



## Office of Facilities Planning Newsletter #25 – March 2002

### Get to Know Us Better:

Introducing Mr. Martin Doyle. Marty Doyle is one of our very hard-working engineers. We are extremely lucky to have him on our staff. He has been with our office for about four years. Anyone who has met Marty will know that he is a quiet, soft-spoken, and very competent individual.

Marty lives in Mechanicville with his wife and children.

### Accessibility of Existing Facilities:

All school districts are responsible for coordination and implementation of Section 504 of the Rehabilitation Act of 1973 and Title II of the American Disabilities Act of 1990, which prohibits discrimination based on disability. Each district must have a self-evaluation and transition plan required under both of these statutes and a grievance procedure required under Title II of the ADA.

A recurring problem seems to be existing facilities where little or no effort has been made to make them accessible for the physically impaired, still commonly referred to as handicapped accessible. Commendably, many existing buildings are reasonably or even fully accessible. Some of these buildings were not easy to adapt and the accommodations within have been done thoughtfully and gracefully.

This is not to say that all existing buildings must be fully accessible. **However, all buildings within a school district must provide access to all programs in each building.** This will require access into the building, at least one fully compliant toilet room for girls with another for boys, a drinking fountain, a telephone, additional accessible toilet rooms in large buildings where the travel is a long distance, a few accessible classrooms, and all program spaces must be accessible. Program spaces include the cafeteria, auditorium, gymnasium, library, media center, a music/band room, a technology room, an art room, a home and career room, a science room, etc. An elevator (or ramp) is not necessarily required if all the program spaces are on one accessible floor; nor does every toilet room need to be accessible as long as the distance to an accessible toilet room is close in travel time, even if by elevator.

We recently met with the Associate Counsel of the NYS Office of the Advocate for Persons with Disabilities and concluded that projects that do not show a reasonable accommodation or improvement for the physically impaired will not be approved for construction. This Newsletter can be used to help explain the requirements to school administrators and boards of education. To help those districts that have not yet included this work in their budgets, please note that these are legislatively mandated requirements. Therefore, the costs for the construction for these accommodations can be considered ordinary contingent expenses or directly added into the district's next budget. In this manner, the work could have been provided at any time since 1992 as required by the ADA. In addition, the accommodations necessary for the physically impaired can be added to future projects.

Most designers are providing new construction that is fully accessible for the physically impaired. We have noticed that the work in some change orders is not being designed as accessible. Changes during construction to toilet rooms, vanities, and sinks in any location must also conform to accessibility standards.

### International Building Code is Adopted:

On March 6<sup>th</sup>, the NYSUFPBC Council voted to adopt the IBC, including the New York State enhancements. The official name of the new code is the "Building Code of New York State", based on the international family of codes. The Notice of Adoption will be effective July 3, 2002. Full implementation is required within 180 days after the Notice of Adoption. This means that from the filing of the date of the Notice of Adoption through the following 180 days building permits may be "filed" using either the present code or the new code. This provides a 180-day transition period in which designers may use either code. However, the entire design must be compliant with one of those codes. In other words, there may be no "mixing and matching" of these two codes involved in the design. The energy code will be effective as of the date of the Notice of Adoption. There is no transition for the energy code.

Therefore, beginning July 3, 2002, final plans and specifications received by our office may use either the present code or the new code for compliance and must use the new energy code. **Beginning December 30, 2002, all projects received for final review must be fully designed and compliant with the IBC, including the New York State enhancements.** Projects received before that date, no matter what the backlog is or date they are reviewed, may still use either the present code or the new code for compliance, along with the new energy code. The SED Manual of Planning Standards will continue to be required for compliance in all public school construction.

If you would like to have this Update sent directly to you by e-mail, please send your e-mail address to  
Joe Levy at [jlevy@mail.nysed.gov](mailto:jlevy@mail.nysed.gov)

Please continue to send in your comments and requests. If you have a subject you would like addressed, feedback on the material you read, input or general comments we are happy to hear from you.