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The regulations excerpted below describe procedures for construction or remodeling/renovation of schools in New York State and form part of "Official Compilation of Codes, Rules and Regulations of the State of New York, Title 8. Education Department, Chapter II. Regulations of the Commissioner, Subchapter J. Buildings and Transportation, Part 155. Education Facilities", New York State Department of Education, web search 4/11/2012, original source:

http://www.p12.nysed.gov/facplan/Laws_Regs/8NYCRR155.htm

Section 155.2 Construction and remodeling of school district facilities [Disclaimer](#)

(a) All plans, specifications and work regarding the erection, enlargement, repair, replacement, maintenance or remodeling of occupied facilities of school districts and of boards of cooperative

educational services shall comply with the Uniform Safety Standards for School Construction and Maintenance Projects as set forth in section 155.5 of this Part. Such uniform safety standards shall include but not be limited to: pre-construction testing and planning, exiting and ventilation, pre-construction notification, asbestos and lead protocols, control of dust, gases and fumes, protection from falling debris, and general safety and security.

(b) Plans and specifications for the erection, enlargement, repair or remodeling of facilities of school districts, other than in city school districts in cities having one million inhabitants or more, and of boards of cooperative educational services, shall be submitted to the commissioner when the contemplated construction costs of such work are \$10,000[FN1]or more, and for all projects affecting the health and safety of pupils.

(1) Documentation in such quantity and format as prescribed by the commissioner, including plans and specifications, addenda and change orders, shall be submitted to the commissioner for approval in accordance with procedures set forth by the commissioner. When approved, such documentation shall be retained by the department. A commissioner's approval letter referencing such documentation shall be sent to school authorities. School authorities shall maintain approved documentation, including copies of approved plans and specifications, addenda, change orders, and the associated commissioner's approval letter, for permanent filing.

(i) Plans and specifications shall conform to the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and to this Part, and shall show in detail requirements of design and construction, space layout, circulation and exiting facilities, smoke and fire control, accident protection, visual and thermal environment and related electrical and mechanical work, and sanitation and related plumbing work which insure the health, safety and comfort of occupants of the facility.

(ii) Materials, equipment and types of construction which may endanger the health, safety and comfort of occupants shall not be used.

(iii) Construction materials, details and workmanship shall conform to generally accepted standards as determined by the commissioner.

(iv) Specifications for construction shall allow for equivalencies and shall not require the base bid to be based only on the materials or products specified.

(v) Specifications for construction shall require that contractors or suppliers furnishing mechanical equipment shall instruct the governing body of the school district or board of cooperative educational services or its representative in the proper operation and service of all such equipment at the time of completion and before acceptance of the building by such governing body.

(vi) Should accounting, tabulation or computer equipment be requested as original equipment, the plans and specifications shall conspicuously identify the areas or spaces for the installation of such equipment. Such plans and specifications shall contain a description of the equipment, its estimated costs, the need for and purpose of such equipment, a description of the space required to house the equipment, including the proposed pupil capacity of such space, and a description of the integral relationship between the construction work and the equipment. Such equipment shall not be approved for purposes of building aid computed pursuant to section 3602(6) of the Education Law, when located outside the constructed or reconstructed space or when not shown to have a direct integral relationship to the construction work.

(2) Plans and specifications for portions of facilities which require approval by other departments of the State shall be approved by the appropriate agencies having jurisdiction as a condition of commissioner's approval of plans and specifications of a facility. All plans and specifications for the creation of new instructional space must be accompanied by commissioner approval, on a form prescribed by the commissioner, that ensures that such plans and specifications are consistent with the region's special education space requirements plan developed pursuant to section 200.2(g) of this Title.

(3) Decisions regarding compliance of plans and specifications with this section shall be determined by the commissioner.

(4) Plans and specifications submitted to the commissioner shall 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 shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816).

(5) Upon approval of plans and specifications, the commissioner will issue a building permit subject to the following qualifications:

(i) During construction, the project shall be properly supervised by a licensed architect or engineer.

(ii) The building permit may be revoked by the commissioner in the event of violations of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250), this Part or other safety standards imposed by law or regulation.

(6) Following completion of the project or a substantial portion thereof, the architect or engineer shall certify to the commissioner that the project was completed in conformance to the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250), this Part, and plans and specifications for the project which were previously approved by the commissioner.

(c) For remodeling or construction projects costing \$5,000 or more, the governing body of a school district or a board of cooperative educational services shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and of this Part, and shall retain the services of an architect or engineer licensed to practice in New York State.

(d) For remodeling or construction projects costing less than \$5,000, the governing body of a school district or a board of cooperative educational services shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and of this Part.

(e)

(1) For each project for which a certificate of substantial completion is issued on or after April 1, 1995, all school districts, including a city school district having one million inhabitants or more and all boards of cooperative educational services, shall submit to the Commissioner a final cost report for the project by June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later. For projects for which a certificate of substantial completion is issued prior to April 1, 1995, the deadline for submission of a final cost report for the project shall be October 1, 1995.

(2) The commissioner may grant one or more extensions of the applicable deadline for submission of a final cost report pursuant to this section, upon a finding that the district is unable to complete the final cost report by the prescribed date because of circumstances beyond the control of the district. Each extension may be granted for a period of up to one year.

RESEARCH REFERENCES AND PRACTICE AIDS:

94 NY Jur 2d, Schools, Universities, and Colleges §§ 57, 369.

[FN1] When construction costs are \$10,000 or more, building construction aid, pursuant to Education Law, section 3602, is available for eligible capital outlays.