

**Manual for
Fire and Building Safety Inspections
In Public and Nonpublic Schools**



**The University of the State of New York
The State Education Department
Office of Facilities Planning
Fire Safety Unit
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THE UNIVERSITY OF THE STATE OF NEW YORK

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Manual for Fire and Building Safety Inspections in Public and Nonpublic Schools

I. INTRODUCTION

On December 30, 2002, New York State adopted a new building code. As a result, two manuals previously titled *Manual for Public School Facilities Fire Prevention and Fire Inspection* and *Manual for Fire Prevention and Fire Inspections in Nonpublic School Facilities* needed revisions to reflect the change. In addition, this office took the opportunity to provide additional information about all currently required inspections in addition to the annual fire and building safety inspection. This one manual replaces the two manuals.

The entire process, from planning for the inspections through corrections of identified nonconformances, requires careful preparation. This manual is designed to provide instruction for the school administrator and the inspector for performing the inspections and appropriate documentation requirements. It provides background information and details about applicable regulations and codes and explains the inspection and enforcement processes.

II. STANDARDS AND APPLICABILITY

A. New York State Consolidated Law

In the New York Consolidated Law,

Chapter 16 is Educational Law,

Title I is General Provisions,

Article 17 is Instruction in Certain Subjects,

Section 807a is Fire Inspections.

This Section states it is the duty of school authorities of public and nonpublic schools to cause buildings for student use to be inspected at least annually for fire hazards which may endanger the lives of students, teachers and employees therein.

The Commissioner of Education is to furnish the form for the fire inspection. Any report of any fire inspection performed is to be submitted to the Commissioner.

Education Law Section 807a is the law that applies to Public and Nonpublic school Fire Inspections.

The full text for Article 17 may be found at <http://assembly.state.ny.us/leg/?cl=30&a=41>

B. Commissioner's Regulations

In the Official Compilation of Codes, Rules and Regulations of the State of New York,

Title 8 is Education Department.

Chapter II of Title 8 is Regulations of the Commissioner.

Subchapter J is Buildings and Transportation.

Part 155 (8 NYCRR 155) is Educational Facilities.

This Part applies to all school buildings owned, operated, or leased by a school district or board of cooperation education services (BOCES) unless specified otherwise in a specific Section.

In addition to the fire inspection required in Educational Law Section 807a stated above, the Commissioner has requirements for additional inspections for public facilities. The following Sections relate directly to all inspections for building safety and fire safety. The full text for all 155 Sections may be found on our web site: www.emsc.nysed.gov/facplan.

To paraphrase applicable sections:

155.1 Educational Facilities: Each school district shall provide suitable and adequate facilities to accommodate the programs of each district.

155.4 Uniform Code of Public School Building Inspections, Safety Rating and Monitoring: *Building condition surveys* are required every five years. In the interim four years, *annual visual inspections* are required.

155.5 Uniform Safety Standards for School Construction and Maintenance Projects: The occupied portion of any school building shall always comply with the minimum requirements necessary to maintain a *certificate of occupancy*, even during construction projects.

155.7 Health and Safety in Existing Educational Facilities: Health and safety regulations for existing educational facilities in school districts, other than city school districts having 125,000 inhabitants or more.

155.8 Fire and Building Safety Inspections: All buildings which are owned, operated or leased by a public school district or board of cooperative education services shall be *inspected for fire safety* at least once annually, or at any other time deemed necessary by the Commissioner. This regulation provides further guidance for public school facilities, beyond Educational Law Section 807a.

155.17 School Safety Plans: Regulations for school emergency management plans, school safety plans and school emergency response plans.

155.25 Safety Requirements for Electrically Operated Partitions: Regulations for electrically operated partitions, room dividers and curtains. This applies to public schools, BOCES and nonpublic schools.

C. Codes

Subsequent to January 1, 2003, the *New York State Uniform Fire Prevention and Building Code* has been moved from Title 9B NYCRR 600-1250 to Title 19 NYCRR 1220-1226, 1240. The eight new Parts reflect eight volumes of codes:

- Part 1220.1 Residential Code of New York State
- Part 1221.1 Building Code of New York State
- Part 1222.1 Plumbing Code of New York State
- Part 1223.1 Mechanical Code of New York State
- Part 1224.1 Fuel Gas Code of New York State
- Part 1225.1 Fire Code of New York State
- Part 1226.1 Property Maintenance Code of New York State
- Part 1240.1 Energy Conservation Construction Code of New York State

The *New York State Uniform Fire Prevention and Building Code* applies to all buildings within New York State, with minor exceptions. It does not apply to buildings within New York City. While most code sections pertain to new construction, there are many sections that apply to existing facilities. As a reminder to inspectors, while the Commissioner's regulations are

retroactive for all facilities, the code sections that pertain to new construction are not retroactive. So, for portions of schools built between 1984 and 2003 the inspector should be familiar with the old Title 9B NYCRR code in addition to the new Title 19 NYCRR code. Prior to 1984, there was not a state code that pertained to public schools. Just like today, buildings and additions to public school districts and BOCES buildings were required to be built in compliance with the Manual of Planning Standards in effect at the time of construction. The Manual of Planning Standards may be found on our web site, www.emsc.nysed.gov/facplan.

The Codes of New York cited in Title 19 NYCRR 1220-1226, 1240 are copyrighted and not available for free online. However, the Codes are available for purchase from the publisher, International Conference of Building Officials (ICBO), by phone at (800) 284-4406, or on their web site, www.icbo.org/nycodes. An electronic version is available from Intermedia Design, 1-800-320-4043 or www.autobook-IDS.com.

III. ENFORCEMENT OF STANDARDS

The standards identified in the previous section are enforced through a number of inspections. This section provides the “who, what and when” regarding the inspections.

A. Building Condition Surveys

This pentannual inspection is to insure all occupied public school buildings are properly maintained and preserved and provide a suitable educational setting.

- The survey shall include, but not be limited to a list of all program spaces and an inspection of major building system components for evidence of movement, deterioration structural failure, probably useful life, need for repair, maintenance, and replacement.
- The physical inspections required to complete the survey are to be conducted by a team that includes at least one licensed architect or engineer.
- The form for the building condition survey is provided on the Office of Facilities Planning web site: www.emsc.nysed.gov/facplan. The first reports were to be signed and sealed by the licensed architect or engineer and submitted to the Commissioner by January 15, 2001. The subsequent signed and sealed reports are to be submitted January 15th of every 5th year thereafter.
- The first building condition surveys were conducted on buildings on or before November 15, 2000. The second survey shall be conducted at no more than five years after the first survey.

Buildings that received a certificate of substantial completion between August 31, 1995 and September 30, 1999 were not required to be surveyed in 2000. Survey of these buildings is not required until the second survey, November 15, 2005. Buildings receiving a certificate of substantial completion dated October 1, 1999 or thereafter shall participate in the second building condition survey.

For leased facilities, see Appendix B for further information.

B. Annual Visual Inspections

This annual inspection is required to insure that all occupied public school buildings are properly maintained and preserved and provide a suitable educational setting.

- This inspection is a visual reinspection of the components of the building condition survey for changes that may have occurred and a review and update of the safety rating as needed. It is to be completed every year by November 15, excluding the years containing the building condition survey.
- The inspection shall be conducted by a team composed of a person certified by the Department of State as a code enforcement official or code compliance technician, or in the case of the City of New York, a person certified by the New York City Building Department as a local code enforcement official, the district director of facilities or his or her designee, and a member of the health and safety committee. This team must include three separate individuals, not one person with all three qualifications. Even though any one of the members may have multiple qualifications, our intent is to interject additional input to identify safety and maintenance requirements. Reducing the team to one or two individuals limits what may be identified
- The form for the annual visual inspection is provided on the Office of Facilities Planning web site: www.emsc.nysed.gov/facplan.

For leased facilities, see Appendix B for further information.

C. Fire Safety Inspections

This annual inspection applies to all buildings that are owned, operated or leased by a public school district, BOCES or a nonpublic school as required by this manual.

Public Schools – (For leased facilities, see Appendix B for more information.)

- This inspection is to verify each building complies with Commissioner’s regulations and the applicable sections of the *New York State Uniform Fire Prevention and Building Code* and two sections of the Commissioner of Education’s Regulations: Section 155.7 – Health and Safety in Existing Educational Facilities and Section 155.25 – Safety Requirements for Electrically operated Partitions.
- All inspections are to be performed by an inspector who is qualified pursuant to procedures established by the State Fire Administrator. This means a code enforcement official or code compliance technician who has been certified by the Office of the State Fire Administrator, Department of State. Certification must be through successful completion of the appropriate training courses provided by the Department of State Codes Division and required in-service training must be maintained pursuant to Title 19 Part 434.5(a)(2).

Nonpublic Schools - (For leased facilities, see Appendix B for more information.)

- This annual inspection is to verify each building for student use complies with Education Law 807a, select Commissioner’s regulations and the applicable sections of the *New York State Uniform Fire Prevention and Building Code*.
- School authorities shall cause any fire inspection per Education Law 807a to be made by one of the following methods or any combination of such methods:

- Employing persons who in the judgement of the school authorities, are qualified to make such an inspection or any phase thereof.
- Contracting for the making of such inspections by persons who in the judgement of the school authorities, are qualified to make such an inspection or any phase thereof.
- Requesting inspection by the fire department of any city, town, village, or fire district in which the building is located.
- Requesting inspection by a fire corporation that is subject to the provisions of Section 1402 of the not-for-profit corporation law, if such building is located within the area described in the certificate of incorporation of any such corporation.
- Requesting inspection by the county fire coordinator, or the officer performing the powers and duties of a county fire coordinator pursuant to the local law, of the county which the building is located, or by any deputy county fire coordinator or deputy if such other officer so performing the powers and duties of a county fire coordinator, if the building is located outside a city, town, village, or fire district, which has its own fire department and outside the area described in the certificate of incorporation of any fire corporation that is subject to the provisions of Section 1402 of the not-for-profit law.

D. Existing Building Evaluation

This inspection applies to an existing instructional facility where there is a capital project submitted to Facilities Planning for review. This does not apply to buildings in New York City, Buffalo, Rochester, Syracuse, or Yonkers.

- This inspection is to verify the building complies with the minimum health and safety requirements in Sections 155.7 and 155.25 of the Regulations of the Commissioner of Education.
- This inspection is to be performed by the architect or engineer of record for the capital project.
- The “Evaluation of Existing Building” form is provided on the Office of Facilities Planning web site: www.emsc.nysed.gov/facplan.

Work to correct any nonconformances must either be part of the plans and specifications being submitted, or included in a letter signed by both the Superintendent of Schools and the architect or engineer of record must be part of the submission package. The letter must clearly explain why each of the nonconforming items will not be addressed in the current project and a schedule addressing when the nonconformance will be corrected.

IV. FIRE SAFETY INSPECTION PROCESS

A. Inspection Planning Phase

The major steps to be considered in planning a Fire Safety Inspection are in this section. One report form must be completed for each building. References to Educational Law

Section 807-a apply to all schools, public and private. References to 8 NYCRR 155 apply to public and BOCES buildings only.

Several factors influence responsibility for buildings the school district or BOCES lease either to or from the private sector or any other entity. To determine who is responsible for the inspection under varying conditions, guidance is provided in Appendix B.

- ***Identify the inspection period as established by the Commissioner.***

All reports must reach the State Education Department by the inspection period end date. Reports not received on or before the inspection period end date are LATE.

Public Schools – In accordance with 8 NYCRR 155.8(b), Appendix A identifies the Fire Inspection Zones each supervisory district is contained within. Each inspection year is actually 11 months. The inspection cycles identify the inspection period start date and the report submission due date for each year. Certificates of Occupancy for public school facilities will not be issued until reports are processed. Students and employees may not occupy or otherwise use buildings without a valid posted certificate of occupancy.

Nonpublic Schools – In accordance with Educational Law Section 807-a, the annual fire inspection shall be made prior to the first day of December of every school year. The report shall be filed with the State Education Department no later than December 16 of the same year.

- ***Identify buildings requiring inspection and set an appropriate schedule for inspection within the inspection period.***

As the schedule is developed, an event to include is a post-inspection meeting to review the alleged nonconformances on the nonconformance reporting sheet. Per Education Law Section 807-(a)(5)(e), the meeting shall include the trustees, board of education, or corresponding officers, and the chief or comparable officer, of any fire department or fire corporation, which has the regular duty of fighting fire in the building to be inspected. If there are no nonconformances, this meeting may be cancelled.

The school authorities shall establish the date the fire safety reports will be mailed to the State Education Department. The date selected shall allow sufficient time for the reports to reach the Education Department on or before the end date of the inspection period. Reports that are received by the State Education Department after the ending date of the inspection period are late filed, as postmarks cannot be considered.

For Public Schools - In accordance with 8 NYCRR 155.8(a), a building is any freestanding building or structure, with walls and a roof that can be secured. It may be any combination of buildings or structures that are connected by an enclosed noncombustible connector corridor. For example, a single building may be a small storage shed, a bus garage, a high school expanded so far it takes over the adjacent elementary school for high school spaces, a maintenance building, a manufactured building, greenhouse, barn, etc.

Campus arrangements are not considered to be one building. Unless interconnected by enclosed connecting corridors, a separate report is required for each campus building. It may be prudent in some cases to intentionally classify individual buildings within a large interconnecting complex because one portion may jeopardize the certificate of occupancy for the entire complex.

The inspections may not begin before the inspections period start date. However, all inspections may be conducted on the first day of the inspection period.

Late filed reports may result in lapses of coverage of a valid Certificate of Occupancy. A public school facility cannot be used unless a valid Certificate of Occupancy is posted on the premises.

For Nonpublic Schools – Per Educational Law Section 807-(a)(1), this inspection applies to buildings of a school containing classroom, dormitory, laboratory, physical education, dining or recreational facilities for student use.

- ***Obtain services of inspector.***

Make sure the inspector is aware of the inspection period and the date for mailing in the reports.

For Public Schools – Per 8 NYCRR 155.8(b), All inspections are to be performed by an inspector who is qualified pursuant to procedures established by the State Fire Administrator. This means a code enforcement official or code compliance technician who has been certified by the Office of the State Fire Administrator of the Department of State. Certification must be through successful completion of the appropriate training courses provided by the Department of State Codes Division.

An employee of a school district, either full or part-time, regardless of qualifications, may not conduct the annual fire and building safety inspection, or any other inspection required by the State Education Department.

If you can not find an inspector appropriately qualified in your area, Educational Law Section 807-a(3)(c) requires the county fire coordinator to make the inspection or cause it to be made.

For Nonpublic Schools – See Section III-C above to determine who would be an appropriate inspector for the school building.

- ***Notify local fire official of the time, date and location of all fire and building safety inspections; and the post-inspection meeting.***

In accordance with Educational Law, Section 807-a(3)(b) the school authorities are required to notify the chief or comparable officer of any fire department or fire corporation, which has the regular duty of fighting fire in the building to be inspected. The authorities are to provide reasonable notice of the date and time the inspection is to

be made. The officer notified, or any subordinate designated by the officer, may be present during the inspection and may also file a report of inspection.

The officer shall also be notified of the scheduled post-inspection meeting.

- ***Complete Part I of report.***

School officials must complete *all* of Part I of the Fire Safety Report only at the time of the initial building inspection. The State Education Department records this information and when distributing subsequent annual inspection notification letters, will insert a copy of the “Fire Code Activity Report” for each building.

For non-instructional/non-student occupied facilities of less than 500 square feet with a primary use of storage, maintenance, housing of machinery and certain other purposes, the simplified Public School Fire Safety Report has been eliminated. All buildings are to use the same Public School Fire Safety Report form.

When received, the school official shall examine the Fire Code Activity Report. The School official shall enter into Part I only the information that has changed since the previous report, or information that is missing from the Fire Code Activity Report in red ink only.

B. The Inspection – Public School Facilities

- ***The inspection***

The inspector references Part I and uses Part II of the Public School Fire Safety Report for each building as the inspection is conducted.

It is recommended the Director of Facilities or designee accompany the inspector.

If the inspector discovers a building that was not identified by the State Education Department, the building is not to be inspected. The inspector is to notify the State Education Department immediately.

Per Educational Law Section 807-a, the City School Districts of New York City, Buffalo, Rochester, Syracuse, and Yonkers need not complete Part II-A.

- ***The report***

Any nonconformances discovered during the inspection represent violations of the minimum standards of fire and building safety required by the *New York State Uniform Fire Prevention and Building Code* and for section 155.7, Health and Safety in Existing Educational Facilities of the Commissioner of Education’s Regulations. The inspector is to record all nonconformances on the Public School Fire Safety Nonconformance Reporting Sheet.

No further notice of violation is required to alert the school officials that a violation exists. Wherever possible, all such violations shall be corrected immediately. The inspector shall give the school official a list of locations of nonconformances.

The Fire Safety Inspector completes Section III-A Certification.

The Building Administrator, or Designee, completes Section III-B Certification.

The School Superintendent completes Section III-C Certification.

C. The Inspection – Nonpublic School Facilities

▪ ***The inspection***

The inspector references Part I and uses Part II of the Nonpublic School Fire Safety Report for each building as the inspection is conducted.

If the inspector discovers a building that was not identified by the State Education Department, the building is not to be inspected. The inspector is to notify the State Education Department immediately.

▪ ***The report***

Any nonconformances discovered during the inspection represent violations of the minimum standards of fire and building safety required by the *New York State Uniform Fire Prevention and Building Code*. The inspector is to record all nonconformances on the Nonpublic School Fire Safety Nonconformance Reporting Sheet.

No further notice of violation is required to alert the school officials that a violation exists. Wherever possible, all such violations shall be corrected immediately.

The Fire Safety Inspector completes Section III-A Certification.

The Building Administrator, or Designee, completes Section III-B Certification.

The Local Municipal Code Enforcement Officer completes Section III-C Certification.

D. Post Inspection Phase – Public and Nonpublic Schools

▪ ***Correct all violations that can be corrected before report submission.***

In accordance with 8 NYCRR 155.8(c), All nonconformances in buildings, which are owned, operated or leased by a public school district or BOCES, shall be remedied promptly. The remedy for some nonconformances may involve structural modifications or services to be provided by outside vendors. Obviously, such matters can not be corrected as quickly and they may require some time to correct. These nonconformances still violate the minimum standards for the fire and building safety and must be corrected without undue delay.

- ***Submit Fire Safety Report to State Education Department.***

In accordance with Educational Law, Section 807-a(5)(a), a public and nonpublic school shall submit all Fire Safety Reports to the State Education Department. Reports must be received before the end date of the inspection period. The submission shall include any revisions in Part I and the Fire Safety Nonconformance Report Sheet.

- ***Provide public notice of inspections.***

In accordance with Educational Law, Section 807-a(5)(b) and (c), within 20 days of filing the report with the State Education Department, the school authorities shall cause public notice of the filing of the report to be given in substantially the following form: “*Notice is hereby given that the annual inspection for ... (year) of the ... school building (or of the ... and ... school buildings) of (name of school district or nonpublic school) for fire hazards which might endanger the lives of students, teachers, employees therein, has been completed and the report thereof is available at the office of (school district or nonpublic school) at ... for inspection by all interested persons.*” If the inspection was not made by the fire department or fire company responsible for fire protection of the building, such authorities shall cause a copy of such notice to be mailed to the chief of such fire department or company.

The school authorities shall have notice published at least once in a newspaper having general circulation in the postal area in which the school is located. If there is no newspaper having general circulation in the postal area, the school authorities shall post notice in ten conspicuous places in the postal area. Proof of posting or publication of such notice and the mailing of a copy of such notice to the fire chief shall be filed in the nonpublic school office or the public district office. Public schools may cause such notice to be published at least in their official newspaper in lieu of a general circulation newspaper.

- ***Post-inspection meeting and nonconformance action plan.***

In accordance with Educational Law, Section 807-a(5)(e), if there are nonconformances, the school authorities shall give at least 5 days notice by mail to the chief of the fire department or fire company responsible for fire protection of the school building of the date and the place of meeting of the trustees, board of education, or corresponding officers by what ever name known, to be held within 30 days following the public notice posting.

For those nonconformances that cannot be corrected immediately, the school authority is to develop a nonconformance action plan to make the corrections. This plan is to include a definitive timeline when possible. At the post-inspection meeting, the school authority presents the plan. The school authority shall confer with the fire chief concerning the nonconformances appearing on the inspection report and the measures proposed to be taken by the school authorities to correct the nonconformances. A plan shall be approved for correcting the nonconformances by the end of the meeting.

If there are no nonconformances, this meeting may be cancelled.

In accordance with 8 NYCRR 155.8 (c), facilities that are owned, operated or leased by a public school district or BOCES that are found to have nonconformances are required to be remedied immediately. If this time frame is not practical, they must be remedied in a time frame suitable to the Commissioner.

▪ ***Post Certificate of Occupancy***

In accordance with 8 NYCRR 155.8(e), no building that is owned, operated or leased by a board of education or a BOCES shall be occupied or otherwise used unless the building has a valid certificate of occupancy issued by the Commissioner. If the inspection indicates the building is suitable for occupancy and free of nonconformances, the Commissioner will issue a certificate of occupancy. For leased facilities, see Appendix C for further information.

V. FIRE SAFETY REPORT FORMAT

There are three different fire safety reports: **Public School Fire Safety Report**; the **Simplified Public School Fire Safety Report**; and the **Nonpublic School Fire Safety Report**.

The district shall print one copy of the entire manual for the inspector. Appendix C, **Fire Safety Inspection Code Reference Checklist** shall be used as a reference during the inspections. The district shall photocopy Appendices D, E, and F as appropriate – one copy per building inspected, and affix labels provided by SED.

Appendix D – **Public School Fire Safety Report**

Appendix E – **Simplified Public School Fire Safety Report**

Appendix F – **Nonpublic School Fire Safety Report**

A. Part I – Facility Profile/Fire /Life Safety History Update

All public and private school officials are required to update this Part. School officials must provide only corrected, changed, or previously omitted data.

B. Part II-A – Commissioner of Education Regulation 8NYCRR155

This Part applies to all **public** school buildings with student occupancy **excluding** cities with over 125,000 inhabitants.

This is included in Fire Safety Inspection Code Reference Checklist.

The inspector inspects all applicable buildings and notes any nonconformances on the Fire Safety Nonconformance Report Sheet.

C. Part II-B – Fire Code and Property Maintenance Code of New York State

This Part applies to all public school buildings and nonpublic student use buildings.

Fire Code of New York State – Questions 1 through 22

Property Maintenance Code of New York State – Questions 23 and 24

This is included in Fire Safety Inspection Code Reference Checklist.
The inspector inspects all applicable buildings and notes any nonconformances on the Fire Safety Nonconformance Report Sheet.

D. Part III – Certifications

This Part applies to all inspected buildings. The superintendent must be aware that in signing the report, they are certifying that:

1. Public notice of report availability has been published, and that
2. Any nonconformances noted as corrected on this report were corrected, and that
3. For any uncorrected nonconformances that appear on this report, the Board of Education, at the meeting held pursuant to Section 807(a) of the Education Law, adopted a written plan for correction of those nonconformances, and such plan is available for public scrutiny.

VI. CERTIFICATES OF OCCUPANCY – Public School Facilities

In accordance with 8 NYCRR 155.8(e), no building that is owned, operated or leased by a board of education or a BOCES shall be occupied or otherwise used unless the building has a valid certificate of occupancy issued by the Commissioner. The Commissioner will issue a certificate of occupancy following the annual fire safety inspection if the inspection indicates the building is suitable for occupancy and free of nonconformances. For leased facilities, see Appendix C for further information.

The Certificate of Occupancy (CO) must be displayed in a prominent place near the main entrance of the building. Buildings may not be occupied or be used for the purpose for which it is intended or any other purpose, unless a valid CO issued by the State Education Department is appropriately displayed.

COs are valid for a maximum of 12 months from the date of the School Fire Safety Report. The report must indicate conformance to all applicable standards. If a building is found to have non-conforming items, a CO will be issued if all nonconforming items are corrected either prior to report submittal or subsequent to issuance of a temporary CO.

The determination of whether an annual or a temporary CO is issued is based on the Relative Degree of Severity of nonconformances and the quantity.

For each item on the Fire Safety Inspection Code Reference Checklist, the last digit of the item number identifies the Relative Degree of Severity.

- 1 represents a Minor Nonconformance
- 2 represents a Major Nonconformance
- 3 represents a Severe Nonconformance

Annual or temporary Certificates of Occupancy are issued (or withheld) in accordance with the following table:

Relative Degree of Severity of Nonconformances	Number of Outstanding Nonconformances	Certificate issued
-	No nonconformances	Annual
Minor	1 – 10	Temporary – 30 days
Minor	11 or more	None *
Major	1 – 5	Temporary – 30 days
Major	6 or more	None *
Severe	1 or more	None *

* No Certificate of Occupancy may be issued until all nonconformance items are corrected.

A. Temporary Certificate of Occupancy

A Temporary Certificate of Occupancy is issued when a Fire Safety Report demonstrates non-conforming items that do not warrant revocation of the CO. A temporary CO is issued for 30 days. If it is not possible to remedy the nonconformances within 30 days, the school district or BOCES may submit a request in writing for an extension. The letter must identify the nonconformance, indicate the reason why the nonconformance may not be remedied in the 30 day period, and provide a proposed schedule that will permit the remedy. In addition, the letter must state what provisions are in place to temporarily overcome the nonconformance; i.e. equivalent safety measures.

B. Qualified Certificate of Occupancy

When a building undergoes a capital project, a Certificate of Substantial Completion is required to be submitted to acknowledge that this public works project has been supervised pursuant to Subdivision 3 of Section 7209 of the Education Law and pursuant to contract with the school district for professional services. The certificate requires a fire safety inspection be conducted. If the building construction is found substantially complete but a portion of the building is still not fit for occupancy a qualified CO is issued. This CO will state “This certificate of occupancy is qualified. Portions of this facility noted as not yet completed on the certification of substantial completion dated mm/dd/yy, are not completed in this certificate of occupancy. Those portions cannot be occupied until a new certificate of substantial completion and fire safety report are submitted, and a new certificate of occupancy is issued.” There is no expiration date.

C. Revocation of Certificate of Occupancy

A Certificate of Occupancy may be revoked if a building is found to have nonconformances of a severe degree of severity or too many of a lesser degree of severity. See above paragraphs.

Appendix A - FIRE INSPECTION ZONES – Public School Facilities

Zone	Zone Name and Supervisory District	Cycle	Year	Fire Inspection Beginning Date	Period Due Date
1	Niagara – Western				
	Cattaraugus-Allegany-Erie-Wyoming Chautauqua Erie #1 Erie-Chautauqua #2 (excluding Buffalo) Orleans-Niagara	21 22 23 24 25	2003 2004 2005 2006 2007	1/15 12/15 11/15 10/15 9/15	3/1 2/1 1/1 12/1 11/1
2	Genesee-Southern				
	Genessee Livingston-Steuben-Wyoming Monroe #1 (excluding Rochester) Ontario-Seneca-Yates-Cayuga-Wayne Schuyler-Chemung-Tioga Steuben-Allegany	21 22 23 24 25	2003 2004 2005 2006 2007	2/15 1/15 12/15 11/15 10/15	4/1 3/1 2/1 1/1 12/1
3	Central				
	Cayuga-Onandaga Cortland-Madison Onandaga- Madison (excluding Syracuse) Oswego Tompkins-Seneca-Tioga	21 22 23 24 25	2003 2004 2005 2006 2007	3/15 2/15 1/15 12/15 11/15	5/1 4/1 3/1 2/1 1/1
4	Mohawk -North				
	Herkimer-Fulton-Hamilton-Otsego Jefferson-Lewis Madison-Oneida Oneida-Madison-Herkimer St. Lawrence-Lewis	21 22 23 24 25	2003 2004 2005 2006 2007	4/15 3/15 2/15 1/15 12/15	6/1 5/1 4/1 3/1 2/1

FIRE INSPECTION ZONES - continued

Zone	Zone Name and Supervisory District	Cycle	Year	Fire Inspection Beginning Date	Period Due Date
5	Southern Tier				
	Broome-Delaware-Tioga Delaware-Chenango-Madison-Otsego Otsego-Delaware-Schoharie-Greene	21 22 23 24 25	2003 2004 2005 2006 2007	5/15 4/15 3/15 2/15 1/15	7/1 6/1 5/1 4/1 3/1
6	Capital North				
	Albany-Schoharie-Schenectady Clinton-Essex-Warren-Washington Franklin-Essex-Hamilton Rensselaer-Columbia Saratoga-Warren Washington-Warren-Hamilton-Essex	21 22 23 24 25	2003 2004 2005 2006 2007	6/15 5/15 4/15 3/15 2/15	8/1 7/1 6/1 5/1 4/1
7	Mid-Hudson				
	Dutchess Orange-Ulster Sullivan Ulster	21 22 23 24 25	2003 2004 2005 2006 2007	7/15 6/15 5/15 4/15 3/15	9/1 8/1 7/1 6/1 5/1
8	Putnam-Rockland-Westchester				
	Putnam-Westchester Rockland Westchester #2 (excluding Yonkers)	21 22 23 24 25	2003 2004 2005 2006 2007	8/15 7/15 6/15 5/15 4/15	10/1 9/1 8/1 7/1 6/1

FIRE INSPECTION ZONES - continued

Zone	Zone Name and Supervisory District	Cycle	Year	Fire Inspection Period Start Date	Period End Date
9	Nassau				
	Nassau	21	2003	9/15	11/1
		22	2004	8/15	10/1
		23	2005	7/15	9/1
		24	2006	6/15	8/1
		25	2007	5/15	7/1
10	Suffolk				
	Suffolk #1 Suffolk #2	21	2003	10/15	12/1
		22	2004	9/15	11/1
		23	2005	8/15	10/1
		24	2006	7/15	9/1
		25	2007	6/15	8/1
11	Big 4 Cities				
	Buffalo Rochester Syracuse Yonkers	21	2003	11/15	1/1
		22	2004	10/15	12/1
		23	2005	9/15	11/1
		24	2006	8/15	10/1
		25	2007	7/15	9/1

Appendix B – Leased Facilities

Building Condition Surveys and Annual Visual Inspections

For leased facilities, these requirements apply when the district or board leases the entire building and/or has control of the building. If the lease is for a portion of the building, these Survey and Inspection regulations do not apply.

Fire Safety Inspections

All buildings, which are *owned, operated or leased by* a public school district or board of cooperative educational services (BOCES) shall be inspected for fire safety at least once annually.

Owned – If a public school district or BOCES owns a building it must be inspected.

Leased - If the building is leased to a separate entity (town, day care, adult care, private school, business, etc) the public school district or BOCES is responsible for the inspection.

Where a district leases from a BOCES or vice versa, inspections are required for the district or BOCES that owns the building.

Where a district or BOCES leases only a portion of a facility from a third party, the district or BOCES must cause the entire facility to be inspected for conformance with the fire inspection provisions of the New York State Building Code. If the leased portion is for student use, inspection of that portion and its associated exitways and those areas that may compromise exiting, such as boiler rooms, must include Part II-A of the Fire Safety Report. In buildings with mixed occupancies, any occupancy uses having different hazard classifications must be separated from the educational use by a two-hour fire separation.

Appendix C – Fire Safety Inspection Code Reference Checklist

Part II – Fire and Life Safety Standards

Section II-A

Commissioner of Education Regulations 8 NYCRR155.7

(To be completed by certified code compliance technician or code enforcement official only)

This section must be completed for every public school building with student occupancy in other than cities with over 125,000 inhabitants.

1. Exitways (corridors, stairs):

- A-2 There are at least two means of egress from each floor and corridor.
- B-1 Corridor pockets and dead end corridors are less than 1.5 times the pocket or corridor width respectively.
- C-1 Glazed areas in and adjacent to doors and within 48 inches of floors are protected by railings, grilles or safety glazing.
- D-1 Glazed areas in and adjacent to doors and within 18 inches of floors are marked to prevent injury to occupants.
- E-1 Stairways in buildings having wood structural members or roof deck, have stairways enclosed with noncombustible construction and self-closing doors to effectively obstruct the spread of smoke and fumes from floor to floor, or each classroom has direct access to an exterior exit door.

2. Exits:

- A-2 Exit doors, except those serving one or two classrooms, swing in the direction of exit travel.
- B-1 Exit doors, except those serving one or two classrooms are equipped with panic hardware.
- C-3 Spaces of pupil occupancy over 500 square feet have two means of egress into separate zones. The primary egress is a door to the corridor and the secondary egress is a door directly to the exterior, a door to a separate smoke zone, an emergency rescue window, which is of a size and design, including hardware, which permits emergency egress (6 square feet minimum clear opening with 24 inch minimum dimension), unless a variance is granted by the Commissioner.
- D-1 All emergency rescue windows are identified by signs as specified on the window and /or on any window shades, blinds, or curtains.
- E-2 Emergency rescue windows are free of obstructing bars, screens, grilles or classroom equipment.
- F-3 Enclosed courtyards exceeding 700 square feet in area have at least two remote exits into separate smoke zones.

G-2 Hardware on doors from courtyards is of a type that will always permit exiting from the space without the use of a key.

3. Boiler/Furnace Rooms:

A-3 Gas and oil fuel-burning equipment having over 400,000 BTU per hour capacity are provided with electronic flame safeguard controls that upon flame failure normally respond in 2 to 4 seconds to cut off fuel supply.

B-1 Certificates are posted that indicate that each boiler has been inspected in compliance with Section 204 of the Labor Law.

4. Storage and Special Rooms :

A-2 Two-hour fire-rated enclosure with 1½ hour self-closing fire doors are provided for the following spaces:

- 1) Boiler, heater, or furnace rooms, incinerator rooms
- 2) Refrigeration rooms and transformer vaults
- 3) Store rooms for fuel, flammable liquids, and gas powered equipment

B-2 Required fire doors are maintained in a normally closed position unless held open by approved automatic devices.

C-1 Unused ducts and shafts are sealed off at each floor level with fire resistive materials.

5. Places of Assembly:

A-3 Exit doors from places of assembly are remote and have panic hardware (existing push-pull type hardware with no latching hardware is acceptable).

B-2 School buildings with wood structural members or roof deck do not have places of assembly above the first floor, unless approved by the Commissioner.

C-2 Places of assembly are provided with emergency lighting to illuminate exits.

6. Housekeeping, General Operation:

A-1 There are no fixed or portable control gates that create dead-end conditions.

B-1 Wherever available, new and replacement mercury vapor or metal halide lamps are of fail-safe type that will self-extinguish if shielding is broken, cracked, or removed.

C-1 Where new or replacement fail-safe lamps are not available, separate ultraviolet radiation-absorbing shielding is provided.

D-2 Space under stairs and landings is not used for storage unless separated by two hour fire rated construction.

E-3 Attic space in buildings of combustible construction is not used for storage.

- F-1 Storage in storerooms and classroom areas is orderly and restricted to items of obvious value and usefulness.
- G-1 Wood floors are not finished or treated with oil and floors so treated were cleaned and refinished.
- H-2 Direct-fired fuel-burning heating units shall not be used in any space of student occupancy.

7. Fire Alarms:

- A-3 School buildings of seven or more classrooms are equipped with a manually operated electric fire alarm system, that will continue to sound the alarm until the tripped station has been restored to normal operation or has completed a cycle of not less than 30 seconds. School buildings of one to six classrooms are equipped with either a manual, automatic, or electric fire alarm, capable of being sounded for such period of time as to insure evacuation of the building, or with an electric fire alarm system as described in a.1 above.
- B-2 Fire alarm stations are located on every floor.
- C-2 The building has a telephone that can be used in an emergency.

Commissioner of Education

Regulations 8 NYCRR155.25

8. Electrically Operated Partitions. If electrically disconnected, go to Part II-B.

- A-2 Partitions are operated by two (2) key operated, tamperproof, constant pressure, switches wired in series, remotely located at opposite ends and opposite sides of, and in view of, the partition.
- B-2 The partition is capable of being reversed at any point in the extend or stack travel cycle.
- C-2 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.
- D-2 Appropriate and conspicuous notice regarding the safe and proper operation of the electrically operated partition, required training, and supervision of students is posted in all partition operator locations.

Part II Fire and Life Safety Standards

Part II-B

Fire Code of New York State

(19 NYCRR Part 1225.1)

(to be completed by the certified Code Compliance Technician or Code Enforcement Official only)

	Code Section
9. General Precautions Against Fire	
A-2 Combustible waste and vegetation shall not create a hazard.	F304
B-2 Open flames are prohibited except supervised science and technology labs.	F308
C-1 Storage in buildings is orderly.	F315
D-1 Storage ceiling clearance of 24 inches in maintained.	F315
E-1 Storage in attics in non-combustible buildings is enclosed in one hour construction.	F315
10. Emergency Planning and Preparedness	
A-2 Fire safety and evacuation plans are in place.	F404
B-2 MSDS sheets are complete and available.	F407
C-1 Hazardous material containers and rooms are properly identified.	F407
D-1 Records of hazardous material inventory statements are provided.	F407
11. Fire Service Features	
A-2 Fire apparatus access roads and sidewalks are maintained unobstructed. NOTE: gates are permitted.)	F503
B-1 Flat roofs are free from obstruction.	F504
C-2 Private fire service hydrants, mains, and tanks are properly maintained and tested.	F508
D-2 Fire protection equipment is maintained free from obstruction.	F508
E-1 Fire protection equipment and locations are identified and maintained.	F508
12. Building Services and Systems	
A-1 Equipment access is maintained.	F603
B-3 Portable unvented heaters are prohibited.	F603
C-2 Above-ground gas meters are protected from damage.	F603

		Code Section
D-1	Records of inspection, testing, and maintenance of emergency and standby power systems are available.	F604
E-2	No electrical system hazards observed or reported.	F605
F-1	Service equipment areas are adequately illuminated.	F605
G-1	Electrical service and branch equipment working space is unobstructed.	F605
H-1	Electrical room doors and all disconnects are identified.	F605
I-1	Unapproved multi-plug adapters are not used.	F605
J-1	Extension cords are properly used and are not a substitute for permanent wiring.	F605
K-1	Outlet, switch, junction boxes, and wire splices are covered.	F605
L-1	Refrigeration systems are accessible, properly labeled, and records of periodic testing are available.	F606
M-1	Approved elevator emergency signs are provided.	F607
N-1	Emergency elevator keys are properly located.	F607
13. Commercial Kitchen Hoods		
A-2	Kitchen hood is provided and maintained at commercial equipment capable of producing grease vapors or smoke.	F609
B-2	Hood fire extinguisher system, where provided, has evidence of maintenance and inspection. System coverage and extinguishing agent are appropriate for the type of arrangement of cooking appliances, frying media, and exhaust configuration.	F609
14. Fire Resistance Rated Construction		
A-2	Fire resistance rating of rated construction is maintained.	F703
B-2	Opening protectives are properly maintained and are not blocked or made inoperable.	F703
C-2	Doors requiring closers are not rendered inoperable by removal of the closer or the installation of any nonautomatic hold open device.	F703
D-1	Records of annual inspections of sliding and rolling fire doors are available.	F703
15. Decorative Material and Furnishings		
A-2	Furnishings do not obstruct or obscure exits.	F803

		Code Section
B-1	Storage of clothing and personal belongings in corridors and lobbies is compliant.	F803
C-2	Artwork and teaching materials are limited to not more than 20% of the corridor wall area.	F803
D-2	Curtains, drapes, hangings and other decorative materials hanging from walls or ceilings shall be fire resistant.	F805
16. Fire Protection Systems		
A-2	Fire detection, alarm, and extinguishing systems are operative and inspection, testing and maintenance records are maintained and available.	F901
B-2	Portable fire extinguishers are located in a conspicuous location, are readily accessible, and are not obstructed or obscured.	F906
C-2	Fire pumps are inspected, tested, maintained, and records available.	F903
17. Means of Egress		
A-3	The required capacity of means of egress is free of obstructions.	F1011
B-2	Exterior exits are free from obstruction, including ice and snow.	F1011
C-2	Curtains, drapes, or decorations shall not be placed to obstruct exits or visibility thereof.	F1011
D-2	Exit signs are required in rooms or areas which require two or more exits.	F1012
E-1	Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet from the nearest visible exit sign.	F1012
F-3	Doors shall be readily operable from the egress side without the use of a key or special knowledge or effort.	F1012
G-1	Occupant load is conspicuously posted in all assembly spaces.	F1012
H-2	Exitways are provided with emergency lighting.	F1012
I-2	Tactile signs stating EXIT and complying with ICC/ANSI, A117.1 are provided adjacent to each door to an egress stairway.	F1012
J-1	Aisles are provided in all occupied spaces containing seats, tables, furnishings, displays, and similar fixtures or equipment and are unobstructed at all times.	F1012
K-1	Stairways that travel below the level of exit discharge are clearly defined.	F1012
18. Flammable Finishes		

		Code Section
A-2	Electrical wiring and equipment in spray areas shall be explosion proof.	F1503
B-2	“No Welding” signs shall be posted in the vicinity of the paint spraying areas and paint storage rooms.	F1503
C-2	Portable fire extinguishers rated for high hazard shall be provided in paint spraying areas.	F1504
19. Service Station and Repair Garages		
A-3	An approved, clearly identified and readily accessible emergency disconnect switch shall be provided for fuel dispensers.	F2203
B-2	Approved fire extinguishers shall be located within 75 feet of pumps, dispensers, and storage tanks.	F2205
C-1	Approved warning signs shall be posted in the fuel dispensing area.	F2205
D-1	Daily inventory records are maintained for underground fuel storage tanks.	F2206
E-1	Above-ground tanks are protected from impact by motor vehicles.	F2206
F-1	Sources of ignition shall not be located within 18 inches of the floor in repair garages.	F2201
G-1	Appropriately rated fire extinguishers are provided in repair garages.	F2210
20. Welding And Other Hot Work		
A-1	Hot work is conducted in areas designed or authorized for that work.	F2601
B-1	Combustible materials are protected to prevent ignition.	F2604
C-1	Fire extinguishers are located within 30 feet of hot work area.	F2604
21. Hazardous Materials		
A-1	The storage, use, and handling of all hazardous materials are in accordance with fire code section 2703.	F2703
22. Compressed Gasses		
A-1	Compressed gas containers are marked in accordance with CGA C-7.	F3003
B-1	Compressed gas containers are secured and protected.	F3003
C-1	Protective caps are in place.	F3003

23. Property Maintenance

- A-1 Required equipment, systems, devices, and safeguards are maintained in good working order.
- B-1 Non-required equipment, devices, and systems are maintained in good working order or removed.
- C-1 Certificate of elevator inspection is available.

**Code
Section**

PM102

PM102

PM606.1

24. Unsafe Structures and Equipment

An **unsafe structure** is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

- A-3 If the inspector determines that the building or equipment is unsafe as described above and requires condemnation, he/she shall check this item on the nonconformance sheet, provide a written explanation of the hazard, and contact the Office of Facilities Planning Fire Safety Unit at (518) 474-3906 immediately.

PM108

25. Other Requirements

- A-3 Document violations of any provisions of the Fire Code of New York State not specifically addressed elsewhere in this form. List the section number of each code requirement detailing the specifics of the violation.

Appendix D – Public School Fire Safety Report

See Public Fire Safety Nonconformance Report Form and Answer Sheet

Appendix E - Nonpublic School Fire Safety Report

To be added at a later date.