



## THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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### **2020 BUILDING CONDITION SURVEY INSTRUCTIONS**

#### **OVERVIEW**

Welcome to the 2020 Building Condition Survey (BCS). The BCS was a component of the 1998 RESCUE statute.

Some components of the RESCUE requirements have been changed recently, including the Annual Visual Inspection (AVI) which has now been changed to Visual Inspections (VI) in 2020 and 2022 (and as determined to be necessary by the Commissioner in future years), and the School Facilities Report Card. Other aspects of the original statute remain intact, including the requirement that each district prepare a 5-year capital facilities plan and a comprehensive maintenance plan. The BCS is the most critical component of the regulations and is intended to provide districts and BOCES with all the detailed information necessary to maintain safe and healthy school environments for New York's public school children. The data will allow school districts to properly plan and prioritize capital improvements, and allow the state to properly plan for building aid reimbursement to districts.

**Only buildings occupied by students and staff must be surveyed.** Commissioner's Regulation 155.3, Comprehensive Public School Safety Program, states: "...the board of education of each school district and each board of cooperative educational services shall cause all occupied school facilities which are owned, operated, or leased by the district or board to comply with the provisions of the Comprehensive Public School Safety Program as set forth in this section....". Regarding leased properties, it is our interpretation that the building condition survey must be performed on leased facilities wherein a substantial portion, an entire wing, or the entire facility is leased for a period of time of 5 years or longer. Facilities wherein a lease is executed for a small percentage of the space or a couple of classrooms, or those facilities leased for a period of less than 5 years do not need to be surveyed. For those leases executed between districts and BOCES, the district will likely conduct the survey unless the BOCES leases the entire facility.

One of the recent changes to the statute was that instead of all districts conducting the survey in a single year, the BCS format has changed. Now, only districts assigned by the commissioner to complete the BCS in calendar year 2020 are required to complete and submit a BCS at this time. Districts not assigned to complete a BCS in calendar year 2020 will be required to perform a Visual Inspection in accordance with separate instructions.

The survey will cause every major building system or component to be investigated by a licensed engineer or registered architect. Building condition survey reports must be signed and sealed by a licensed architect or engineer before being submitted to the Commissioner. NYSED recommends that each facility be reviewed by a team of professionals in order to ensure that all issues are noted. Under the statute, the survey must be completed between January 1, 2020 and December 31, 2020, and all data must be submitted to NYSED by March 1, 2021.

#### **WAIVERS**

Education Law § 409-d(2)(f) provides for waivers to the inspections for development of the building condition survey for those districts and BOCES that demonstrate that significant research on a facility was done that is substantially in compliance with the RESCUE requirements.

New facilities that are substantially complete within calendar year 2020 will receive a waiver for the 2020 survey *if requested*. New additions are not entitled to waivers. Additions must be surveyed in conjunction with the existing facility.

For those existing facilities that will achieve final substantial completion of extensive renovations within calendar year 2020, please have the architect of record review the BCS survey and RESCUE requirements and describe in summary the investigations that were performed on a particular facility in preparation for the capital program. That information should be submitted in writing to the Office of Facilities Planning by the licensed professional, including the specific BEDS code identifier and name of the facility, when the investigations were undertaken, and the current status of the capital program. Waivers may be issued where applicable.

## **REIMBURSEMENT**

The maximum reimbursement rate for expenses is estimated to be \$0.31/sq ft. School Districts will receive aid for the survey based on the lesser of either the actual expenses for the survey multiplied by the district aid ratio, or the maximum reimbursement rate multiplied by the total square footage surveyed and then by the district aid ratio.

Since there have been several cases of structural deterioration discovered at schools and, in two cases there was a structural collapse of roof trusses and a total collapse of a masonry wall respectively, all structural components must be examined closely to protect the safety of occupants of the building. Please see additional information on structural inspections at the end of these instructions. Permanent access panels should be installed as necessary in locations where structural components are hidden. Any asbestos or lead testing and removal necessary for installation of the access panels may be included in the square foot cost of the BCS.

If districts require assistance with their five-year capital facilities plan, costs for this consulting may also be reimbursed if it is included as a square foot cost of the BCS. NYSED requires a capital facilities plan executive summary to be included with each building permit application to ensure the proposed work is a priority within the building. That priority is based on data collected in the BCS.

Reimbursement for expenses will be obtained through the State Aid Management System (SAMS). Total square footage surveyed, and survey expense should be reported on SAMS Form FB at items #138 and #139 respectively. Square footage and expense claimed for BCS aid may be subject to verification by NYSED, including but not limited to verification of square footage reported against that reported on the BCS online form.

**NOTE: Districts that do not submit the online BCS form for all buildings surveyed will not receive BCS Aid.**

Unfortunately, while BOCES must conduct the BCS, they are not entitled to any building aid reimbursement for any expenses associated with the survey.

## **DATA ENTRY**

This is a five-year survey, only those systems with a useful life of five or less years must be provided with a cost to repair or replace. It is, therefore, expected that systems rated as excellent or satisfactory do not require cost estimates if their useful life is over five years. Any systems noted as unsatisfactory, non-functioning, or critical failure must have a repair or replacement cost associated with them.

### **Note:**

- The online survey is accessed via the NYSED Application Business Portal at <http://portal.nysed.gov>. After logging in, click on the link for the **SED Monitoring and Vendor Performance System**.
- The NYSED Application Business Portal is accessed by the school district superintendent. If anyone other than the superintendent needs to access the portal for BCS data entry, the superintendent must give entitlements to the other personnel. The **SEDDAS User Guide** with

information on how to access the portal and give entitlements to others can be viewed in the portal.

Questions regarding data entry should be directed to (518) 474-3906 or [emscfp@nysed.gov](mailto:emscfp@nysed.gov) with '2020 BCS' noted in the subject line.

- Data may be changed at any time prior to clicking the submit button at the end of the survey. Work may be saved, and the survey may be resumed at a later time, until the survey is submitted. A copy of the survey may be printed for you records before or after submission.
- Required fields are noted with an asterisk. Failure to enter data in required fields will not allow the survey to be submitted until corrections have been made.

The survey contains generic district information that should be compiled prior to attempting the submission of data. NYSED has identified specific systems that are categorized as "H" – Health and Safety, or "S" – Structural. Please review overall building rating information included on the left side of each page of the online survey document. A building **must** be rated as unsatisfactory if any "H" or "S" system is rated as unsatisfactory. A building **must** be rated as failing if any "H" or "S" system is rated as non-functioning or critical failure. As in previous survey years, A/E firms provide survey data and consultation to the district and the board of education is charged with determining the overall building rating.

There are many instances where systems are of multiple ages. For example, there may be several different sections of roof coverings with multiple ages. While there may be specific sections of the roof in need of replacement, the overall condition of the roof may still be satisfactory or excellent. It is appropriate in these situations to report the last major reconstruction date of the newest section and the expected useful life of the oldest section. Use the comment line to identify specific problem areas or concerns. The detailed information will be retained by the district and reported to NYSED for a future building specific capital plan.

### **STRUCTURAL INSPECTIONS**

Our intent is not to instruct you or your design professional on how to perform various inspections of your buildings, specifically when addressing structural components. However, we suggest the following guidelines in reviewing structural components.

1. We believe it is important to have a candid conversation between the school district and the design professionals about the degree of inspection that will be required. Obviously, a level of comfort pertaining to safety of the occupants needs to be established and all parties need to agree to the types of inspections that will be necessary to achieve this comfort level.
2. Buildings with accessible ceilings and walls will allow easier viewing of structural components. Buildings with inaccessible features will most likely require some level of destructive access. This may require cutting of hard surfaces to allow access and then installation of an access panel or door. If the surface to be opened contains asbestos or lead material, appropriate precautions must be taken.
3. Upon visual inspection of structural components, if no visual deformation, discoloration, rusts, scaling, or other deterioration are evident – further definitive tests may not be required.
4. If deformation, discoloration, rusts, scaling or other deterioration issues are evident, closer inspection and/or definitive tests may be required. The design professional should recommend the appropriate tests commensurate with the evidence deterioration, and any requirements of the school district.
5. Where structural issues are present, scheduled monitoring of the issue should be considered until such time the issue is resolved and/or corrected.
6. If there are serious structural concerns and life safety of the occupants could be compromised, please notify NYSED at once to discuss appropriate remedial plans.