

Manual for Non-public School Facility Fire and Building Safety Inspections



The University of the State of New York

The State Education Department
Office of Facilities Planning
Room 1060 - Education Building Annex
Albany, New York 12234

www.p12.nysed.gov/facplan

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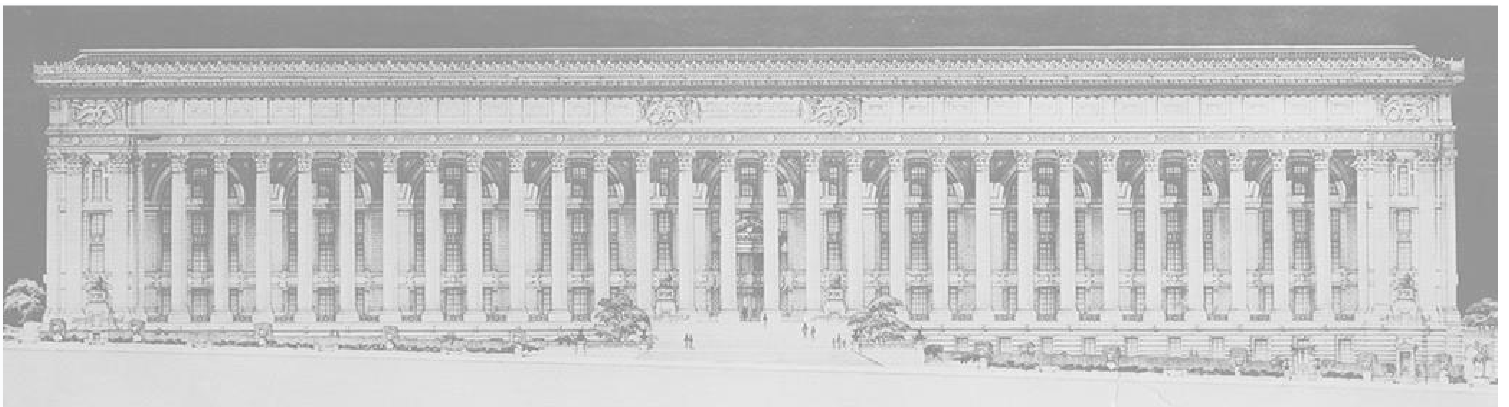


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Introduction

This manual provides guidance for New York State non-public school authorities and code enforcement officials pertaining to the requirements for annual fire and building safety inspections of non-public school facilities.

The intent of the annual inspection is to verify that buildings comply with State Education Law, the regulations of the Commissioner of Education, and applicable sections of the New York State Uniform Fire Prevention and Building Code.

Step-by-step instructions for the planning, inspection, post inspection, and documentation requirements are included in this manual. This document has been updated to reflect significant changes in the submission process for annual fire reports to the New York State Education Department (NYSED). The requirements in this manual are in conformance with the 2020 Fire Code of New York State, 2020 Building Code of New York State and the 2020 Property Maintenance Code of New York State (effective May 12, 2020).

NOTE: Only non-public school student-occupied facilities must be inspected (classroom buildings, dining halls, dormitories, etc.)

SUBMISSION PROCESS

- All non-public schools are required to annually submit the results of the fire and building safety inspections to the NYSED Office of Facilities Planning. This year the submission process is being allowed electronically via the **NYSED Application Business Portal**. The **Portal** is protected from unauthorized use with secure user IDs and passwords. See: <http://portal.nysed.gov>
- The new reporting process includes an annual requirement that all non-public schools verify the ownership and use of all buildings they occupy as documented within the portal. If there are additional buildings owned & occupied by the non-public school how will this be handled?
- Updated Certificates of Occupancy must be obtained from the local code enforcement office and posted as required. Non-public schools fall under the building code jurisdiction of the local municipal code enforcement office.
- The revised *2020 Nonpublic Fire and Building Safety Inspection Report* is available on our website: http://www.p12.nysed.gov/facplan/FireSafety/fire_safety_report_homepage.html

Reminder: using the NYED Application Business Portal is the preferred method of submission; original paper copies will still be accepted by mailing them to The State Office or Religious and Independent Schools (SORIS)

The submission of the fire safety report, described herein and required by Education Law 807-a, does not apply to private schools with less than 25 students or schools located in the cities of New York, Buffalo, Rochester, Syracuse and Yonkers. In those cities and locations private schools shall conduct fire inspections and file reports with the city or local code authority in accordance with Title 19 NYCRR Chapter XXII and local regulations.

I. Legal Foundations

New York State Law

New York State Education Law Section 807-a states that it is the duty of nonpublic school authorities 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 report shall be filed with the Commissioner of Education. Section 807-a was amended, effective February 15, 2020 and this revised manual reflects all revisions enacted and included in S-4663--B.

Regulations of the New York State Commissioner of Education

While most requirements included within the New York State Commissioner of Education Regulation 8 NYCRR Part 155 apply only to public schools and boards of cooperative educational services (BOCES), Section 155.25 applies to all schools including nonpublic and charter schools.

- **155.25 Safety Requirements for Electrically Operated Partitions**

Regulation related to electrically operated partitions, room dividers, and curtains.

2020 Fire and Building Codes of New York State (effective May 12, 2020) The applicable provisions of this code are 19 NYCRR Part 1221, 2020 Building Code of New York State, 19 NYCRR Part 1225, 2020 Fire Code of New York State, and Part 1226, 2020 Property Maintenance Code of New York State. The online version of the code is available on the New York State Department of State - Division of Building Standards and Codes website: <https://www.dos.ny.gov/dcea/>

II. Inspector Qualifications

This annual inspection must be conducted to verify that each student occupied building complies with New York State Education Law Section 807-a, select Commissioner's regulations, and applicable sections of the *New York State Uniform Fire Prevention and Building Code*.

School authorities shall cause any fire inspection per Education Law Section 807-a to be made by one of the following methods or any combination of such methods:

- 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 in 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.
- Requesting inspection by a fire inspector, who holds a valid certification.

FIRE SAFETY INSPECTION PROCESS

New York State Education Law Section 807-(a)(1) requires inspections for nonpublic school buildings containing classroom(s), dormitory, laboratory, physical education, dining, or recreational facilities for student use. New York State Education Law Section 807a requires that regardless of the method used to accomplish the inspection, the authority making the inspection shall file the report with school authorities no later than the first day of December each year.

I. Documentation of Annual Inspection request & explanation of denial (as needed)

In accordance with State Education Law Section 807-a (revised) paragraph 3 (b) After having been requested to do so, if any fire department, certified fire inspector or fire corporation shall fail or refuse to make a fire safety inspection promptly, the request shall be denied in writing to the school authorities; with an explanation of why such request was denied. In no event, may an authority (otherwise required by law to conduct fire inspections within a municipality) or a county fire coordinator, refuse a request by a school authority for such inspection.

II. The Inspection Process

- a) School officials must complete **Part I of the Fire and Building Safety Report annually**.
 - b) Inspectors must be provided with a copy of previous year's inspection report.
 - c) Inspectors must provide the results of the current year's inspection to school officials for **Part II of the Fire Safety Report**.
- The inspector should use "Appendix C – Fire Safety Inspection Code Reference Checklist" for each building as the inspection is conducted.
 - It is strongly recommended that a school administrator or their designee accompany the inspector.
 - Nonconformances discovered during the inspection represent violations of the minimum standards of fire and building safety required by the 2020 Fire Code of New York State, the 2020 Property Maintenance Code of New York State, and Section 155.25 of the Regulations of the Commissioner of Education. The inspector is to record all nonconformances on the School Fire Safety Nonconformance Reporting Sheet.
 - The inspector is to record all nonconformances for each violation observed. Wherever possible, all such violations shall be corrected immediately. The inspector shall give the school official a list of locations of nonconformances.

III. The Post-Inspection Process

ALL nonconformances (deficiencies) shall be promptly remedied. The remedy for some nonconformances may involve structural modifications or services of outside vendors. Clearly such matters may require time to correct, however these nonconformances still violate the minimum standards for the fire and building safety and must be corrected without undue delay.

Pursuant to State Education Law, Section 807-a 5 (e), if the report shows any alleged deficiencies or non-conformances, the school authorities shall provide the details of such deficiencies to the local government that administers and enforces the Uniform Fire Prevention and Building Code for the municipality in which the building is located.

IV. Providing Public Notice of Inspections

In accordance with Education Law, Section 807-a 5 (b) and (c), within 20 days of filing the report with the State Education Department, 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 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 (nonpublic school) at ... for inspection by all interested persons.”

If the inspection was not made by the local fire department responsible for fire protection of the building, a copy of such notice shall be mailed to the chief of that fire department/company.

The school authorities shall **cause such** notice to be published **on the school’s website** or 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 school’s office.

THE FIRE AND BUILDING SAFETY INSPECTION REPORT

The ***Manual for Non-public School Facility Fire and Building Safety Inspections*** is available on the State Education Department's Office of Facilities Planning web site at: www.p12.nysed.gov/facplan. It is also available at: www.p12.nysed.gov/nonpub.

Appendix C of this manual, the **Fire Safety Inspection Code Reference Checklist**, shall be used as a reference during the inspections.

Part I – General Information and Fire/Life Safety History

This section must be completed annually.

Part II-B: Non-public Fire Safety Non-Conformance Report Sheet

This section must be completed annually by all non-public schools.

Part III: Non-public Certifications

This section applies to all inspected buildings. The administrator, director, or headmaster must be aware that in signing the report, they are certifying that:

Public notice of report availability has been published, and that:

- Any non-conformances noted as corrected on this report were corrected, and that;
- For uncorrected nonconformances that appear on this report, the school authorities, shall provide the details of such deficiencies to the local government that administers and enforces the uniform fire prevention and building code for the municipality in which the building is located.

Appendix C - Fire and Building Safety Inspection Code Reference Checklist

Part II – Fire and Life Safety Standards

Section II – B

Commissioner of Education Regulations (8 NYCRR 155.25)

8. Electrically Operated Partition (if N/A or electrically disconnected and locked out – go to Section 9)

Code/Points	Description	
A-2	Partitions are operated by two 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.	
E-2	Records of inspection, testing, and maintenance of electrically operated partitions are available for review. Records verify that maintenance was performed in accordance with the manufacturer's instructions and recommended service interval.	

2020 Fire Code of New York State

9. General Fire and Safety Provisions

Code/Points	Description	Code Section
A-2	Combustible waste and vegetation shall not create a hazard	F304
B-2	Open flames are prohibited except in supervised science and technology labs	F308.2
C-1	Storage in buildings in orderly.	F315
D-1	Storage ceiling clearance of 24 inches is maintained in non-sprinklered areas of buildings or 18 inches below sprinkler head deflectors in sprinklered areas of the building	F315
F-2	Combustibles are not stored in boiler rooms, mechanical rooms, or electrical equipment rooms.	F315
G-2	Fueled equipment shall not be stored, operated or repaired within a building.	F313

10. Emergency Planning and Preparedness

Code/Points	Description	Code Section
A-2	Fire safety and evacuation plans are prepared, maintained, and available for review.	F403 F404
B-2	Safety Data Sheets (SDS) are complete and available on premises.	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

Points	Description	Code Section
A-2	Fire apparatus access roads are maintained and unobstructed. (NOTE: Gates are permitted)	F503
B-1	Flat roofs, less than 30 degrees, are free from obstruction.	F316
C-2	Private fire service hydrants, mains, and tanks are properly maintained and tested.	F507
D-2	Fire hydrants are maintained free from obstruction.	F507
E-1	Fire protection equipment and locations are identified and maintained.	F509

12. Building Services and Systems

Points	Description	Code Section
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
D-2	Records of inspection, testing, and maintenance of emergency and standby power systems are maintained on premises and are available for inspection.	F1203
E-1	No electrical system hazards observed or reported.	F604
F-1	Service equipment areas are adequately illuminated.	F604
G-1	Electrical service and branch equipment working space is unobstructed.	F604
H-1	Electrical room doors and all disconnects are identified.	F604
I-1	Unapproved multi-plug adapters are not used.	F604
J-1	Extension cords are properly used; not a substitute for permanent wiring.	F604
K-1	Outlet, switch, junction boxes, and wire splices are covered.	F604
L-1	Refrigeration systems are accessible, properly labeled, and records of periodic testing are available on premises.	F605

12. Building Services and Systems (con't.)

Non-Conformance Points	Description	Code Section
M-1	Approved elevator emergency signs are provided.	F606
N-1	Emergency elevator keys are properly located in an approved location for immediate use by the fire department.	F606
O-2	Heating equipment, chimneys, and vents are maintained and are in proper working order.	F603

13. Commercial Kitchen Hoods

code/points	Description	Code Section
A-2	Kitchen hood is provided and maintained at commercially used equipment capable of producing grease vapors or smoke.	F607
B-2	Hood fire extinguishing system, where provided, is maintained and serviced in accordance with Section F904 of the 2015 IFC.	F607

14. Fire Resistance Rated Construction

code/points	Description	Code Section
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.	F704
C-2	Doors requiring closers are not rendered inoperable by removal of the closer or the installation of any non-automatic hold open device.	F705
D-1	Records of annual inspections of sliding and rolling fire doors are available.	F705
E-1	Swinging fire & smoke doors close AND latch automatically from any position	F705

15. Decorative Material and Furnishing

Code/points	Description	Code Section
A-2	Furnishings do not obstruct or obscure exits.	F807
B-1	Storage of clothing and personal belongings in corridors and lobbies is compliant	F807
C-2	Artwork and teaching materials are limited to not more than 20% of the corridor wall area.	F807
D-2	Curtains, drapes, hangings, and other decorative materials suspended from walls or ceiling shall comply with Section 807.4 and shall not exceed 10% of the specific wall or ceiling to which they are attached	F807
E-1	Artwork and teaching materials in classrooms limited to not more than 50% of the specific wall area to which they are attached	F807

16. Fire Protection Systems

code/points	Description	Code Section
A-2	Fire detection, alarm, and extinguishing systems are operative; and inspection, testing, and maintenance records are maintained and available for review on premises.	F901
B-2	Portable fire extinguishers are located in a conspicuous location, are readily accessible, are not obstructed or obscured, and are maintained in accordance with this section and NFPA.	F906
C-2	Fire pumps are inspected, tested, and maintained in accordance with this section and NFPA 25 and records are available on premises for review.	F913
D-2	Carbon Monoxide detection and alarm systems are operative and maintained in accordance with Code; and records are available for review on premises.	F915

17. Means of Egress

Code/points	Description	Code Section
A-3	The required capacity of means of egress is free of obstructions.	F1031
B-2	Exterior exits are free from obstruction, including ice and snow.	F1031
C-2	Curtains, drapes, and decorations shall not be placed to obstruct exits or visibility thereof.	F1031
D-2	Exit signs are provided in rooms or areas which require two or more exits.	F1013
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.	F1013
F-3	Doors shall be readily operable from the egress side without use of a key or special knowledge or effort. <u>Electromagnetic locking devices are not allowed.</u>	PM702.3
G-1	Occupant load is conspicuously posted in all assembly spaces where occupant load exceeds 49 persons.	F1004
H-2	Means of egress are provided with emergency lighting.	F1104.5
I-2	Tactile signs stating "EXIT" and complying with ICC/ANSI, A117.1 are provided adjacent to each door to an egress stairway.	F1013
J-1	Aisles are provided in all occupied spaces containing seats, tables, furnishings, displays, and similar fixtures of equipment and are unobstructed at all times.	F1104.23
K-1	Stairways that travel below the level of exit discharge are clearly defined.	F1104.21
L-1	Required exit signs are provided with emergency illumination.	F1104.3

18. Flammable Finishes

Code/points	Description	Code Section
A-2	Electrical wiring and equipment in spray areas shall be explosion proof.	F2403
B-2	"No Welding" signs shall be posted in the vicinity of the paint spraying areas and paint storage areas.	F2403
C-2	Portable fire extinguishers rated for high hazard shall be provided in paint spraying areas.	F2404
D-2	Spraying areas, exhaust fan blades, and exhaust ducts shall be kept free from the accumulation of deposits of combustible residues.	F2403

19. Motor Fuel- Dispensing Facilities & Repair Garages

Code/points	Description	Code Section
A-3	An approved, clearly identified and readily accessible emergency disconnect switch shall be provided for fuel dispensers and distinctly labeled "Emergency Fuel Shutoff."	F2303
B-2	Approved fire extinguishers, with a minimum rating of 2-A: 20-B:C, shall be located within 75 feet of pumps, dispensers, and storage tanks.	F2305
C-1	Approved warning signs shall be posted in the fuel dispensing area.	F2305
D-1	Daily inventory records are maintained for underground fuel storage tanks.	F2306
E-1	Above-ground tanks are protected from impact by motor vehicles.	F2306
F-1	Sources of ignition shall not be located within 18 inches of the floor in repair garages.	F2311
G-1	Appropriately rated fire extinguishers are provided in repair garages.	F2311
H-2	A non-coin operated telephone or other means to notify the fire department is provided on-site.	F2304

20. Welding and Other Hot Work

Code/points	Description	Code Section
A-1	Hot work is conducted in areas designed or authorized for that work.	F3501
B-1	Combustible materials are protected to prevent ignition.	F3504
C-1	Fire extinguishers with a minimum 2-A:20-B:C ratings are located within 30 feet of hot work area.	F3504

21. Hazardous Materials

Code/points	Description	Code Section
A-3	The storage, use & handling of all hazardous materials are in accordance with Fire Code Section 5003.	F5003

22. Compressed Gases

Code/points	Description	Code Section
A-3	Compressed gas containers are marked in accordance with CGA C-7.	F5303
B-3	Compressed gas containers are secured and protected.	F5303
C-3	Protective caps, plugs, or devices are in place.	F5303

23. 2020 Property Maintenance Code of New York State

Code/points	Description	Code Section
A-1	Required equipment systems, devices, and safeguards are maintained in good working order.	PM106
B-1	Non-required equipment, devices, and systems are maintained in good working order or removed.	PM106
C-1	All exterior property and premises shall be maintained in a clean, safe, and sanitary condition.	PM302
D-2	Certificate of elevator inspection is available for review.	PM606

24. Unsafe Structures and Equipment

<p>An unsafe structure is one that is found to be dangerous to 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.</p>		
<p>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.</p>		
non-conformance code/points	Description	Code Section
A-3	If, in the opinion of the inspector, the building or equipment is deemed unsafe, as described above, or unfit, unlawful or dangerous for occupancy per the conditions described in 2020 Property Maintenance Code of New York State Section 107; such structure shall be condemned, and the inspector shall check this item on the nonconformance sheet, provide a written explanation of the hazard, and IMMEDIATELY contact the New York State Education Department Office of Facilities Planning at 518-474-3906.	PM107

25. Vacant Premises

Code/points	Description	Code Section
A-1	Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained.	F311.1.1 through 311.6
B-1	Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition.	PM301.3
C-1	Exterior Property Areas and premises shall be maintained in a clean, safe, secure and sanitary condition.	PM302

26. Other Requirements

non-conformance codes/points	Description	Code Section
A-3	Document violations of any provisions of the 2020 Fire Code of New York State that are not specifically called out on this form. List the section number of each code requirement detailing the specifics of the violation.	<i>Inspector to cite the specific code section to identify the deficiency or non-conformance</i>

Certifications – Part III – Nonpublic Schools

Description
<p data-bbox="251 577 727 611"><u>Section III-A: Fire Inspection Method</u></p> <p data-bbox="251 644 1287 709"><u>Section III-B: Fire Inspection by Local Fire Department, Fire Corp or County Fire Coordinator or Fire Inspector who holds a Valid Certification</u></p> <ul data-bbox="251 716 1136 890" style="list-style-type: none"><li data-bbox="251 716 634 745">• Inspector's Name and Title<li data-bbox="251 749 602 779">• Inspector's Organization<li data-bbox="251 783 537 812">• Telephone Number<li data-bbox="251 816 513 846">• Inspector's Email<li data-bbox="251 850 1136 890">• Inspector's Registry # (assigned by the NYS Department of State)
<p data-bbox="251 993 1174 1026"><u>Section III-C: School or Building Administrator, Director, or Headmaster</u></p> <ul data-bbox="251 1031 537 1163" style="list-style-type: none"><li data-bbox="251 1031 367 1060">• Name<li data-bbox="251 1064 342 1094">• Title<li data-bbox="251 1098 537 1127">• Telephone Number<li data-bbox="251 1131 358 1161">• Email