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NYSED Office of Facilities Planning Newsletter



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Issue #110 — June 2013

Newsletter

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Facilities Planning Staffing Update

The New York State Education Department (NYSED) Office of Facilities Planning has recently undergone some key staffing changes.

Veteran architect **Thomas Robert** retired from the NYSED Office of Facilities Planning after 24 years of dedicated service. Tom commenced his employment with the State in 1986 as an architect with the Office of General Services and came to NYSED in 1989. As an architect and building code expert, Tom provided guidance and direction for countless school construction projects.

Tom served as a member of the NYSED team which responds to the NYS Emergency Operations Center (EOC) during disasters, and following the retirement of Dave Clapp and in addition to managing his duties as an architect, Tom also coordinated the Facilities Planning Fire Safety process.

Tom's leadership, dedication, and expertise have

been invaluable to the work of Facilities Planning. He will truly be missed.

Tom Robert, R.A.



With the departure of Tom Robert, another Facilities Planning veteran has recently returned. **Laura Sahr** worked in Facilities Planning for 22 years and spent the past several years elsewhere in the NYSED coordinating the launch of the Dignity for All Students Act. She has now returned to her roots in Facilities and will be coordinating school health/safety and fire safety.

Mary Faherty Sansaricq joined Facilities Planning as a Project Manager in 2012. Mary previously worked in NYSED's Education Office

of School Operations as the New York State Director of Pupil Transportation — a role which she continues to

hold. Prior to joining State service, Mary worked for 20 years as an educator and school administrator.

In her free time, Mary is on the Board of Trustees of the Columbia County Historical Society and also serves as the editor of their award winning magazine—*Columbia County History & Heritage* (cchsny.org).

For a complete list of Facilities Planning staff and their areas of expertise, please see:

[www.p12.nysed.gov/
facplan/StaffDirectory.html](http://www.p12.nysed.gov/facplan/StaffDirectory.html).

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

**Please email suggested
topics and comments
to:
Isahr@mail.nysed.gov.**

Early Aid Start Request Form (Not applicable to BOCES projects)



NYSED Facilities Planning Mission

To ensure safe, healthy, comfortable, and exceptional educational facilities which promote effective and efficient learning for all New York students regardless of where they live.

We will accomplish our mission by establishing clear expectations and standards for school facilities.

We will work with parents, teachers, administrators, designers, facility directors, contractors and the community to set in motion mechanisms for school improvement statewide.

In accordance with Chapter 97 of the Laws of 2011, the rules regarding the submission of Final Cost Reports (FCR) for school districts has changed.

For all projects approved after July 1, 2011, there is no longer a deadline for submission of the final cost report. The good news is that school districts can no longer lose all State aid associated with a project by missing a filing deadline.

The potentially bad news is that districts will not see any building aid flow until the department receives both a final certificate of substantial completion (CSC) and a FCR.

Under previous rules, State aid did not flow for 18 months, and this remains unchanged under the new provisions. However for example, if NYSED does not receive the final documents for 30 months, aid will not flow until that time.

It is therefore critically important that districts properly manage and track their projects such that FCR's can be submitted shortly after the project is completed.

The only exception to this new provision is the **Early Aid Start Request form (EASR)**. For those projects that cannot be completed within 18 months, the district may request that aid begin to flow at 18 months. Early State aid will not be granted for most projects. The vast majority of projects start in summer after school lets out. The 18 months duration encompasses two summer construction seasons during which most projects will be completed.

Early aid will be reserved for those particularly complex projects that must be phased over multiple periods of time or are a sufficient size that they physically cannot be completed within 18 months (new construction, large additions with existing renovations, etc.) We will ask for detail that will help us follow-up with districts to get FCR's submitted at a later date.

Districts must make every effort to complete projects within 18 months whenever possible.

Additionally, the Office of Facilities Planning will confer with the Office of State Aid when considering whether to grant early aid.

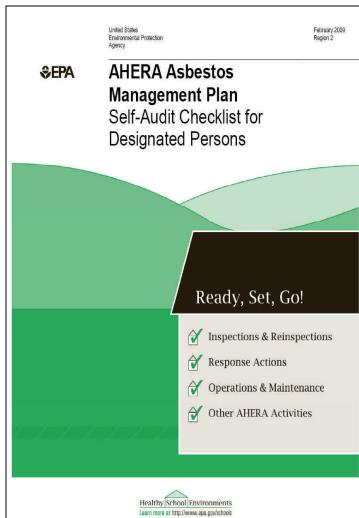
If a district project is past 18 months but expect the final cost report to be submitted within a time frame that will allow the payment of aid within the appropriate school year based on the State Aid payment schedule, **EASR** will not be granted.

Please see the **EASR** form at the link below. This form will not be accepted prior to 18 months after commissioners approval, or the submission of the S.A. 139, whichever is later.

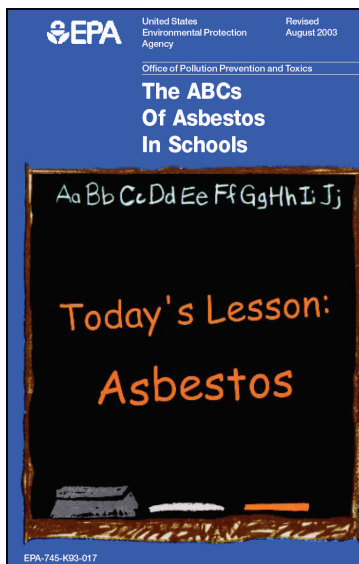
Please address any questions to your project manager.

www.p12.nysed.gov/facplan/documents/FP-EAS_EarlyAidStart.pdf

Federal Asbestos Hazard Emergency Response Act (AHERA) 2013 Reinspection



[www2.epa.gov/sites/
production/files/](http://www2.epa.gov/sites/production/files/)



[www2.epa.gov/sites/
production/files/
documents/](http://www2.epa.gov/sites/production/files/documents/)

The federal Asbestos Hazard Emergency Response Act (AHERA) requires **all public and nonpublic elementary and secondary schools** to be reinspected for all known or assumed asbestos-containing building materials (ACBM), friable and non-friable, in all facilities which are owned, leased, or otherwise used as a school building every three years.

The 2013 triennial reinspection process must be completed no later than July 9, 2013. If a school was built after October 12, 1988, the architect or engineer responsible for its construction must sign a statement that "no ACBM were specified as building materials in any construction document for the building, or to the best of his/her knowledge, no ACBM was used as a building material in the building."

If an existing building that is to be used as a school building, is leased or acquired on or after October 12, 1988, it must be inspected for ACBM prior to its use as a school building if no such statement is available.

In the event it is necessary to use a building that has not been inspected for ACBM, the building

must be inspected for ACBM within 30 days after the start of such use.

The reinspection process may only be performed by a person certified by the State Department of Labor (DOL) as an asbestos inspector. The reinspection does not require a new AHERA management plan; however it does require a new section in the existing plan that reflects the 2013 reinspection.

This new section must be developed by a person certified by DOL as an asbestos management planner.

The overall AHERA reinspection process is the ultimate responsibility of the school's asbestos designee.

Guidance for the designee is available at: www2.epa.gov/sites/production/files/documents/ampauditchecklist_0.pdf.

In conjunction with the AHERA triennial reinspection, all New York State **public** school districts (including BOCES and charter schools) must submit a report to the Commissioner of Education on a triennial basis.

The 2013 AHERA triennial report can be accessed at:

www.surveymonkey.com/s/WKRB9D2.

One 2013 AHERA Triennial Reinspection Report must be completed for each BOCES, school district, or charter school and submitted no later than September 1, 2013.

For further information and assistance on AHERA, contact your BOCES Health and Safety Office, the Office of Facilities Planning at 518-474-3906, or see www2.epa.gov/asbestos/school-buildings#requirements.

LOI Reminders and Tips for Packaging

LOI Reminders

School districts and BOCES should now be using the **Letter of Intent (LOI)** forms are available on the Facilities Planning website. LOI forms are available for the following projects: New Building, Addition, or Alteration; Leased Space or Discovered Building; Manufactured Building; and District-Wide projects.

The quickest way to submit an LOI is to FAX it to: 518-486-5918. **If you FAX the LOI, please DO NOT send a hard copy by mail.**

For more information see: www.p12.nysed.gov/facplan.

Tips for Packing Project Submissions

There following are simple steps that can be taken to facilitate the processing and review of project submissions:

Please be sure to paperclip pages in the **specification book** where the wage rates, non-collusion, equivalency clause, and clause and the required elements in §155.5.

Please remember to **staple pages** of multi-page forms together.

Do not submit loose pages and do not staple multiple forms together.

Please do not send duplicate copies of **change orders**. Sending duplicate copies creates confusion, a needless duplication of effort, and wastes paper.

Addenda should be sent directly to the architect or engineer (not the project manager) reviewing your project in Facilities Planning.

Manual of Planning Standards



www.p12.nysed.gov/facplan/documents/

New York SAFE Act and School Facility Guidance

The New York State Secure Ammunition and Firearms Enforcement Act (**NYSAFE**) signed into law in January 2013, encompasses a wide array of topics and requirements.

The **NYSAFE** Act includes New York State Education Law §3602.6-c which addresses provisions for increasing the safety and security of student occupied school facilities, and provides a 10% funding incentive to accomplish this work.

The funding incentive is available for expenses incurred during the 2012-13

through the 2014-15 school years.

The law includes two types of security enhancements: (1) electronic security systems and (2) door hardening.

The link at the end of this article provides information on this portion of the **NYSAFE** Act, including the types of school facility security enhancements that are eligible for increased funding. Reimbursement for these improvements will be accomplished through the State Aid claim form process.

Please use this information in concert with the State Aid memo referenced within the Facilities Planning guidance document for a complete understanding of the implementation of the law.

Facilities Planning project managers and staff will be available to answer any questions you may have.

The detailed Facilities Planning guidance is available at:

<http://www.p12.nysed.gov/facplan/documents/NYSAFEActImplementation.pdf>.



Asbestos Abatement and Final Air Clearance Requirement Update

NOTE: The information in this article replaces Facilities Planning Newsletter #90 (August 2007).

Final air clearance protocols for a school asbestos abatement project are regulated by the State Department of Labor (DOL), the U.S. Environmental Protection Agency (EPA), and the State Education Department. To ensure consistency, final air clearance requirements previously issued in an article in the August 2007 Facilities Planning Newsletter (#90) have been revised.

Effective immediately, final air clearance for asbestos abatement projects are:

Large Projects (greater than 160 square feet or 260 linear feet):

NO change. Comply with transmission electron microscopy (TEM) requirements under the EPA Asbestos Hazard Emergency Response Act (AHERA).

Final air clearance sampling requires 5 samples inside the containment, 5 samples outside the containment, and 3 blanks.

Projects larger than small-scale, short duration (greater than 3 square feet or 3 linear feet) and less than or equal to 160 square feet or 260 linear feet:

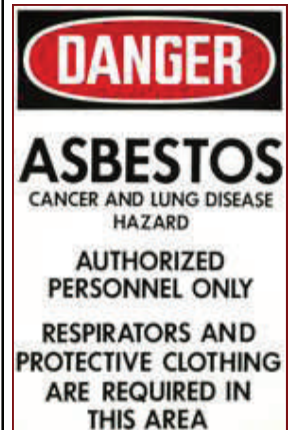
Phase contrast microscopy (PCM) analysis may be used. Pursuant to 40 CFR 763.90, the number of samples collected must comply with AHERA requirements.

The final air clearance requirements are 5 samples inside the containment and 2 blanks.

Small-scale, short-duration projects (less than or equal to 3 square feet or 3 linear feet):

No final air clearance is required under AHERA, however clearance sampling may still be required by DOL.

Please remember that containment barriers used to isolate the functional space must not be artificially created to limit the quantity of asbestos-containing material to be abated. Contiguous portions of material to be abated at approximately the same time must not be separated to qualify as a smaller sized project.



Asbestos Abatement Project Clearance Air Samples

Project Size	AHERA	NYSED	NYS DOL	Notes
NYSDOL—Large (≥260 ft. or ≥160 ft ²)	5 inside + 5 outside + 3 blanks (TEM)	5 inside + 5 outside + 3 blanks (TEM)	≥5 inside* + +5 outside** + 2/3 blanks (PCM/TEM)	* Inside will increase if work area >25,000 sq. ft. ** Outside samples will vary with methodology
NYSDOL—Small (>25— <360 ft or > 10—160 ft ²)	5 inside + 2 blanks (PCM)	5 inside + 2 blanks (PCM)	5 inside + 3 outside + 2 blanks (PCM)	
NYSDOL—Minor (≤25 ft or ≤10 ft ²)	5 inside + 2 blanks (PCM)	5 inside + 2 blanks (PCM)	None if <u>planned</u> minor size asbestos project only 1 inside♦ + 1 outside	♦ Only for incidental disturbance, glove bag/ tent failure or if minor size asbestos project work area is part of a small or large asbestos project
AHERA—SSSD or Minor Fiber Release (≤3 ft or ≤3 ft ²)	None	None if planned 1 inside♦ + 1 outside + 2 blanks (PCM)	+ 2 blanks (PCM)	

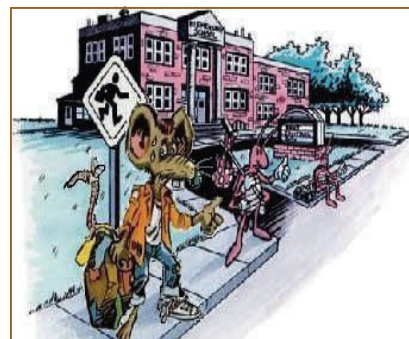
Reminder—Pesticide Use on School

As summer approaches, please keep in mind that Chapter 85 of the Laws of 2010 prohibits the use of pesticides on public and nonpublic school playgrounds, playground equipment, turf, athletic, and play fields. This includes insecticides, herbicides, fungicides, and rodenticides. Please keep in mind that the overall goal of the law is to promote the use of integrated pest management (IPM), alternative methods of pest control, and reduce children's exposure to pesticide products.

The law does include a provision that six types of pesticide products may be applied, should the need arise.

These include: antimicrobial products, aerosol sprays in 18 oz. cans (or smaller), non-volatile insect and rodent baits in tamper resistant containers, products containing boric acid or disodium octoborate tetrahydrate, horticultural oils and soaps, and pesticide products classified as "exempt" by the U.S. Environmental Protection Agency (EPA).

School boards must make an emergency determination if it is deemed that a pesticide product (other than the six listed above) needs to be applied in response to a **specific** public health-related matter. Technical assistance is available from the NYS Department of Health (518-402-7820) and the NYS Department of Environmental Conservation (518-402-8788). For more information, including information on pesticide application notification requirements, please see: www.p12.nysed.gov/facplan/HealthSafety.htm.



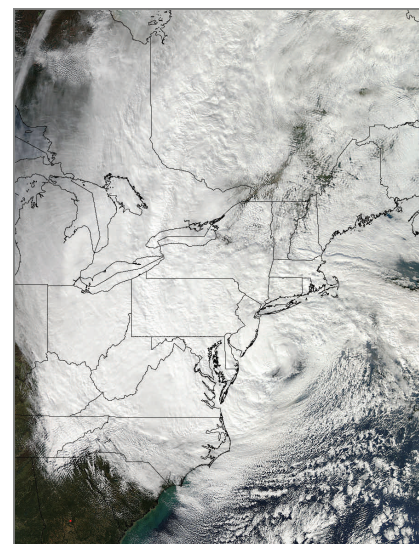
www.epa.gov/pesticides/ipm/

Preparing for the 2013 Hurricane Season

Recent hurricane seasons have become increasingly more destructive and costly for New York State schools. Don't wait until the storm is on the radar—now is the time to prepare your school facility and grounds. The following are simple tips you can take to prepare for a hurricane, or any other severe weather situation:

- **Document your school buildings, grounds, and vehicles.** Take photos of school owned assets, including computers and other equipment, boiler and HVAC systems, kitchen equipment, science labs, libraries, music rooms, etc. Update school emergency contact lists, files, and records. Ensure the building-level emergency plan, including current schematics, is up-to-date. **STORE A COPY OF THE PLAN (including photos) OFF-SITE.**
- **Don't store critical student and personnel records in an area which is likely to be flooded.** If you know the water is rising, move critical files to an area on an upper floor where files will be secure. Move school-owned vehicles to higher ground if they're likely to be flooded.
- **Move computers and other equipment away from windows and cover them in plastic sheeting.**

For assistance, contact Facilities Planning (518-474-3906) or the State Archives (518-474-6926). Guidance on preparing and/or recovering vital records following a disaster is available at: www.archives.nysed.gov/a/records/



www.nasa.gov/images/content/701761main_20121030_Sandy-MODIS_full.jpg