

Manual for New York State Nonpublic School Facility Fire Safety Inspections



The University of the State of New York
The State Education Department
Office of Facilities Planning
Room 1060 Education Building Annex
Albany, New York 12234

www.p12.nysed.gov/facplan



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Introduction

This manual provides guidance for New York State nonpublic school authorities and code enforcement officials pertaining to the requirements for annual fire safety inspections of nonpublic school facilities.

The intent of the annual inspection is to verify that buildings comply with State Education Law, the regulations of the Commissioner of Education, and applicable sections of the New York State Uniform Fire Prevention and Building Code.

Step-by-step instructions for the planning, inspection, post inspection, and documentation requirements are included in this manual. The requirements in this manual are in conformance with the 2015 International Fire Code (IFC), 2015 International Building Code (IBC), 2015 International Property Maintenance Code (IPMC), and the NYS Uniform Code Supplement.

NOTE: Only nonpublic school student occupied facilities must be inspected (classroom buildings, dining halls, dormitories, etc).

SAMPLE

8. Have there been any fires in this facility since the last annual fire inspection?

Yes _____ No _____

If yes, indicate:

a) Number of fires

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b) Total number of injuries

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c) Total cost of property damage

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SAMPLE

Part II: Nonpublic School Fire Safety Non-Conformance Report Sheet

School Name _____ Building Name _____

Item #	Non-Conformance	Date Corrected	Item #	Non-Conformance	Date Corrected	Item #	Non-Conformance	Date Corrected
08A-2			13A-2			19E-1		
08B-2			13B-2			19F-1		
08C-2			14A-2			19G-1		
08D-2			14B-2			19H-2		
08E-2			14C-2			20A-1		
09A-2			14D-1			20B-1		
09B-2			14E-1			20C-1		
09C-1			15A-2			21A-3		
09D-1			15B-1			22A-3		
09F-2			15C-2			22B-3		
09G-2			15D-2			22C-3		
10A-2			15E-1			23A-1		
10B-2			16A-2			23B-1		
10C-1			16B-2			23C-1		
10D-1			16C-2			23D-2		
11A-2			17A-3			24A-3		
11B-1			17B-2			25A-3		
11C-2			17C-2					
11D-2			17D-2					
11E-1			17E-1					
12A-1			17F-3					
12B-3			17G-1					
12C-2			17H-2					
12D-2			17I-2					
12E-1			17J-1					
12F-1			17K-1					
12G-1			17L-1					
12H-1			18A-2					
12I-1			18B-2					
12J-1			18C-2					
12K-1			18D-2					
12L-1			19A-3					
12M-1			19B-2					
12N-1			19C-1					
12O-1			19D-1					

If any additional non-conformances are observed, check item 25A-3 and list the Code section below.

Inspector
The inspector has been provided with a copy of the previous year's school fire safety report:

Yes _____ No _____

Part III: Nonpublic School Certifications
Please complete sections III-A, Section III-B and/or Section III-C, and Section III-D as directed below

Section III-A Fire Inspection Method

What method(s) did the school authorities use to complete the annual fire inspection for this building? **Check appropriate box(es)**

- Inspection by the **fire department** of the city, town, village or **fire district** in which the building is located (complete section III-B)
- Inspection by a **fire corporation** whose territory includes the school building (complete section III-B)
- Inspection by the **county fire coordinator**, or the officer performing the powers and duties of a county fire coordinator pursuant to a local law, of the county in which the building is located (complete section III-B)
- Employing or contracting persons** who, in the judgment of the school authorities, are qualified to make such an inspection (complete section III-C)

For additional information regarding these methods, please refer to: <https://www.nysenate.gov/legislation/laws/EDN/807-A>

Section III-B-Fire Inspection by Local Fire Department, Fire District, Fire Corporation, or County Fire Coordinator

The individual noted below inspected this building on _____ (date) and the information in this Report represents, to the best of their knowledge and belief, an accurate description of the building and conditions they observed. The individual that performed this inspection has maintained their certification requirements pursuant to 19 NYCRR 1208-3.1.

Inspector's Name: _____ Title: _____

Signature: _____ Date: _____

Inspector's Organization: _____

Inspector's Telephone #: _____ Inspector's Email: _____

Inspector's Registry # (assigned by the NYS Department of State) _____

SAMPLE

Section III-C Fire Inspection by Another Individual

School authorities must give reasonable notice of the date and time the annual fire inspection is to be made to the local fire official who has the regular duty of fighting fire in the building to be inspected. Such official, or any subordinate designated by him, may be present during the inspection and may also file a report of inspection.

The individual noted below inspected this building on _____ (date) and the information in this Report represents, to the best of their knowledge and belief, an accurate description of the building and conditions they observed.

Inspector's Name: _____ Title: _____

Signature: _____ Date: _____

Inspector's Organization: _____

Inspector's Telephone #: _____ Inspector's Email: _____

Inspector's Registry # (assigned by the NYS Department of State) _____

Name of Local Fire Authority: _____

Address of Local Fire Authority: _____

Notification Date: _____ Fire Authority Contact Name: _____

Was a Local Fire Official Representative present at inspection?

- Yes
- No

Section III-D. School or Building Administrator, Director, or Headmaster

The individual noted below certifies that this building was inspected as indicated in Section III-A above and hereby submits this fire inspection report on behalf of the Board of Trustees and certifies that:

1. Public notice of report availability has been published, and that
2. Any nonconformances noted as corrected on the *Nonpublic Fire Safety Non-Conformance Report Sheet* portion of this report were corrected on the date indicated, and that
3. For any uncorrected nonconformances that appear on this report, the Board of Trustees, has at the meeting held pursuant to Section 807-a of New York State Education Law, conferred with the fire chief concerning the alleged deficiencies appearing on the inspection report and the measures proposed to be taken to correct such deficiencies.

Name: _____ Title: _____

Signature: _____ Telephone #: _____

Email: _____

I. Legal Foundations

New York State Law

New York State Education Law Section 807-a states that it is the duty of nonpublic school authorities to cause buildings for student use to be inspected at least annually for fire hazards which may endanger the lives of students, teachers and employees therein. The report shall be filed with the Commissioner of Education.

Regulations of the New York State Commissioner of Education

While most requirements with New York State Commissioner of Education regulation 8 NYCRR Part 155 part apply only to public schools and boards of cooperative educational services (BOCES), Section 155.25 applies to nonpublic **and** public schools.

- **155.25 Safety Requirements for Electrically Operated Partitions**

Regulation related to electrically operated partitions, room dividers, and curtains.

2015 International Fire and Building Codes & NYS Uniform Code Supplement

The applicable provisions of this code are 19 NYCRR Part 1221, 2015 IBC 19 NYCRR Part 1225, 2015 IFC, and Part 1226, 2015 IPMC, and the NYS Uniform Code Supplement. The online version of the code is available on the New York State Department of State - Division of Building Standards and Codes website: <https://www.dos.ny.gov/dcea/>

II. Inspector Qualifications

This annual inspection must be conducted to verify that each student occupied building complies with New York State Education Law Section 807-a, select Commissioner's regulations, and applicable sections of the *New York State Uniform Fire Prevention and Building Code*.

School authorities shall cause any fire inspection per Education Law Section 807-a to be made by one of the following methods or any combination of such methods:

- Employing persons who, in the judgment of the school authorities, are qualified to make such an inspection or any phase thereof.
- Contracting for the making of such inspections by persons who in the judgment of the school authorities, are qualified to make such an inspection or any phase thereof.
- Requesting inspection by the fire department of any city, town, village, or fire district in which the building is located.
- Requesting inspection by a fire corporation that is subject to the provisions of Section 1402 of the not-for-profit corporation law, if such building is located within the area described in the certificate of incorporation of any such corporation.

- Requesting inspection by the county fire coordinator, or the officer performing the powers and duties of a county fire coordinator pursuant to the local law, of the county in which the building is located, or by any deputy county fire coordinator or deputy if such other officer so performing the powers and duties of a county fire coordinator, if the building is located outside a city, town, village, or fire district, which has its own fire department and outside the area described in the certificate of incorporation of any fire corporation that is subject to the provisions of Section 1402 of the not-for-profit law.

FIRE SAFETY INSPECTION PROCESS

New York State Education Law Section 807-(a)(1) requires inspections for nonpublic school buildings containing classroom(s), dormitory, laboratory, physical education, dining, or recreational facilities for student use. New York State Education Law Section 807a requires that the annual fire inspection be conducted prior to December 1 of each year.

I. Notification of Annual Inspection to Local Fire Officials

In accordance with State Education Law Section 807-a(3)(b), school authorities **are required** to notify the chief or comparable officer of any fire department or fire corporation, which has the regular duty of fighting fires in the building to be inspected.

The authorities are to provide reasonable notice of the date and time the inspection is to be made. **The officer notified, or any subordinate designated by the officer, may be present during the inspection and may also file a report of inspection.** The officer shall also be notified of the scheduled post-inspection meeting.

II. The Inspection Process

- a) School officials must complete **Part I of the Fire Safety Report annually**.
- b) Inspectors must be provided with a copy of previous year's Fire Safety Report.
- c) Inspectors must provide the results of the current year's inspection to school officials for **Part II of the Fire Safety Report**.
 - The inspector should use "Appendix C – Fire Safety Inspection Code Reference Checklist" for each building as the inspection is conducted.
 - It is strongly recommended that a school administrator or their designee accompany the inspector.
 - Nonconformances discovered during the inspection represent violations of the minimum standards of fire and building safety required by the 2015 International Fire Code (IFC) and 2015 International Property Maintenance Code (IPMC) of New York State, and Section 155.25 of the Regulations of the

Commissioner of Education. The inspector is to record all nonconformances on the School Fire Safety Nonconformance Reporting Sheet.

- The inspector is to record all nonconformances for each violation observed. Wherever possible, all such violations shall be corrected immediately. The inspector shall give the school official a list of locations of nonconformances.

III. The Post-Inspection Process

ALL nonconformances shall be promptly remedied. The remedy for some nonconformances may involve structural modifications or services of outside vendors. Clearly such matters may require time to correct, however these nonconformances still violate the minimum standards for the fire and building safety and must be corrected without undue delay.

Pursuant to State Education Law, Section 807-a 5 (e), if there are nonconformances, the school authorities shall provide at least 5-days' notice by mail to the chief of the fire department responsible for fire protection of the school building, including the date and the place of a meeting of the trustees to be held within 30 days. For nonconformances that cannot be corrected immediately, the school authority is to develop an action plan to make the corrections. The school authority shall confer with the fire chief concerning the nonconformances, including measures to correct the items in question.

IV. Providing Public Notice of Inspections

In accordance with Education Law, Section 807-a 5 (b) and (c), within 20 days of filing the report with the State Education Department, school authorities shall cause public notice of the filing of the report to be given in substantially the following form:

"Notice is hereby given that the annual inspection for ... (year) of the ... school building (or of the ... and ... school buildings) of (name of nonpublic school) for fire hazards which might endanger the lives of students, teachers, employees therein, has been completed and the report thereof is available at the office of (nonpublic school) at ... for inspection by all interested persons."

If the inspection was not made by the local fire department responsible for fire protection of the building, a copy of such notice shall be mailed to the chief of that fire department/company.

The school authorities shall have notice published at least once in a newspaper having general circulation in the postal area in which the school is located. If there is no newspaper having general circulation in the postal area, the school authorities shall post notice in ten conspicuous places in the postal area. Proof of posting or publication of such notice and the mailing of a copy of such notice to the fire chief shall be filed in the school's office.

THE FIRE SAFETY REPORT

The *Manual for New York State Nonpublic School Facility Fire Safety Inspections* is available on the State Education Department's Office of Facilities Planning web site at: www.p12.nysed.gov/facplan. It is also available at: www.p12.nysed.gov/nonpub.

Appendix C of the manual, **Fire Safety Inspection Code Reference Checklist**, shall be used as a reference during the inspections.

Part I – General Information and Fire/Life Safety History

This section must be completed annually.

Part II-B: Nonpublic Fire Safety Non-Conformance Report Sheet

This section must be completed annually by all nonpublic schools.

Part III: Nonpublic Certifications

This section applies to all inspected buildings. The administrator, director, or headmaster must be aware that in signing the report, they are certifying that:

Public notice of report availability has been published, and that:

- Any non-conformances noted as corrected on this report were corrected, and that;
- For uncorrected nonconformances that appear on this report, the school authorities, at the meeting held pursuant to Section 807-a of State Education Law, conferred with the fire chief concerning the alleged deficiencies appearing on the inspection report and the measures proposed to be taken to correct such deficiencies.

Fire Safety Inspection Code Reference Checklist

Section II – B

Commissioner of Education Regulations (8 NYCRR 155.25)

8. Electrically Operated Partitions (if N/A or electrically disconnected – go to next section)

Section	Description
A-2	Partitions are operated by two key operated, tamperproof, constant pressure, switches wired in series, remotely located at opposite ends and opposite sides of, and in view of, the partition.
B-2	The partition is capable of being reversed at any point in the extend or stack travel cycle.
C-2	Device(s) are provided for all partitions that will stop the forward or backward motion of the partition and stop the stacking motion of the partition when a body or object passes between the leading panel of such partition and a wall or other termination point, or when a body or object is in the stacking area of such partition.
D-2	Appropriate and conspicuous notice regarding the safe and proper operation of the electrically operated partition, required training, and supervision of students is posted in all partition operator locations.
E-2	Records of inspection, testing, and maintenance of electrically operated partitions are available for review. Records verify that maintenance was performed in accordance with the manufacturer's instructions and recommended service interval.

2015 International Fire Code

9. General Precautions Against Fire

Description	Code Section
A-2 Combustible waste and vegetation shall not create a hazard.	F304
B-2 Open flames are prohibited except supervised science and technology labs.	F308.2
C-1 Storage in buildings is orderly.	F315
D-1 Storage ceiling clearance of 24 inches is maintained in non-sprinklered areas of buildings or 18 inches below sprinkler head deflectors in sprinkled areas of the building.	F315
F-2 Combustibles are not stored in boiler rooms, mechanical rooms, or electrical equipment rooms.	F315
G-2 Fueled equipment shall not be stored, operated, or repaired within a building.	F313

10. Emergency Planning and Preparedness

Description	Code Section
A-2 Fire safety and evacuation plans are prepared, maintained, and available for review.	F403 F404
B-2 Safety Data Sheets (SDS) are complete and available on premises.	F407

C-1	Hazardous material containers and rooms are properly identified.	F407
D-1	Records of hazardous material inventory statements are provided.	F407

11. Fire Service Features

	Description	Code Section
A-2	Fire apparatus access roads are maintained and unobstructed. (NOTE: Gates are permitted)	F503
B-1	Flat roofs, less than 30 degrees, are free from obstruction.	F316
C-2	Private fire service hydrants, mains, and tanks are properly maintained and tested.	F507
D-2	Fire hydrants are maintained free from obstruction.	F507
E-1	Fire protection equipment and locations are identified and maintained.	F509

12. Building Services and Systems

	Description	Code Section
A-1	Equipment access is maintained.	F603
B-3	Portable unvented heaters are prohibited	F603
C-2	Above-ground gas meters are protected from damage.	F603
D-2	Records of inspection, testing, and maintenance of emergency and standby power systems are maintained on premises and are available for inspection.	F604
E-1	No electrical system hazards observed or reported.	F605
F-1	Service equipment areas are adequately illuminated.	F605
G-1	Electrical service and branch equipment working space is unobstructed.	F605
H-1	Electrical room doors and all disconnects are identified.	F605
I-1	Unapproved multi-plug adapters are not used.	F605
J-1	Extension cords are properly used and are not a substitute for permanent wiring.	F605
K-1	Outlet, switch, junction boxes, and wire splices are covered.	F605
L-1	Refrigeration systems are accessible, properly labeled, and records of periodic testing are available on premises.	F606
M-1	Approved elevate emergency signs are provided.	F607
N-1	Emergency elevator keys are properly located in an approved location for immediate use by the fire department.	F607
O-2	Heating equipment, chimneys, and vents are maintained and are in proper working order.	F603

13. Commercial Kitchen Hoods

	Description	Code Section
A-2	Kitchen hood is provided and maintained at commercially used equipment capable of producing grease vapors or smoke.	F609
B-2	Hood fire extinguishing system, where provided, is maintained and serviced in accordance with Section F904 of the Fire Code of New York State.	F609

14. Fire Resistance Rated Construction

	Description	Code Section
A-2	Fire resistance rating of rated construction is maintained.	F703
B-2	Opening protectives are properly maintained and are not blocked or made inoperable.	F703
C-2	Doors requiring closers are not rendered inoperable by removal of the closer or the installation of any non-automatic hold open device.	F703
D-1	Records of annual inspections of sliding and rolling fire doors are available.	F703
E-1	Swinging fire and smoke doors close and latch automatically from any position.	F703

15. Decorative Material and Furnishing

	Description	Code Section
A-2	Furnishings do not obstruct or obscure exits.	F807
B-1	Storage of clothing and personal belongings in corridors and lobbies is compliant	F807
C-2	Artwork and teaching materials are limited to not more than 20% of the corridor wall area.	F807
D-2	Curtains, drapes, hangings, and other decorative materials suspended from walls or ceiling shall comply with Section 807.4 and shall not exceed 10% of the specific wall or ceiling to which they are attached.	F807
E-1	Artwork and teaching materials in classrooms limited to not more than 50% of the specific wall area to which they are attached.	F807

16. Fire Protection Systems

	Description	Code Section
A-2	Fire detection, alarm, and extinguishing systems are operative and inspection, testing, and maintenance records are maintained and available for review on premises.	F901
B-2	Portable fire extinguishers are located in a conspicuous location, are readily accessible, are not obstructed or obscured, and are maintained in accordance with this section and NFPA.	F906
C-2	Fire pumps are inspected, tested, and maintained in accordance with this section and NFPA 25 and records are available on premises for review.	F913

17. Means of Egress

	Description	Code Section
A-3	The required capacity of means of egress is free of obstructions.	F1031
B-2	Exterior exits are free from obstruction, including ice and snow.	F1031
C-2	Curtains, drapes, and decorations shall not be placed to obstruct exits or visibility thereof.	F1031
D-2	Exit signs are provided in rooms or areas which require two or more exits.	F1013
E-1	Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet from the nearest visible exit sign.	F1031.4
F-3	Doors shall be readily operable from the egress side without use of a key or special knowledge or effort. <u>Electromagnetic locking devices are not allowed.</u>	PM402.3
G-1	Occupant load is conspicuously posted in all assembly spaces where occupant load exceeds 50 persons.	F1004
H-2	Means of egress are provided with emergency lighting.	F1104.5
I-2	Tactile signs stating "EXIT" and complying with ICC/ANSI, A117.1 are provided adjacent to each door to an egress stairway.	F1013
J-1	Aisles are provided in all occupied spaces containing seats, tables, furnishings, displays, and similar fixtures of equipment and are unobstructed at all times.	F1104.23
K-1	Stairways that travel below the level of exit discharge are clearly defined.	F1104.21
L-1	Required exit signs are provided with emergency illumination.	F1104.3

18. Flammable Finishes

	Description	Code Section
A-2	Electrical wiring and equipment in spray areas shall be explosion proof.	F2403
B-2	"No Welding" signs shall be posted in the vicinity of the paint spraying areas and paint storage areas.	F2403
C-2	Portable fire extinguishers rated for high hazard shall be provided in paint spraying areas.	F2404
D-2	Spraying areas, exhaust fan blades, and exhaust ducts shall be kept free from the accumulation of deposits of combustible residues.	F2403

19. Motor Fuel-Dispensing Facilities & Repair Garages

	Description	Code Section
A-3	An approved, clearly identified and readily accessible emergency disconnect switch shall be provided for fuel dispensers and distinctly labeled "Emergency Fuel Shutoff."	F2303
B-2	Approved fire extinguishers, with a minimum rating of 2-A: 20-B:C, shall be located within 75 feet of pumps, dispensers, and storage tanks.	F2305
C-1	Approved warning signs shall be posted in the fuel dispensing area.	F2305
D-1	Daily inventory records are maintained for underground fuel storage tanks.	F2306
E-1	Above-ground tanks are protected from impact by motor vehicles.	F2306
F-1	Sources of ignition shall not be located within 18 inches of the floor in repair garages.	F2311
G-1	Appropriately rated fire extinguishers are provided in repair garages.	F2311
H-2	A non-coin operated telephone or other means to notify the fire department is provided on-site.	F2304

20. Welding and Other Hot Work

	Description	Code Section
A-1	Hot work is conducted in areas designed or authorized for that work.	F3501
B-1	Combustible materials are protected to prevent ignition.	F3504
C-1	Fire extinguishers with a minimum 2-A:20-B:C ratings are located within 30 feet of hot work area.	F3504

21. Hazardous Materials

	Description	Code Section
A-3	The storage, use, and handling of all hazardous materials are in accordance with Fire Code Section 5003.	F5003

22. Compressed Gases

	Description	Code Section
A-3	Compressed gas containers are marked in accordance with CGA C-7.	F5303
B-3	Compressed gas containers are secured and protected.	F5303
C-3	Protective caps, plugs, or devices are in place.	F5303

23. Property Maintenance Code of New York State (19 NYCRR Part 1226)

	Description	Code Section
A-1	Required equipment systems, devices, and safeguards are maintained in good working order.	NYS Uniform Code Supplement 101.2.7.2
B-1	Non-required equipment, devices, and systems are maintained in good working order or removed.	NYS Uniform Code Supplement 101.2.7.3
C-1	All exterior property and premises shall be maintained in a clean, safe, and sanitary condition.	PM302
D-2	Certificate of elevator inspection is available for review.	PM606

24. Unsafe Structures and Equipment

	Description	Code Section
	<p>An unsafe structure is one that is found to be dangerous to life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.</p> <p>Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.</p>	
A-3	If, in the opinion of the inspector, the building or equipment is deemed unsafe, as described above, or unfit, unlawful or dangerous for occupancy per the conditions described in 2015 IPMC Section 108 and the NYS Supplement; such structure shall be condemned, and the inspector shall check this item on the nonconformance sheet, provide a written explanation of the hazard, and IMMEDIATELY contact the New York State Education Department Office of Facilities Planning at 518-474-3906.	NYS Uniform Code Supplement 101.2.7.4

25. Other Requirements

A-3	Document violations of any provisions of the Fire Code of New York State not specifically addressed elsewhere in this form. List the section number of each code requirement detailing the specifics of the violation.
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Certifications – Part III – Nonpublic Schools

Description

Section III-A: Fire Inspection Method

- Method Used to Complete the Annual Fire Inspection

Section III-B: Fire Inspection by Local Fire Department, Fire Corp or County Fire Coordinator

- Inspector's Name and Title
- Inspector's Organization
- Telephone Number
- Inspector's Email
- Inspector's Registry # (assigned by the NYS Department of State)

Section III-C: Fire Inspection by Another Individual

- Inspector's Name and Title
- Inspector's Organization
- Telephone Number
- Inspector's Email
- Inspector's Registry # (assigned by the NYS Department of State)
- Name of Local Fire Authority
- Address of Local Fire Authority
- Notification Date
- Fire Authority Contact Number
- Was Local Fire Authority Representative present at inspection?

Section III-D: School or Building Administrator, Director, or Headmaster

- Name
 - Title
 - Telephone Number
 - Email
-