-specific drills, group discussions and exercises.

To promote the month, FEMA has developed weekly awareness themes to help people take action to prepare for an emergency (see: [www.ready.gov/september](http://www.ready.gov/september)). In addition, FEMA has developed numerous downloadable materials for different age groups, in various languages, and with specific themes. Please see: [www.ready.gov/publications](http://www.ready.gov/publications).



## 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 days are still warm and schools want prop classroom doors open to create a cross-breeze. This is permissible on exceptionally warm days.

**FALSE.** If the classroom doors have closers they are required to be closed as part of the fire/life safety system and design of the structure in accordance with code.

### True or False?

Storage sheds and factory manufactured buildings may be purchased and simply placed on school grounds without permission from NYSED and/or certificates of occupancy from NYSED.

**FALSE.** All structures with four walls, a roof, and a door must be approved prior to placement and/or construction on school grounds and such structure must have an annual certificate of occupancy issued by NYSED.

### True or False?

A minimum temperature of 65 degrees F. must be maintained in occupied buildings from September 15 through May 31. No maximum temperature is specified in the Code.

**True.** The minimum temperature requirement is specified in the Property Maintenance Code of New York State, Section 602.4. Buildings which are under going construction must also meet this requirement for occupied portions of the building where students and/or staff are located. There is no maximum temperature requirement.

### True or False?

All short-term workers (plumbers, electricians, utility repair workers, etc.) must meet with the school's asbestos designee prior to starting work to be informed of the exact locations of any known or assumed asbestos-containing material in the building.

**True.** The "short-term worker notification" is a federal requirement pursuant to AHERA (40 CFR Part 763). See: [www2.epa.gov/sites/production/files/documents/aherarequirements\\_1\\_0.pdf](http://www2.epa.gov/sites/production/files/documents/aherarequirements_1_0.pdf)

## Questions From the Field:

This section will address an actual question which has been raised by a school facility

**A classroom teacher wants to place an old couch in their room. The school principal wants some formal reason why this can't be allowed.**

There is no direct prohibition of materials for classroom furnishings. If it were attached, such as wall fabric, blinds, artwork, etc., it would need to comply with fire hazard classifications contained in the NYSED *Manual of Planning Standards*.

Research has shown that upholstered furniture is flammable and can be a significant fuel source in a fire. This risk needs to be seriously considered. A standard test to measure the resistance to flammability, California Tech Bulletin 117, is typically met by most furniture manufactures to address the risk. This minimum standard should be met by any furniture placed in a school. It may be difficult to confirm this standard has been met in a second-hand piece of furniture. Carpeting in public schools is required to meet a Class I floor finish fire rating—which may also be difficult to determine with used carpeting.

To ensure there is no potential fire hazard issue, the couch could be sprayed with a fire retardant (similar to what is used on auditorium drapes). This at least will not diminish the fire resistance of the space that has been created in accordance with code.

Beyond fire concerns, there are other issues when used furniture, such as a sofa is brought into the school. Two key questions are: why is the sofa being disposed of and what is living in or on the sofa? Are insects and/or rodents living in the sofa? Is there mold on or inside the sofa? Mold could reside inside the furniture or carpet and not be detected for a period of time due to the pile of the carpet or the fabric of the furniture. Check the underside of the furniture and pull up the cushions to check for signs of a pests. The presence of such items in a school could result in an indoor air quality problem and the introduction of allergy producing contaminants. Dust mites are also a common problem found in carpeting and upholstered furniture. Frequent vacuuming would be required with a HEPA filter vacuum in order to control the dust; and upholstered furniture tends to "grab on" to anything it comes in contact with.

Therefore, SED strongly advises against the use of new or used upholstered furniture or carpeting in schools.

**Watch for the Green Ribbon Schools Program for the 2014-15 school year on the Facilities Planning web site at:**

**[www.nysed.gov/facplan](http://www.nysed.gov/facplan) or  
to learn more about the program  
see the link below.**

U.S. DEPARTMENT OF EDUCATION

**GreenRibbonSchools**



**[www2.ed.gov/programs/green-ribbon-schools/index.html](http://www2.ed.gov/programs/green-ribbon-schools/index.html)**