

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE**Overview**

The BOCES is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the BOCES will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of BOCES facilities.

Construction and Remodeling of BOCES Facilities

The BOCES will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of BOCES facilities will be submitted to the Commissioner consistent with applicable law and regulation.

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the BOCES will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and regulation. The BOCES will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection

All BOCES facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

Asbestos Inspections

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the BOCES will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The BOCES will provide yearly written notification to parent, teacher, and employee organizations on the availability of the BOCES' asbestos management plan and any asbestos-related actions taken or planned in the school.

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The BOCES will triennially test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the BOCES will prohibit use of the outlet and it will remediate the lead level of the outlet before allowing its use. The BOCES will make all required notifications and issue all mandated reports to the public, local health department, and NYSED. For ten years following creation, the BOCES will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The BOCES may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

Comprehensive Long-Range Plan

The BOCES will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the BOCES, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

Comprehensive Public School Building Safety Program

To ensure that all BOCES facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated, or leased by the BOCES comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations.

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The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

c) Five-Year Capital Facilities Plan

The BOCES will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the BOCES will use the safety rating of each occupied school building. The plan must be consistent with all BOCES planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
 - (a) Current or proposed new construction ranked in priority order;
 - (b) Current or proposed additions to school facilities ranked in priority order;
 - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
 - (d) Major repairs ranked in priority order;
 - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
 - (f) Energy consumption.

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2. A BOCES-wide building inventory that includes, but is not limited to:
 - (a) The number and type of facilities owned, operated, or leased by the BOCES;
 - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
 - (c) The energy sources for the buildings;
 - (d) Probable useful life of each building and its major subsystems;
 - (e) Need for major system replacement and repairs, and maintenance;
 - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
 - (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The BOCES will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from BOCES officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.

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6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
 - (a) Provide for a written response to all written complaints. The written response will describe:
 - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
 - 2) The results of any investigations, inspections, or tests which address the complaint;
 - 3) The actions, if any, taken to solve the problem; and
 - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
 - (b) A copy of the response will be forwarded to the health and safety committee.
 - (c) Copies of all correspondence will be kept in a permanent project file.
 - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

15 USC Sections 2641-2656
40 CFR Part 763, Subpart E
Education Law Sections 408, 409, 409-d, 3602, and 3641
Executive Law Section 378
Public Health Law Section 1110
8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4
10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.
19 NYCRR Sections 1219-1240

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