

Health & Safety Regulations Affecting School Districts



REGULATIONS

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The following document addresses many of the health & safety regulations impacting school districts today. It is not intended to be a comprehensive, all-inclusive description of each regulation cited. For such information, the actual regulation can be consulted directly, or you may wish to contact your local BOCES Health & Safety Office. This summary is meant to be a ready reference on the key issues and concerns of schools, along with a listing of corresponding enforcement agencies and contacts.



Any questions related to this document can be answered by calling the Nassau BOCES Health & Safety Training and Information Service at [516-396-2387](tel:516-396-2387).

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AIR QUALITY - INDOOR

Various guidelines and recommendations exist, but regulations for non-industrial indoor environments have not been established. School districts are encouraged to implement the *EPA Indoor Air Quality/Tools for Schools Program* as a proactive approach to dealing with indoor air quality issues.

**EPA Indoor Air Quality – Tools for Schools Program
OSHA Indoor Air Quality Proposed Regulation (1910.1033)
(American Society of Heating, Refrigeration, and Air-Conditioning Engineers)
ASHRAE 62-1999, 55-1992 and others**

HOW DO I RESPOND TO AN INDOOR AIR QUALITY COMPLAINT?

1. Have complainant complete an *IAQ Complaint Form* (this will express to the complainant your serious intentions to address the situation).
2. Immediately conduct an interview and document on the *Occupant Interview Form*. Make complainant part of the investigation process by having them complete an *Occupant Diary* to track symptoms over time.
3. Complete an *Incident Log Form* for each building to help establish trends. This will also establish an on-going record of complaints at each site.
4. Complete a *Pollution Pathway Record* to help determine possible pollution sources.
5. Check for proper operation of the HVAC System.
6. With the above information, develop possible reasons for the complaint and document on the *Hypothesis Form*.
7. Take steps to prove the established reason(s) for the problem and implement the appropriate action for remediation.
8. If outside help is needed, contract with competent HVAC specialists to assure proper operation of ventilation systems.
9. Keep complainant apprised of the progress throughout investigation.
10. Issue final written report to complainant regarding activities of the school district in responding to the problem.

DO I NEED TO CONDUCT INDOOR AIR QUALITY TESTING?

- Since there are no regulatory standards for indoor air quality in a non-industrial environment, test results are subject to debate. In addition, with literally thousands of chemicals and chemical compounds in the air, what do you test for? When you also consider the lack of standardization of testing companies and individuals, the inability to establish a cause and effect relationship and the high cost with no definable outcome, there is clear reason to avoid this knee-jerk reaction approach. Also consider that testing is only a snapshot in time and may or may not give an accurate representation of what happens in the environment on a daily basis. Testing can actually give individuals a false sense of security.
- Limited IAQ testing is provided by the Nassau County Health Department (516-227-9723) free-of-charge, and will typically include temperature, humidity, CO₂, and particulates. If necessary, additional free testing can be conducted by the New York State Labor Department (Public Employee Safety and Health Unit) (516-228-3970).

WHEN IS TESTING ADVISABLE?

- Testing limited to temperature, humidity and carbon dioxide levels may be advisable to help develop a baseline for determining proper HVAC operation in a building. This can be accomplished in-house with minimal testing equipment.
- To test for a specific contaminant suspected of causing a specific illness as documented by medical diagnosis.
- If testing is conducted, always consider ambient levels for comparison.

WHAT ARE SOME OF THE GUIDELINES FOR BASELINE TESTING AND VENTILATION RATES?

- Temperature - 68-75° F (winter)
73-79° F (summer)
(based on a 10% dissatisfaction rate)
65° F is the minimum acceptable temperature
- Humidity - 30-60%
- CO₂ - <1000 ppm
- CO - <9 ppm
- Particulates - <0.05 mg/m³ (respirable particulates pm 10 - means less than 10 microns)
- Ventilation – (classroom) 15 cfm/person (estimated 50p/1000 sq./ft.)

IF I DECIDE TO EMPLOY AN IAQ TESTING COMPANY WHAT SHOULD I ASK FOR?

- A written proposal should be provided and include all of the following:
 - What qualifies the company and individual staff to conduct IAQ testing? What testing protocols will they follow? Do they have references from other school districts? When will they issue written results?
 - Documentation of what they will be testing for and why; what will be considered an acceptable or unacceptable result and what will be the basis for making that decision?
 - Cost of the service with a detailed description of how this amount was determined.
 - An understanding that they will be available to present the test results, with an explanation of its meaning, to interested parties (school board, PTA, building occupants, etc.) as part of the cost of their service.

HOW DO I RESPOND TO VISIBLE MOLD?

- Once again, testing is not recommended due to the lack of standards and inability to draw cause and effect relationships. The EPA publication *Mold Remediation in Schools and Commercial Buildings* is an excellent guidance document. Generally, in-house staff can remediate mold growth, caused by clean water, of <10 square feet with no containment by utilizing personal protective equipment including an N-95 respirator, gloves and goggles (this must be included in your personal protective equipment program and manufacturer recommendations for use of the N-95 must be followed). However, personal medical exams are not required. More extensive growth, contaminated water (sewage, etc.), or the potential to release spores should be reasons to consider hiring an experienced remediation contractor.

EPA INDOOR AIR QUALITY – TOOLS FOR SCHOOLS PROGRAM

- The EPA has established a voluntary program specifically for schools which is a proactive, common sense approach to indoor air quality and focuses on preventive maintenance. The program can be started one building at a time or district-wide, and has great flexibility on how it is implemented. Tools for Schools makes indoor air quality complainants part of the resolution process, and as a result, reduces the potential for conflict that often results from these issues. The establishment of a building-level indoor air quality management team helps to alleviate on-going indoor air quality problems.

MINIMUM TEMPERATURE IN OCCUPIED SCHOOL BUILDINGS

- The Property Maintenance Code of New York State, Section 602.4, for *Occupiable Work Spaces* requires that indoor occupiable work spaces be supplied with heat during the period from September 15th to May 31st to maintain a temperature of not less than 65°F during the period the spaces are occupied. The only exceptions are for processing spaces (coolers or freezers) and vigorous physical activities areas (gymnasiums).

SOME REGULATED CHEMICAL CONTAMINANTS OF CONCERN

- **Chromated Copper Arsenate (CCA)** – New York State Environmental Conservation Law, Section 37-0109, prohibits the use of CCA in the construction of new public playgrounds (non-public schools are not covered). Removal of existing structures or soil containing CCA is not required. (Effective date March 15, 2003).
- **Mercury** – New York State Environmental Conservation Law prohibits the use or purchase of elemental mercury in all New York State elementary and secondary schools. (Effective date September 4, 2004).
- **Paradichlorobenzene** – The Education Law, Section 409-g, bans the purchase or use of urinal or toilet deodorizers containing paradichlorobenzene for public or private schools. (Effective date July 1, 2005).
- **Polychlorinated Biphenyls (PCBs)** – PCBs in caulking materials in school buildings are regulated by the U.S. EPA and the State of New York. Caulk containing PCBs should be properly managed when disturbed through building renovations. PCBs are currently prohibited from use in caulk. However, prior to 1977, PCBs were present in some caulking materials used in construction. The U.S. EPA regulates the disposal of caulk if the concentration of PCBs exceeds 50 ppm. Further information and a protocol for managing caulk containing PCBs that will be disturbed during building renovation and maintenance, can be obtained through the NYS Education Department Facilities Planning Division.

Indoor Air Quality Complaint Form

(This form must be filled out by the complainant)

Occupant Name: _____ Title: _____ Date: _____

Department/Location in Building: _____ Phone: _____

This form should be used if your complaint may be related to indoor air quality. Indoor air quality problems include concerns with temperature control, ventilation, and air pollutants. Your observations can help to resolve the problem as quickly as possible. Please use the space below to describe the nature of the complaint and any potential causes. If medical illness is thought to be related to the environment, please include the basis for that claim with a written diagnosis and recommendations from your physician.

We may need to contact you to discuss your complaint. When is the best time to reach you? _____

(So that we can respond promptly, please return this form to the building principal)

OFFICE USE ONLY

File Number: _____ Received By: _____ Date Received: _____

Occupant Interview

First of 2 pages

Building Name: _____ File Number: _____

Address: _____

Occupant Name: _____ Work Location: _____

Completed by: _____ Title: _____ Date: _____

SYMPTOM PATTERNS

What kind of symptoms or discomfort are you experiencing?

Are you aware of other people with similar symptoms or concerns? Yes No

If so, what are their names and locations?

Do you have any health conditions that may make you particularly susceptible to environmental problems?

- contact lenses chronic cardiovascular disease undergoing chemotherapy or radiation therapy
- allergies chronic respiratory disease immune system suppressed by disease or other causes
- chronic neurological problems

TIMING PATTERNS

When did your symptoms start?

When are they generally worst? Do they go away? If so, when?

Have you noticed any other events (such as weather events, temperature or humidity changes, or activities in the building) that tend to occur around the same time as your symptoms?

Occupant Interview

Second of 2 pages

SPATIAL PATTERNS

Where are you when you experience symptoms or discomfort?

Where do you spend most of your time in the building?

ADDITIONAL INFORMATION

Do you have any observations about building conditions that might need attention or might help explain your symptoms (e.g., temperature, humidity, drafts, stagnant air, odors)?

Have you sought medical attention for your symptoms?

Do you have any other comments?

Hypothesis Form

First of 2 pages

Building Name: _____ File Number: _____

Address: _____ Completed by: _____

Complaint Area (may be revised as the investigation progresses):

Complaints (e.g., summarize patterns of timing, location, number of people affected):

HVAC: Does the ventilation system appear to provide adequate outdoor air, efficiently distributed to meet occupant needs in the complaint area? If not, what problems do you see?

Is there any apparent pattern connecting the location and timing of complaints with the HVAC system layout, condition or operating schedule?

Pathways: What pathways and driving forces connect the complaint area to locations of potential sources?

Are the flows opposite to those intended in the design? _____

Sources: What potential sources have been identified in the complaint area or in locations associated with the complaint area (connected by pathways)?

Is the pattern of complaints consistent with any of these sources? _____

Hypothesis Form

Second of 2 pages

Hypothesis: Using the information you have gathered, what is your best explanation for the problem?

Hypothesis testing: How can this hypothesis be tested?

If measurements have been taken, are the measurement results consistent with this hypothesis?

Results of Hypothesis Testing:

Additional Information Needed:

AMERICANS WITH DISABILITIES ACT (ADA)

Title II - Government Entities, Public Services and Transportation, Subtitle A

Public Law 101-336

Nondiscrimination on the Basis of Disability in State and
Local Government Services

28 CFR Part 35

Effective Date - January 26, 1992

The **Americans With Disabilities Act of 1990 (ADA)** is a comprehensive law that prohibits discrimination against persons with disabilities. **Title I - Employment** - prohibits discrimination in the employment of qualified individuals with disabilities. Individuals with disabilities must be given reasonable accommodations to perform the essential functions of the job. **Title II - Public Entities** - supplements and expands on accessibility guarantees first required under Section 504 of the Rehabilitation Act of 1973. **Title III - Public Accommodations** - guarantees that in privately-owned facilities, persons with disabilities are to be provided accommodations and access equal to, or similar to, that available to the general public. **Title IV** covers **Telecommunications**. **Title V** covers **Miscellaneous Provisions**. Enforcement of the provisions of ADA is under the **United States Department of Justice (202-514-0301)**.

COMPLIANCE ISSUES

- A public entity (school district) may not refuse to allow a person with a disability to participate in a service, program, or activity, because the person has a disability.
- Reasonable modifications of policies, practices, and procedures must be made so that individuals with disabilities have equal access to programs, etc.
- A **self-evaluation** should have been completed by January 26, 1993, identifying all programs, activities, and services, and reviewing all policies and practices pertaining to them. Remedial action should have been taken to meet the requirements of the Act. The self-evaluation should have been made accessible to the public.
- The public must be given **notice** of provisions of the law and their applicability to the services, programs, and activities of the public entity.
- At least one employee must be **designated** with the responsibility to coordinate efforts for compliance, including handling complaint investigation.
- **Complaint procedures** need to be adopted for the prompt handling of all related complaints.
- Qualified individuals with disabilities may not be discriminated against in **employment** by a public entity.
- Where structural modifications were required to achieve program accessibility, the public entity should have prepared a **Transition Plan** by July 26, 1992, with modifications completed by July 26, 1995. The Transition Plan had to contain a list of the physical barriers needing modifications, details of methods to be used to remove these barriers, a schedule for achieving compliance, and the name of the official responsible for the Plan's implementation.
- All newly constructed facilities must be accessible.
- Alterations to existing facilities must make the altered portions accessible.

ASBESTOS

Toxic Substances Control Act (TSCA) - 40 CFR 763 - Effective Date - 1976

Asbestos Hazard Emergency Response Act (AHERA) TSCA Title II

Effective Date - 1986

Occupational Safety and Health Act (OSHA) - 29 CFR 1910.1001; 1915.1001; 1926.1101; 1926.58

Clean Air Act - 40 CFR Sections 61.140-157

Department of Transportation (DOT) - 49 CFR Parts 171-172

New York State Labor Law - 12 NYCRR Part 56

(Amended 1/11/2006; Effective 9/5/2006)

New York State Education Law Sec. 3602

Federal and New York State laws both address **asbestos** and **asbestos-containing materials (ACM)** and the health risks associated with exposure. The **Environmental Protection Agency (EPA)** and the **Occupational Safety and Health Administration (OSHA)** are the principal enforcement agencies at the Federal level. The **New York State Department of Labor (212-352-6084/6109); (518-457-1536)** regulates asbestos handling, abatement contractors, and requires training and education for asbestos workers. The Labor Law assigns responsibility for asbestos safety training to the **New York State Department of Health (518-458-6483)**. The New York State Education Law is administered by the **State Education Department (SED) (518-474-3906)**, and requires triennial inspections of New York public schools and follows the **EPA Asbestos Hazard Emergency Response Act (AHERA)**.

COMPLIANCE ISSUES

- Local education agencies must prepare and keep current an **Asbestos Management Plan** for each school site. Original Management Plans were to be submitted to SED by October 1988 and be in effect by July 1989. Re-inspections are required on a triennial basis. **New York State triennial reporting requirements can be satisfied by answering the AHERA question on the annual visual inspection report (required under RESCUE) beginning with the 2004-05 report.** Asbestos Management Plans must show that:
 - ⇒ An **accredited Inspector** has inspected any building used as a school building at least **every three years** to identify friable and non-friable asbestos.
 - ⇒ Adjustments to the Plan have been conducted by an **accredited Management Planner**.
 - ⇒ ACM has been sampled and tested by an accredited laboratory.
 - ⇒ Ongoing **operations and maintenance** that involve ACM are documented.
 - ⇒ **Warning labels** are attached to any actual or suspected ACM located in routine maintenance areas.
 - ⇒ **Response actions** including removal, encapsulation, enclosure, repair, and operations and maintenance are appropriate and utilize accredited personnel.
 - ⇒ **Six-month surveillances** are conducted.
 - ⇒ A **designated person** with appropriate training has been assigned to oversee asbestos management.
 - ⇒ Required **training** is documented.
 - ⇒ Annual **notifications** and abatement notifications are issued.
- The **OSHA General Industry Standard** or **Construction Standard** may apply depending on the specific nature of the asbestos-related task.
- **Asbestos Containing Material (ACM)** is defined as any material containing **greater than (1%) of asbestos**.
- No employee should be exposed to an airborne concentration of asbestos in excess of the **permissible exposure limit (PEL) of 0.01 fibers per cubic centimeter of air (.01f/cc)** as an eight-hour **time-weighted average (TWA)**.
- Contractors (including schools engaged in asbestos projects) must possess an **asbestos handling license** and display it at all asbestos work sites. Licenses are issued by the NYS Department of Labor with an initial and annual **fee of \$500**.
- **Large Asbestos Project** – An asbestos project involving the removal, disturbance, enclosure, encapsulation, repair or handling of 160 square feet or more of ACM, PACM or asbestos material, or 260 linear feet or more of ACM, PACM or asbestos material.
- **Small Asbestos Project** – More than 10 and less than 160 square feet, or more than 25 and less than 260 linear feet.
- **Minor Asbestos Project** – 10 square feet or less or 25 linear feet or less.

- Asbestos projects of more than 260 lineal feet or 160 square feet require **notification** of the Department of Labor 10 days before the start of work. Notification of emergency projects must be given as soon as possible, but written notification must be given within 2 days of the start of the project. Project notification fees vary based on the size of the project.
- **Notification** to building occupants must be given **at least 3 days** (usually 10 days) prior to the start of the project, and as soon as possible in an emergency situation. Notification must include exact areas undergoing abatement; amount and type of asbestos; start and completion dates of project; contractor's name and license number; and the air monitor and laboratory's name and address.
- Contractors must **monitor the air** at asbestos project sites through independent sources and according to specific Department of Labor regulations. Generally not required for **minor projects** (<25 lineal or 10 square feet).
- The **National Emissions Standard for Hazardous Air Pollutants (NESHAP)** regulates demolition and renovation of facilities containing ACM. Also requires generators and transporters of ACM to maintain **waste shipment records**.

TRAINING REQUIREMENTS

- Employees working on asbestos projects must possess a valid asbestos-handling certificate which must be renewed annually with the appropriate fee. The nine categories including the length of initial training are:
 - ⇒ **Asbestos Handler (Worker)** - any worker who removes, encapsulates, or disturbs friable asbestos (4 days).
 - ⇒ **Restricted Asbestos Handler** (Allied Trades) - any worker who may incidentally disturb asbestos (2 days).
 - ⇒ **Air Sampling Technician** - performs air sampling to comply with regulations (2 days).
 - ⇒ **Inspector** - conducts the survey, identification, and assessment of ACM (3 days).
 - ⇒ **Operation and Maintenance Worker** - performs small-scale maintenance and repair that may disturb ACM (2 days).
 - ⇒ **Supervisor** - supervises other asbestos workers (5 days).
 - ⇒ **Project Designer** - plans the scope and remediation of an asbestos project (3 days).
 - ⇒ **Project Monitor** - Oversees the asbestos project; cannot be the contractor's supervisor (5 days).
 - ⇒ **Management Planner** - assesses the asbestos hazard, recommends response actions and documents actions (2 days).
 - ⇒ **Asbestos Awareness** - at least two-hours of training for all custodial and maintenance staff.
- Under the OSHA General Industry Standard (1910.1001(J)(7)(iv)) "The employer shall also provide, at no cost to employees who perform housekeeping operations in an area which contains ACM or PACM, an asbestos awareness training course. . . . Each such employee shall be so trained **at least once a year**."

REVISIONS & UPDATES EFFECTIVE SEPTEMBER/2006

- Each variance petition must be prepared and submitted by a currently trained and NYS DOL certified Project Designer who works for a current NYS DOL licensed asbestos contractor. All new site-specific variance decisions will remain in effect **one year from the date of issuance**, unless otherwise stated.
- **Asbestos Project Phases of Work:**
 - Phase I (Pre-Abatement)
 - A. Asbestos Survey, Planning & Design
 - B. Background Air Sampling
 - Phase II (Abatement)
 - A. Regulated Abatement Work Areas Preparation & Enclosure Construction
 - B. Asbestos Handling Including, Gross Removal or Abatement, Initial Cleans and Waste Removal
 - C. Final Clearing & Clearance Air Samples
 - D. Final Waste Removal From Site
- **Classes of Asbestos Work:**
 1. Class I Asbestos Work – abatement of Thermal Systems Insulation (TSI), and surfacing ACM and PACM.
 2. Class II Asbestos Work – abatement of ACM which is not TSI or surfacing material (wallboard, floor tile, roofing, mastics, etc.).
 3. Class III Asbestos Work – repair and maintenance operations, where no more than a minor quantity of ACM, is likely to be disturbed.
 4. Class IV Asbestos Work – activities during which employees contact but do not disturb ACM or PACM and activities to clean-up non-ACM dust, waste and debris resulting from Class I, II, and III activities.

- **Regulated Asbestos-Containing Material (RACM)**

Friable ACM or PACM, **Category I Non-friable ACM** (asbestos-containing packing, gaskets, resilient floor covering and asphalt roofing products) that has become friable or will be subjected to sanding, grinding, cutting, or abrading or **Category II Non-friable ACM** (Any material, excluding Category I Non-friable ACM) that has a high probability of becoming or has become crumbled.

- **Asbestos Project Air Sampling Requirements**

1. Large Asbestos Project – requires air sampling for Phase IB (Background), Phase IIA (Work Area Preparation), Phase IIB (Asbestos Handling) and Phase IIC (Final Cleaning & Clearance).
2. Small Asbestos Project – requires air sampling for Phase IB (Background) and Phase IIC (Final Cleaning & Clearance) only.
3. Minor Asbestos Project – requires air sampling for Phase IIC (Final Cleaning & Clearance) only if there is a glove-bag failure or loss of integrity, incidental disturbance or if it is part of a small or large project.

AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs)

Public Health Law, Article 30, Section 3000-b

Education Law, Section 917

Section 136.4 of the Regulations of the Commissioner of Education

Effective Date - September 1, 2002

Each year, approximately 220,000 people die from **Sudden Cardiac Arrest**. The vast majority of these deaths are caused by the initiation of an abnormal heart rhythm called **ventricular fibrillation (VF)**, a chaotic heart rhythm that results in loss of circulation and oxygen delivery to body tissues. The only effective treatment to reverse VF to a normal heart rhythm is **defibrillation (electric shock to the heart)**. However, defibrillation must be provided early or irreversible brain damage can occur within 10 minutes. **It is now possible for lay people who have taken a short course in CPR and the use of an AED to provide defibrillation.**

COMPLIANCE ISSUES

• **Definitions**

- ⇒ **Automated External Defibrillator (AED)** – A medical device approved by the United States Food and Drug Administration that is:
 1. **Capable of recognizing** the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia.
 2. Capable of determining, **without intervention by an operator**, whether defibrillation should be performed on the patient.
 3. Upon determination that defibrillation should be performed, **automatically charges and requests delivery** of an electrical impulse to the patient's heart.
 4. Upon action by an operator, **delivers an appropriate electrical impulse** to the patient's heart to perform defibrillation.
- ⇒ **Emergency Health Care Provider**
 1. A **physician with knowledge and experience** in the delivery of emergency cardiac care.
 2. A **hospital licensed under Article 28** that provides emergency cardiac care.
- ⇒ **Public Access Defibrillation (PAD) Provider** – A person, firm, organization or other entity possessing or operating an AED.
- ⇒ **Nationally Recognized Organization** – A national organization approved for the purpose of training people in the use of an AED.
- ⇒ **Posting Notice** – *The public access defibrillation provider shall post a sign or notice at the main entrance to the facility or building in which the AED is stored, indicating the location where any such AED is stored or maintained in such building or facility on a regular basis.*

• **Collaborative Agreement**

- ⇒ A person, firm, organization or other entity may purchase, acquire, possess and operate an AED pursuant to a collaborative agreement with an emergency health care provider. This includes a **written agreement, written practice protocols and policies and procedures** to assure compliance with the law. The PAD provider shall **file a copy of the agreement** with the Department of Health and with the appropriate regional council prior to operating the AED.

• **Possession and Operation of an AED**

- ⇒ No person may operate an AED unless the person has successfully **completed a training course** in the operation of an AED approved by a nationally-recognized organization.
- ⇒ The PAD provider shall cause the AED to be **maintained and tested** according to applicable standards of the manufacturer and government agencies.
- ⇒ The PAD provider **shall notify the regional council** of the existence, location and type of any AED it possesses.
- ⇒ **Every use of an AED shall be immediately reported** to the appropriate local emergency medical service system, as required, and the emergency health care provider.

• **Application of Other Laws**

- ⇒ Operation of an AED shall be considered first-aid or emergency treatment for the purpose of any statute relating to **liability**.
- ⇒ Operation of an AED **shall not constitute** the unlawful practice of a profession under Title VII of the Education Law.

- **Steps to Implement an AED Program**

- ⇒ **Identify a Medical Director** – The role of the medical director should be defined in the collaborative agreement. The American Heart Association provides a Physician Oversight Package explaining the medical director’s role.
- ⇒ **Contact your local EMS** – New York State Law requires that a Notice of Intent and Collaborative Agreement be filed with the EMS in Nassau County:

**Nassau County Regional EMS Council
John Hassett, Director of EMS
2201 Hempstead Turnpike, Bin #78
East Meadow, New York 11554
Telephone: 516-542-0025**

- ⇒ **Identify a Core Group** – Identify various staff in the decision making process.
- ⇒ **Review AED Manufacturers and Available State and Local Contracts** – Contact AED manufacturers to arrange for demonstrations, facility walk-through and financial requirements. Some manufacturers may include equipment, training and medical director in one package.
- ⇒ **Emergency Plan** – AED protocols and procedures should be included in your emergency plans.
- ⇒ **Training** – Train personnel with programs such as the American Heart Association’s Heartsaver/AED course. The North Shore/Long Island Jewish Healthcare System provides such training specifically for school districts, and can be contacted at **516-465-2500**.
- ⇒ **File Paperwork** – File your Notice of Intent and Collaborative Agreement with the Nassau County EMS and notify the local EMS/Ambulance Squad that you have AEDs.
- ⇒ **Awareness** – Be certain the AEDs are available and accessible.

- **AEDs in Schools**

Requires each school district to provide and maintain on-site in each **instructional school facility** AEDs in **appropriate quantity** and **properly placed** to assure access during emergencies.

- ⇒ The following shall be considered:
 1. **The number of students, staff, and other individuals** reasonably anticipated to be within the facility.
 2. The **physical layout** of the facility including: Location of stairways and elevators; number of floors; location of classrooms and other areas where large congregations of individuals may occur, and other unique design features of the facility.
- ⇒ The following definitions will apply:
 1. **Instructional School Facility** means a building or other facility maintained by a school district **where instruction is provided to students** pursuant to its curriculum.
 2. **School-sponsored or school-approved curricular or extracurricular events or activities** means events or activities of a school district that are **associated with its instructional curriculum or otherwise offered to its students**.
 3. **School-sponsored athletic contest** means an extra class intramural athletic activity of instruction, practice and competition for **pupils in grades 4 through 12**.
 4. **School-sponsored competitive athletic event** means an extra class interschool athletic activity of instruction, practice and competition for **pupils in grades 7 through 12**.
- ⇒ Whenever an **instructional school facility** is used for a **school-sponsored or school-approved curricular or extracurricular event or activity**, the public school officials and administrators responsible for such facility shall ensure the presence of **at least one staff person who is trained**, pursuant to Public Health Law, in the operation and use of an AED.
- ⇒ During any **school-sponsored athletic contest** or **school-sponsored competitive athletic event** held at **any location**, public school officials and administrators responsible for such contest or event shall **ensure that AEDs are provided on-site** and that **at least one staff person who is trained**, pursuant to public health law, in the operation and use of an AED, **is present during such contest or event**.
- ⇒ Each AED device shall be **approved by the Food & Drug Administration** for adult use and/or pediatric use, as appropriate for the population reasonably anticipated to be served by such device, and shall be used according to the manufacturer’s instructions with consideration of operating procedures, maintenance and expiration date.
- ⇒ A school district that **certifies to the Commissioner of Education** that it is unable to fully comply by September 1, 2002 may be **excused from compliance until December 1, 2002**.

BLOODBORNE PATHOGENS

OSHA Standard - 29 CFR 1910.1030

Occupational Exposure to Bloodborne Pathogens

Effective Date - March 6, 1992

The purpose of this Standard is to limit occupational exposure to blood and other potentially infectious materials, because exposure could result in transmission of bloodborne pathogens, which could lead to disease or death. All employees who can be “**reasonably anticipated**” to come into contact with blood or other bodily fluids from the performance of their job duties are covered by this Regulation. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- Written **Exposure Control Plan**, updated annually.
- Determination and documentation of employees at risk for **occupational exposure**.
- **Universal precautions** - all body fluids shall be considered potentially infectious.
 - ⇒ **Engineering and work practice controls**.
 - ⇒ **Personal protective equipment** provided at no cost to exposed employees.
 - ⇒ **Housekeeping** including proper medical waste disposal of contaminated sharps and regulated waste.
- **Hepatitis B vaccination** free of charge to all occupationally-exposed employees made available at a “reasonable time and place” within 10 working days of initial assignment. **Post-exposure vaccination** is a viable option if the vaccination process is started soon after exposure (usually within 24 hours).
- **Declination forms** mandatory as noted in Appendix A of the Standard.
- **Post-exposure evaluation** and follow-up of employees after an exposure incident.
- **Medical physician** to determine if an **exposure incident** has occurred and is usually defined by blood contact with an open wound, mucous membranes, eyes, or through injection.
- **Hazard identification** and biohazard labeling of red bags and sharps containers.
- **Medical waste** is defined as an article saturated with blood to a degree that **under hand pressure would result in dripping blood** from the article.
- **Information and training** for employees with occupational exposure.
- **Medical records** of employee exposures must be maintained for “at least the duration of employment plus 30 years” and kept **confidential**.

TRAINING REQUIREMENTS

- Employees with occupational exposure must receive initial and annual refresher training during working hours.
- Employees must have access to a copy of the Standard.
- Training must include discussion on: the contents of the Standard and Exposure Control Plan; discussion of bloodborne diseases and their transmission; engineering and work practice controls; personal protective equipment; Hepatitis B vaccine; response to emergencies; handling exposure incidents; post-exposure evaluation and follow-up program; biohazard labeling and medical waste disposal.
- Trainer required to be knowledgeable in the subject matter.
- Training records must be retained for three years, and must include employees’ names, job titles, dates of training, contents of the program, and the name and qualifications of the trainer.

NEEDLESTICK SAFETY AND PREVENTION ACT

Congress passed this Act directing OSHA to revise the **Bloodborne Pathogens Standard** to establish, in greater detail, requirements that employers **identify and make use of effective and safer medical devices**. The revision became **effective on April 18, 2001** with new employer requirements, including additions to the Exposure Control Plan and keeping a Sharps Injury Log as follows:

- **Exposure Control Plan**
 - ⇒ The employer must **consider innovations in medical procedure and technological developments** that reduce the risk of exposure.
 - ⇒ **Document consideration and use** of appropriate commercially-available and effective safer devices.
 - ⇒ Since no one medical device is appropriate for all circumstances, employers must select devices that **will not jeopardize patient or employee's safety, or be medically inadvisable, and will make an exposure incident involving a contaminated sharp less likely to occur.**
- **Employee Input**
 - ⇒ **Employers must solicit input from non-managerial employees responsible for direct patient care** for the purpose of selecting effective engineering controls.
- **Documentation of Employee Input**
 - ⇒ **Employers must document in the Exposure Control Plan** the nature by which input from employees was attained.
- **Recordkeeping**
 - ⇒ A **Sharps Injury Log** must be maintained and include:
 - 1. The **type and brand of device** involved in the incident.
 - 2. **Location** of the incident.
 - 3. **Description** of the incident.
- **Engineering Controls**
 - ⇒ Safer medical devices, such as **sharps with engineered sharps injury protections and needleless systems** constitute an effective engineering control and **must be used** where feasible.
- **Sharps with Engineered Sharps Injury Protections**
 - ⇒ **This is a new term** which includes non-needle sharps or needle devices containing built-in safety features that are used for collecting fluids, or administering medications, including:
 - 1. Syringes with a sliding sheath that shields the needle after use.
 - 2. Needles that retract into a syringe after use.
 - 3. Shielded or retracting catheters.
 - 4. Intravenous medication delivery systems that use a catheter port with a needle housed in a protective covering.
- **Needleless Systems**
 - ⇒ **This is a new term** for devices which provide an alternative to needles for various procedures to reduce the risk of injury involving contaminated sharps including:
 - 1. I.V. medication systems with non-needle connections.
 - 2. Jet injection systems.

BLOODBORNE PATHOGENS

New York State Mandatory Vaccination Law New York State Public Health Law – Article 21 Title 6-2164

Effective Date - September 1, 2000

In order to protect children in New York State from vaccine-preventable diseases, Public Health Law 2164 was amended to **require Hepatitis B Vaccine for all children enrolled in the seventh grade in any public, private, or parochial school on or after September 1, 2000**. Questions and enforcement issues related to this regulation can be answered by contacting the **New York State Department of Health Immunization Program (Metropolitan Region) at 212-268-6431**.

COMPLIANCE ISSUES

- **Three-Dose Hepatitis B Vaccine Series Intervals**
 - ⇒ First & second doses – no less than 28 days (4 weeks).
 - ⇒ Second & third doses – no less than 56 days (8 weeks).
 - ⇒ First & third doses – no less than 4 months.
 - ⇒ **Restarting the series is not necessary if the interval is greater than recommended.**
 - ⇒ **The third dose should not be given prior to 6 months of age.**
- **Two-Dose Hepatitis B Vaccine Series Intervals**
 - ⇒ The second dose should be given 4-6 months after the initial dose.
- **School Entry** – Students who have received at least one dose of Hepatitis B Vaccine and have scheduled the remaining vaccinations **may attend school** while in the process of completing the vaccine series.
- A child who has not provided evidence of vaccination will **not be allowed to attend school in excess of 14 days**. This may be extended to a **maximum of 30 days for transfer students** from out-of-state or from another country if a good-faith effort has been made to be immunized.
- **Not applicable** to a child whose parent or guardian hold **genuine and sincere religious beliefs** which are contrary to the vaccination process, or to a child whose **physician certifies** that the vaccination process may be **detrimental to the child's health**.
- Whenever a child has been refused admission to a school, the principal, teacher or person in charge of the school shall:
 - ⇒ Forward a **report of such exclusion**, and the name and address of such child, to the **local health authority** and to the **person in parental relation** to the child with notification of the responsibility of such person along with a **consent form**.
 - ⇒ Provide, in cooperation with the **local health authority**, for a time and place for immunization for a child for whom **consent has been obtained**.
- Every school shall **annually provide the Commissioner of Education**, on **forms provided** by the Commissioner, a **summary regarding compliance** with the provisions of this section.

BULK STORAGE TANKS

Federal Underground Storage Tank (UST) Law 40 CFR Parts 280-281

Effective Date - September 23, 1988

New York Petroleum Bulk Storage Act

New York Oil Spill Prevention, Control, and Compensation Act

6 NYCRR Parts 610-614; 17 NYCRR Parts 30, 31

Article XI - Nassau County Public Health Ordinance

Toxic & Hazardous Materials Storage, Handling and Control

Effective Date - August 1, 1986

Bulk storage tanks for petroleum products have the potential to create environmental hazards due to spills and leaks. This has resulted in Federal, State, and local laws on bulk storage tank construction, monitoring, and corrective action when necessary. The **Environmental Protection Agency (EPA)** regulates underground storage tanks (USTs) storing petroleum. The **New York Department of Environmental Conservation (DEC) (518-457-4351)** enforces two State laws governing USTs and above-ground storage tanks (ASTs): The New York Petroleum Bulk Storage Act establishes registration requirements and technical standards for tank facilities storing between 1,100 and 400,000 gallons of petroleum products in ASTs and USTs. The New York Oil Spill Prevention, Control and Compensation Act establishes licensing and technical requirements for ASTs and USTs storing 400,000 gallons or more.

COMPLIANCE ISSUES

- **Technical requirements for registration, installation, monitoring and leak detection, release reporting and corrective action, record keeping, closure, and financial responsibility.**
- Tanks installed on or after **December 22, 1988** must meet all Federal and State new tank requirements. Tanks installed prior to that date, existing tanks, must be retrofitted to meet new tank requirements according to varying deadlines.
- A tank is regulated as a UST if 10% of the entire capacity of the UST system is below grade and is greater than 1,100 but less than 400,000 gallons of petroleum.
- Registration of tanks with the appropriate fee every 5 years (NYS DEC & Nassau County Board of Health).
- All new USTs must meet the following requirements: tanks and piping must be corrosion-resistant; tanks must have spill and overflow protection; tanks must have leak-detection provisions; tanks must have secondary containment; fill ports must be labeled; underground piping must have access ports for testing without extensive excavation.
- All new ASTs must meet the following: tanks must be made of steel; tank bottoms and underground piping must have corrosion protection; tanks must have secondary containment and dikes; tanks must have leak-detection and spill/overflow prevention; tanks must be labeled at the gauge and on the tank itself.
- New tanks must be installed according to accepted industry standards and manufacturers' directions. The installer must certify that the tank was installed correctly through varying certification processes.
- EPA and DEC require routine testing and monitoring of USTs and piping to ensure system integrity and detection of leaks when they do occur.
- Tanks should be leak-tested monthly, which can be done by various methods. Leak-detection methods must have a 95% detection probability. Pressurized piping has similar requirements.
- Existing tanks without corrosion protection and spill/overflow protection may use monthly inventory control and annual tank-tightness protection to meet leak-detection requirements until December 22, 1998, at which time tanks must be retrofitted or closed. Upgraded tanks must have overfill/overspill protection and automatic gauging.
- DEC requires periodic tightness testing of USTs and their piping systems when they are 10 years old for tanks with no corrosion protection, and 15 years old for corrosion-resistant tanks, and then every 5 years thereafter.
- **Releases or spills associated with USTs should be reported to DEC (1-800-457-7362).**
- When tanks are taken out of service they must be closed according to specific procedures.
- Federal law requires owners of USTs to demonstrate financial responsibility sufficient to cover cleanup costs in the event of a leak.

CONFINED SPACES - PERMIT REQUIRED

OSHA Standard - 29 CFR 1910.146

Effective Date - April 15, 1993

In many workplaces, spaces exist that are considered **confined spaces** because their configuration may limit the activities of employees that enter into, work in, and exit from them. A **confined space has limited or restricted means of entry or exit, is large enough for an employee to enter and perform assigned work, and is not designed for continuous occupancy** by the employee. **Permit-required confined spaces** are confined spaces that additionally pose health or safety hazards resulting in the requirement of a "Permit for Entry." A **permit-required space** has one or more of the following characteristics: (1) contains or has the potential to contain a **hazardous atmosphere**; (2) contains a material that **has the potential for engulfing** an entrant; (3) has an **internal configuration** that might **cause an entrant to be trapped** or asphyxiated by inwardly-converging walls or by a floor that slopes downward and tapers to a smaller cross-section; and/or (4) contains any **other recognized serious safety or health hazards**. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- **Evaluate** the workplace to determine if any spaces are **permit-required confined spaces**.
- **Inform** exposed employees of existence, location, and danger posed by the permit-required confined spaces in the workplace by signs or other means.
- Develop and implement a **written Permit-Required Confined Space Program** if employee entry into permit spaces is allowed. The program must include: measures to prevent unauthorized entry; permit space hazard identification and evaluation; procedures for safe permit space entry; provisions for all necessary equipment; evaluation of permit space conditions before and during entry; provision of an attendant outside the permit space during entry operations; designation of **authorized entrants, attendants, and entry supervisors** identifying their duties and providing **training**; a **permit system** including **entry permits** to authorize entry; procedures necessary for concluding entry operations; and review of entry operations as necessary.
- **Rescue service personnel** are required to be properly trained as authorized entrants, and must be certified in First-Aid and CPR.
- **Re-evaluate** and reclassify spaces when necessary.
- **Inform contractors** of permit-required confined spaces and the Permit Space Entry Program. Coordination of entry operations with contractors is required.

TRAINING REQUIREMENTS

- All affected employees must have the understanding, knowledge, and skills necessary to safely perform their assigned duties. Proficiency must be established.
- Training must take place before duties are assigned, before a change in assigned duties, whenever there is a change in permit space hazards, and when employee knowledge is inadequate.
- A certificate of training signed by the instructor is required and must include the name of the trainee and date of training.

DRUG AND ALCOHOL TESTING

Omnibus Transportation Employee Testing Act - 49 CFR Parts 40 & 382

Effective Date - January 1, 1995 (Large Employers - 50 Or More Drivers)

January 1, 1996 (Small Employers - Less Than 50 Drivers)

These Regulations require **drug and alcohol testing**, as mandated, for holders of **commercial drivers licenses (CDLs)** who operate commercial motor vehicles, **including school buses**.

COMPLIANCE ISSUES

- Districts must have a **written Drug and Alcohol Misuse Policy** detailing the requirements and applicable **Department of Transportation (DOT)** rules, including testing procedures and potential consequences of positive tests.
- All employees affected must be **notified** of the Policy, implementation procedures, and the consequences of violating the Policy.
- **Testing** of drivers is required on a pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up basis.
- Evidential Breath Testing used for alcohol screening and confirmation tests must be administered by a trained **Breath Alcohol Technician (BAT)**. The BAT has to be able to demonstrate knowledge of how to operate and calibrate the testing machine.
- Split-sample urine testing to allow for retesting is required for **marijuana, cocaine, amphetamines, opiates, and phencyclidines (PCPs)**. Collection of urine samples must follow DOT protocol and testing must be done at a certified drug-testing laboratory.
- A licensed physician **Medical Review Officer (MRO)** must review and interpret employees' positive test results.
- Each driver who engages in conduct prohibited under the Regulation, shall be evaluated through an **Employee Assistance Program (EAP) Substance Abuse Professional (SAP)**.
- **Records** must be kept documenting drug and alcohol testing results, the collection process, violations of drug and alcohol misuse rules, SAP evaluations, training, and other related information to drug testing. An annual calendar year summary of the results of alcohol and drug testing programs must be completed by March 15th for the preceding year.

TRAINING REQUIREMENTS

- Annual 1-hour EAP training of drivers on drug-free workplace issues is required.
- Supervisors must receive 2 hours of training to include at least 1 hour of training on alcohol misuse and 1 hour of training on controlled substance abuse.
- Documentation of training is required.

ELECTRICALLY OPERATED PARTITIONS – SAFETY DEVICES

Chapter 217 of the Laws of 2001

Education Law Section 409-f

Section 155.25

Effective Date - October 24, 2002

Compliance Date - December 31, 2002

COMPLIANCE ISSUES

- Relates to construction, maintenance and operation of Electrically Operated Partitions **located in classrooms or other facilities used by students** in public and non-public schools or educational institutions within the state.
- An Electrically Operated Partition means any partition, room divider, curtain or other similar device which is **controlled by the use of an electrical motor**.
- Every electrically operated partition must be equipped with **two (2) key operated**, tamper-proof, constant pressure control stations that are wired in series, remotely **located at opposite ends and opposite sides** of, and in view of, the partition, and which are designed and constructed so as to **require simultaneous activation of both control stations** to operate the partition.
- The electrical device controlling the operation of the partition must be **capable of being reversed at any point in the extended or stacked travel cycle**.
- Devices must be 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.
- **Notice** regarding the safe and proper operation and supervision of the electrical device operating such partition **shall be posed** in the **immediate vicinity** of each operating mechanism, on **both sides** of the separation and **adjacent to the** operating mechanism.
- A procedure must be established for **the notification of all school employees** and all other persons who regularly make use of the area where such device is located of the safe and proper procedure for the operation of the mechanism. **Staff shall be apprised of safety procedures and trained in the safe operation** of the partition. **Records** of the training shall be maintained.
- **Students shall not be allowed to operate the partition**. Any students present while the partition is being operated shall be under the **direct supervision** of trained staff and be required to **stand away from** and **not be allowed to cross the path** of the moving partition.
- **Safety features shall not be tampered with**, overridden or by-passed. All equipment must be maintained according to manufacturer's instruction. **A record of compliance with the manufacturer's recommended service interval shall be permanently maintained**. All equipment shall be installed in a **fail-safe** manner so that failure of any safety device shall render the electrically operated partition inoperable until such device is repaired.

EMERGENCY PLANNING

New York State Executive Law, Article 2B;
Section 155.17 of the Regulations of the Commissioner of Education
Effective Date - March 27, 2001

School districts must be prepared to respond to any emergency that may occur within its boundaries. School districts were required to have an **Emergency Plan** developed by **July 1, 2001** to insure the safety and health of children and staff and to provide integration and coordination with similar emergency planning at the municipal, county and state levels.

COMPLIANCE ISSUES

- Every Board of Education of a school district shall adopt by **July 1, 2001**, and shall **update by July 1** of each succeeding year, a **District-Wide School Safety Plan** and **Building-Level School Safety Plans** regarding crisis intervention and emergency response and management. Such Plans shall be developed by a **District-Wide School Safety Team** and a **Building-Level School Safety Team**. Each Plan shall be reviewed by the appropriate School Safety Team on **at least an annual basis**, and updated as needed.
- A **District-Wide School Safety Plan** means a **comprehensive, multi-hazard School Safety Plan** that covers all **school buildings** of the school district and addresses crisis intervention, emergency response and management at the district level. A **District-Wide School Safety Team** means a **District-Wide Team appointed by the Board of Education** and shall include, but not be limited to, representation as follows:
 - ⇒ **School Board.**
 - ⇒ **Student.**
 - ⇒ **Teacher.**
 - ⇒ **Administrator.**
 - ⇒ **Parent Organizations.**
 - ⇒ **School Safety Personnel.**
 - ⇒ **Other School Personnel.**
- The **District-Wide School Safety Plan** shall be **developed by the District-Wide School Safety Team**, and include:
 - ⇒ Identification of **sites of potential emergency.**
 - ⇒ A description of plans for emergency response actions including **School Cancellation, Early Dismissal, Evacuation, and Sheltering.**
 - ⇒ Policies and procedures for **responding to implied or direct threats of violence.**
 - ⇒ Policies and procedures for **responding to acts of violence** by students, all school personnel and visitors to schools including consideration of *Zero-Tolerance* policies.
 - ⇒ **Prevention and Intervention Strategies**, including:
 1. **Collaborative arrangements** with state and local law enforcement officials to ensure **adequate training for school safety officers** and other security personnel including de-escalation techniques.
 2. Non-violent **conflict resolution training** programs.
 3. **Peer mediation programs** and youth courts.
 4. Extended day and other **school safety programs.**
 - ⇒ Policies and procedures for **contacting law enforcement officials.**
 - ⇒ Arrangements for obtaining **assistance from emergency service organizations.**
 - ⇒ Procedures for obtaining advice and **assistance from local government officials.**
 - ⇒ Identification of **district resources** available for use during an emergency.
 - ⇒ Procedures to **coordinate the use of school district resources and manpower** and **officials authorized to make decisions** and other staff members available to assist during an emergency.
 - ⇒ Policies and procedures for **contacting parents/guardians** in the event of a violent incident or early dismissal.
 - ⇒ Policies and procedures relating to **building security**, including where appropriate, school safety officers, security devices and procedures.

- ⇒ Policies and procedures for **dissemination of informative** materials regarding the **early detection of potentially violent behaviors** to:
 1. **Teachers.**
 2. **Administrators.**
 3. **Parents/Guardians.**
 4. **Students.**
 5. **Other persons deemed appropriate.**
- ⇒ Policies and procedures for **annual multi-hazard safety training for staff and students.**
- ⇒ Procedures for review and conduct of **drills and other exercises to test components of the Plan**, including the use of table-top exercises, in coordination with emergency response officials.
- ⇒ Identification of **appropriate responses to emergencies**, including protocols for responding to **bomb threats, hostage-takings, intrusions and kidnappings.**
- ⇒ Strategies for **improving communication** among students and between students and staff and **reporting** potentially violent incidents.
- ⇒ A description of the **duties of hall monitors and other school safety personnel**, including **training requirements** and the **hiring and screening process.**
- ⇒ A system for **informing all educational agencies within a school district** of a disaster.
- ⇒ **Information about each educational agency located in a school district**, including school population, number of staff, transportation needs and business and home telephone numbers of key officials.
- A **Building-Level School Safety Plan** is a **Building-Specific School Emergency Response Plan**. A **Building-Level School Safety Team** means a **Building-Specific Team** appointed by the **Building Principal** and shall include, but not be limited to, representation as follows:
 - ⇒ **Teacher.**
 - ⇒ **Administrator.**
 - ⇒ **Parent.**
 - ⇒ **School Safety Personnel.**
 - ⇒ **Other School Personnel.**
 - ⇒ **Community Members.**
 - ⇒ **Local Law Enforcement Officials.**
 - ⇒ **Local Ambulance or other Emergency Response Agencies.**
 - ⇒ **Any others deemed appropriate.**
- The **Building-Level School Emergency Response Plan** shall be developed by the **Building-Level School Safety Team**, and include the following elements:
 - ⇒ Policies and procedures for the **safe evacuation of students, all school staff and visitors** to the school in the event of a serious violent incident or emergency which may occur **before, during or after school hours**, and include:
 1. **Evacuation routes.**
 2. **Shelter sites.**
 3. **Medical needs.**
 4. **Transportation.**
 5. **Emergency notification of persons in a parental relation to a student.**
 - ⇒ An **Emergency Response Team**, which means a **Building-Specific Team** designated by the **Building-Level School Safety Team** that includes appropriate **School Personnel, Local Law Enforcement Officials**, and representatives from local, regional and/or state **Emergency Response Agencies**, and assists the school community in responding to a serious violent incident or emergency.
 - ⇒ A **Post-Incident Response Team**, which means a **Building-Specific Team** designated by the **Building-Level School Safety Team** that includes **Appropriate School Personnel, Medical Personnel, Mental Health Counselors**, and others who can assist the school community in coping with the aftermath of a serious violent incident or emergency.
 - ⇒ **Access for fire and law enforcement officials** to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area. **Effective March 19, 2001**, State Education Law was amended by adding **Section 408-b**, which required every public and non-public school to submit copies of school building plans and specifications to their respective local fire and law enforcement officials. This will facilitate quick and easy access and passage through school buildings. Simplified plans showing access and passage ways can be submitted for older schools where original plans or blueprints may not exist.

- ⇒ Establishment of **internal and external communication systems** in emergencies.
 - ⇒ Definition of the **Chain-of-Command** consistent with the **Incident Command System**.
 - ⇒ Coordination of the School Emergency Response Plan with the **State-Wide Plan for disaster mental health services**.
 - ⇒ Procedures for an **annual review** and the **conduct of drills and other exercises** to test components of the Emergency Response Plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials.
 - ⇒ Policies and procedures for securing and **restricting access to the crime scene**.
- Schools are **not required to post written evacuation procedures** throughout the building. Posting **emergency evacuation routes** from a school building is acceptable.
 - Each Board of Education shall make each District-Wide and Building-Level School Safety Plan available for **public comment at least 30 days prior to its adoption**, provided that **only a summary of each Building-Level Emergency Response Plan** shall be made available for public comment. Both Plans may be adopted by the School Board only after **at least one public hearing**. Each District-Wide Comprehensive Safety Plan shall be filed with the Commissioner **no later than 30 days after adoption**. A copy of each Building-Level Emergency Response Plan shall be **filed with appropriate local law enforcement officials and with the State Police within 30 days of adoption**. Building-Level Emergency Response Plans are **confidential and not subject to disclosure** under Article Six of the Public Officers Law.
 - Each school district shall **cooperate with government agencies** in developing agreements for the use of school-facilities and vehicles during a disaster. School Districts are required to relinquish to the appropriate State or County Agencies the control and use of school transportation vehicles and facilities in accordance with County emergency preparedness plans or directives.
 - SED recommends **Shelter Manager Training** for school district employees who may want to **volunteer** to serve as Shelter Managers for Red Cross Shelters in school districts. The Red Cross Liaison to the State Emergency Management Office (SEMO) can be reached at 518-485-9529 or the **Local Red Cross Chapter (Nassau County) can be reached at 516-747-3500**.
 - Each **District Superintendent**, during a local or state emergency, shall act as the **Chief Communication Liaison** for all educational agencies within the supervisory district territorial limits.
 - **Each Superintendent shall notify the Commissioner** as soon as possible whenever the Emergency Plan or **Building-Level School Safety Plan is activated and results in the closing of a school building** in the district. **School districts within a supervisory district shall provide such notification through the District Superintendent, who shall be responsible for notifying the Commissioner**. Such information is not required for routine snow emergency days.
 - Each Public School Superintendent shall take action to provide **written notification by October 1 of each school year** to all students and staff about emergency procedures.
 - Each school district, **at least once every school year**, shall conduct one test of its Emergency Plan or its Emergency Response Procedures **under each of its Building-Level School Safety Plans**. (in addition to sheltering and early dismissal drills at a time not to occur more than 15 minutes earlier than the normal dismissal time).
 - **The Chief Executive Officer of each educational agency located within a public school district shall provide to the Superintendent of Schools** information about school population, number of staff, transportation needs, and the business and home telephone numbers of key officials of such educational agencies.
 - The **Commissioner of Education or designee may order response actions** by individual school districts in the event that local officials are unable or unwilling to take appropriate action.
 - The school district should incorporate procedures for use of Automated External Defibrillators (AEDs) into their Emergency Plan.

EMERGENCY PLANNING - BOMB THREATS

New York State School Safety Guide

September 2007

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The decision whether or not to evacuate is dependent upon information received in the threat, and how credible that information is.

RESPONSE ACTIONS

- **Compartmentalization (Shelter-In-Place)** – Students remain in their present locations while school administration and authorities assess and investigate the threat. Variations of this concept include moving certain segments of the school population to sanitized areas based on new or developing information. In this instance, certain areas of the building, and routes to those areas, may be sanitized during the event. Pre-trained, volunteer staff members (search teams), should be utilized for this purpose. Options include:
 - **Shelter-In-Place (Generic/Non-specific Bomb Threat):**
 1. Shelter-In-Place is announced by the Incident Commander. Instruct everyone to remain where they are and scan their respective area for anything out of the ordinary.
 2. Call 911.
 3. Activate School Building-Level Safety Team and instruct them to scan common areas for anything unusual.
 4. If no device is found, decide whether to continue school or evacuate. School district administration may consult with Police to make their decision.
 - **Shelter-In-Place (Specific Bomb Threat):**
 1. Shelter-In-Place is announced by the Incident Commander.
 2. Call 911.
 3. Activate School Building-Level Safety Team. Instruct them to find an internal location to move the school population to. Scan and clear the location and route to it. Move those in the affected areas to the established and cleared location.
 4. Assist emergency responders as necessary.
 5. School district administration makes the decision regarding evacuation, continuation, or dismissal of school.
 - **Bomb Threats in Outside Areas:**
 1. If the bomb threat indicates that the explosive device is in a car, school parking lot or somewhere else outside the building, then students and staff will remain inside the building. All individuals outside the building will be moved inside or to a safe distance from the suspected bomb area.
 2. Students will be sheltered only in areas that have been *sanitized and cleared* (this will be coordinated with local law enforcement officials).
 3. Depending on the nature of the bomb threat call, special consideration will be given to building occupants in rooms on outside walls and window areas. Building occupants will be moved to areas that are free of glass.
- **Pre-clearance** – This option (typically utilized during Regents examinations or during other school-wide events and coordinated with local law enforcement officials) may only be implemented prior to the receipt of an actual bomb threat. Pre-clearance of school buildings can be conducted if proper procedures are followed and security is maintained from the start of the school day and continually monitored throughout the day to ensure that no suspicious objects have been brought into the building by students, visitors, or staff. If the school district can assure compliance with recommended guidelines for this procedure, then evacuation may not be necessary. School districts should make sure that they meet all requirements before choosing this option. The New York State Education Department Guideline for Pre-clearance of a school building is as follows:
 - ⇒ Staff must be assigned to do a *walk-through* of the buildings and grounds prior to the arrival of students in the morning to ensure that there are no suspicious objects in or around the building.
 - ⇒ Staff completing the *walk-through* must report findings to the school principal.
 - ⇒ Monitors must be assigned to walk around the outside of the building during state examinations.
 - ⇒ A single point of entry to each building for students/staff must be established and monitored.
 - ⇒ School staff must monitor all exits.
 - ⇒ In the case of state examinations, students must not be admitted to the building more than 30 minutes before the start of that examination.
 - ⇒ Students may only be admitted to the building after passing through a checkpoint to ensure that they are bringing with them only pre-approved items.
 - ⇒ Student book bags and knapsacks must be inspected.

- ⇒ It may be appropriate to send a notice home prior to the event to clearly state that book bags will not be permitted for that particular event.
 - ⇒ During state examinations, testing locations are to be clearly marked.
 - ⇒ Students must only be allowed in the areas of the building where exams are being administered.
 - ⇒ All lockers, including unassigned lockers, must have locks.
 - ⇒ A reporting procedure must be in effect for sighting any unusual object or behavior.
 - ⇒ Parking adjacent to buildings should not be allowed.
- **Evacuation**
 1. ***Building Specific Bomb Threat*** – The specific school building will be evacuated as quickly and effectively as possible after a search of exit routes and evacuation areas has been conducted (search teams will be utilized for this purpose). All building occupants will be evacuated to a safe area and accounted for (it is assumed that damage and injury from an explosion can occur within an area of **at least 1000 feet** from the point of detonation).
 2. ***All District Bomb Threat*** – Bomb threats that are announced as district-wide (no indication of a specific location) will result in the evacuation of all school district buildings and potentially the activation of a combination Go-Home Plan and Evacuation to non-school building evacuation sites.
 - **Other Considerations**
 - **Weather Conditions**
 - If administration has decided to evacuate due to a bomb threat, weather conditions will generally not be a consideration unless the severity of those conditions make the outside threat greater than the potential bomb threat. In such instances, a Shelter-In-Place can be utilized. The school building will be evacuated immediately regardless of the weather. Since the possibility of inclement weather does exist, consideration will be given to procedures for addressing prolonged outdoor exposure (such as sheltering in school buses or outside vehicles, local homes, or movement to another site) or sanitizing and clearing of an internal building area.
 - **Immediate Police Notification**
 - A bomb threat is a criminal act and falls within the domain and responsibility of law enforcement officials. Local law enforcement officials will be notified immediately of any bomb threat. School personnel are not authorized to make any determinations related to bomb threats or suspicious packages without law enforcement involvement.
 - **Police Investigation – Search Activities**
 - Law enforcement agencies are responsible for all investigations of criminal activities. Depending on resources and circumstances, police agencies will determine the number of officers sent to look for a suspect device, remove the suspect device, and conduct follow-up investigative activities.
 - **School Staff Search Involvement**
 - Police officials may request volunteer assistance from school staff due to their familiarity with the building and their ability to recognize what may be out-of-place or unusual to the building. This does not include touching or handling suspect objects. School staff members are not required to be involved in emergency operations if it is not part of their duties.
 - School staff should routinely report to building administration any suspicious or unusual objects seen in the school building or on school grounds.
 - **Returning to a Building**
 - After consulting with law enforcement officials, the School Building Principal (Incident Commander), Superintendent of Schools, and Director of Facilities will make an informed decision about re-entry into the building (this is different from the legal authority of officials who declare a building safe for re-occupancy after a fire alarm). Based on information received from police, one of the following actions will be taken:
 - Re-enter the building and resume classes.
 - Relocate the building occupants to another facility.
 - Re-enter the building within a set time.
 - Have an early dismissal.
 - **Notification Requirements**
 - School Superintendents must notify the BOCES District Superintendent as soon as possible whenever the School Building Emergency Response Plan is activated and results in the closure of a school building. The BOCES District Superintendent is to notify the State Education Department of all school building closures not related to routine snow emergencies.
 - Schools receiving bomb threats are required to document each incident on the Violent and Disruptive Incident Report (VADIR) Form. On the form, item 2 (category of incident, #14, bomb threat) should be used for this purpose. The total number of such incidents for each school building will be documented on the *Summary of Violent and Disruptive Incidents Form* (July 1–June 30) and be reported annually to SED electronically through the On-Line BEDS IMF Application.

- School officials must inform parents/guardians as soon as possible of an incident resulting in the activation of the school emergency management plan.
- **Criminal Behavior**
 - The school district will periodically disseminate information to students and staff informing them that reporting a false bomb threat is a crime that may result in imprisonment and/or civil penalties.
- **Telephoned Bomb Threat**
 - Obtain as much information as possible (refer to the FBI Bomb Threat Call Checklist). If a written bomb threat is received, handling should be kept to a minimum to avoid damage to the evidence.
- **False Reporting Prevention**
 - The school district will consider the following strategies to discourage false reporting of an incident designed to threaten life and property:
 - Installing a Caller ID System on school telephone lines.
 - Arranging with the telephone company for trap/trace of telephoned bomb threats.
 - Installing video cameras in places where public telephones are located.
 - Instructing students and staff to immediately report the presence of strangers in the building and unusual or suspicious objects.
 - Establishing a policy where all *lost time* due to disruptive hoaxes will be made up.
 - Insuring testing integrity by developing contingency plans for bomb scares during times of academic examinations.
 - Training all school personnel who would generally be the first receiver of a telephoned bomb threat.

TRAINING REQUIREMENT

- Emergency drills should be conducted with the purpose of instructing and training pupils on sudden emergency evacuation.
- Persons most likely to respond to a threatening telephone call or assisting in the search (search team members) should receive training from local law enforcement officials or the Federal Bomb Threat Response Guide available at www.threatplan.org. The New York State/FBI Bomb Threat Instruction Card should be placed at telephones most likely to receive such calls.

EMPLOYEE RIGHT-TO-KNOW

NYS RTK - Labor Law Chapter 551, Articles 48 & 28

Effective Date - June 26, 1980

12 NYCRR Part 820 - Effective Date - June 1, 1987

OSHA Hazard Communication Standard - 29 CFR 1910.1200

Effective Date - June 24, 1988

The **Right-To-Know Laws** guarantee employees the right-to-know about the hazards that they may be exposed to in the workplace and how to protect themselves from those hazards. By making information and training for safe chemical use available to employees, illnesses and injuries will be reduced. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- **Notify** all employees of their right-to-know. **Display the New York State right-to-know poster** (informing employees of their right to information regarding toxic substances in their workplace) and distribute required **New York State leaflets or comparable information**.
- **Designate** a person to respond to right-to-know written requests for information and provide a **Material Safety Data Sheet (MSDS)** within 72 hours under New York State law and 24 hours under Federal law.
- **Employee Rights** - Employees may:
 - ⇒ Refuse to work with a **specific** substance if requested information is not received. However, they may not refuse to work.
 - ⇒ File a complaint with the New York State Department of Labor or Attorney General's Office if discriminated against.
 - ⇒ Not be required to waive rights.
- **Training** for employees routinely exposed to toxic substances.
- Written **Hazard Communication Program** including an inventory (listing) of hazardous substances in the workplace.
- Proper **labeling** of containers required.
- **MSDS's** must be maintained and accessible.
- **Employee exposure records** must be maintained for 40 years and include the name and address of every employee exposed to **Subpart Z** chemicals. Effective August 26, 2004, employers are required to identify *which substance or substances was or were handled or used by which employee*. Previously, employers were advised to assemble an annual file that contained a complete personnel roster and duplicate copies of MSDS's for all products in use. This did not distinguish particular chemicals and substances each employee worked with. **Therefore, employers must alter this system so that the records show which particular chemicals or substances each individual employee is working with.**

TRAINING REQUIREMENTS

- All employees must be informed of their rights.
- **Routinely exposed employees** must be trained prior to initial assignment, when new chemicals are introduced or when new information becomes available, and **annually thereafter** (annual training requirement specific to New York State).
- Training must include information on the provisions of the laws, explanation of MSDSs, methods of detection, physical and health hazards, and protection measures related to hazardous substances.

FALL PROTECTION

OSHA Construction Standard - 29 CFR Part 1926, Subpart M, .500-.503

Effective Date - February 6, 1995

Falls continue to be a leading cause of injuries and fatalities on construction sites every year. **A fall is a sudden, unanticipated descent in space to a lower surface, driven by gravity.** The Fall Protection Standard sets forth the requirements for fall protection systems and procedures to prevent employees from falling off, onto or through working levels and to protect employees from falling objects. Fall protection systems can either be designed to restrain a worker, preventing him from falling; or arrest a worker, safely stopping a fall. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- Determine that surfaces have the strength and structural integrity to work on safely.
- Identify and evaluate worksites for fall hazards.
- Fall protection is required where employees are working **six feet or more** above a lower level: with an **unprotected side or edge**; at the construction of the leading edge; at hoist areas; at holes; on the face of formwork and reinforcing steel; on ramps, walkways, and other runways; at excavations; on dangerous equipment; when overhand bricklaying and doing related work; during roofing work on low-slope roofs and steep roofs; when doing pre-cast concrete erection.
- Fall protection is **not required for inspections, investigations, assessments** before a construction job begins or after the entire job has been completed.
- **Hard hats** must be worn and other measures taken where an employee is exposed to falling objects.
- Select fall protection systems and methods appropriate for given situations: guardrail systems; safety net systems; personal fall arrest systems; positioning device systems; warning line systems; controlled access zones; safety monitoring systems; covers; and protection from falling objects.
- If none of these protection systems is feasible, employers must develop and implement an alternative **written Fall Protection Plan**.
- **Effective January 1, 1998**, the use of **body belts** for fall arrest are **prohibited**, body harness systems must be used instead. The use of **nonlocking snaphooks** on personal fall arrest systems are **prohibited** as of January 1, 1998.
- Train workers in the proper selection, use, and maintenance of fall protection systems.

TRAINING REQUIREMENTS

- Training is required for every employee that might be exposed to fall hazards.
- Employees must be trained to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards.
- **Training must be conducted by a competent person** qualified in the following areas: the nature of the fall hazards in the work area; the correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems used; the use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used; the role of each employee in the safety monitoring system and when this system is used, and their role in fall protection plans; the limitations on the use of mechanical equipment during work on low-sloped roofs; the correct procedures for the handling and storing of equipment, and the erection of overhead protection; and the standards contained in Subpart M.
- **Written certification record** including the employee name, date of training, and the signature of either the person who conducted the training or the employer.
- Retraining is required if any changes occur in the workplace, or if the employee has not retained the information necessary to properly use fall protection equipment.

FIRE SAFETY

Health and Safety in Existing Education Facilities - 8 NYCRR Section 155.3 Fire and Building Safety Inspections - 8 NYCRR Section 155.4 Education Law, Fire Inspections - Section 807-a New York State Uniform Fire Prevention and Building Code - 9 NYCRR 600-1250

School district facilities are required to comply with fire safety requirements in order to insure health, safety, and accident protection for all school building occupants. School boards must arrange for an **annual inspection** of each facility they own, lease, or operate (includes school buildings, administration buildings, bus and maintenance garages, storage buildings, sheds, etc.) and file **fire safety reports** of the results with the **State Education Department (SED)**. SED issues annual **Certificates of Occupancy** for each school facility in full compliance with fire codes. **The SED Fire Safety Coordinator can be contacted at 518-474-4738.**

COMPLIANCE ISSUES

- Health and safety requirements for all public school and BOCES facilities, school grounds, and activities held there, are contained in 8 NYCRR Section 155.3 and the **New York State Uniform Fire Prevention and Building Code**.
- SED is responsible for enforcing fire safety standards in public school districts and BOCES.
- **Annual fire inspections** are required for public school districts and BOCES facilities.
- SED sets the fire inspection calendar and divides the State into 11 numbered fire inspection zones. Nassau County school districts are in Zone 9 and must all be inspected within the same 45-day period. Each year, the inspection period for each zone is advanced by one month to assure that the facilities in that zone are evaluated at different times in succeeding years. Annual inspections may not begin before the authorized commencement date.
- Boards of Education are responsible for arranging and paying for annual fire inspections by certified **Code Enforcement Officers (CEO)**. The CEO must not be a regular employee of the school district being inspected.
- **Fire safety reports** of the inspection results must be received by SED by the ending date of the inspection period.
- After fire inspection reports are mailed to SED, school officials must **publish a public notice**, which informs the community that school facilities have been inspected.
- **Certificates of Occupancy** will be issued by SED for all facilities that are in full conformance with all applicable standards. A Certificate of Occupancy is valid for 12 months from the due date of the annual fire inspection.
- **Re-inspections** of school buildings are required if identified violations, if uncorrected, would cause SED to deny an annual Certificate of Occupancy to such school building, and shall require re-inspections until it is demonstrated to the satisfaction of the Commissioner that said violations have been corrected. Re-inspections will be required for all buildings where, after the inspection, SED would not be able to issue any Certificate of Occupancy based on the number or severity of violations noted by the inspector before any corrections have been made by the school district. Schools will be notified by SED if a re-inspection is required.
- Certificates of Occupancy must be displayed in a prominent place near the main entrance of a facility. **A facility without a valid Certificate of Occupancy may not be occupied.**
- **Temporary Certificates of Occupancy** may be issued to allow a school district time to correct a fire code nonconformance.
- Certificates of Occupancy may be revoked if serious fire violations are discovered.
- SED will investigate valid fire safety complaints made about a public school facility. The costs of any resulting inspections will be paid for by the school district.
- Annual fire inspections may be conducted in conjunction with the required annual structural safety inspection.
- Section 808 of the State Education Law was revised, effective September 1, 2005, to require that every school in New York State must provide instruction in **injury prevention and life safety education** in grades K-12. The law originally included only instruction in arson and fire prevention. Instruction may be provided as a special subject, or integrated within content areas of the curriculum.

FIRE SAFETY - FIRE DRILLS

New York State Education Law, Section 807

It is the **duty of the school building principal or other person in charge to instruct and train the pupils by means of drills** so that they may, in a sudden emergency, be able to leave the school building in the shortest possible time and without confusion or panic. **The SED Fire Safety Coordinator can be contacted at 518-474-4738.**

COMPLIANCE ISSUES

- Drills or rapid dismissals should be held **at least 12 times** each school year, **8 of which required drills should be held between September 1st and December 1st** of each such school year.
- Where fire escapes on buildings are provided, **at least one-third of all required drills should be conducted through the use of such fire escapes.**
- In the course of **at least one drill**, pupils should be instructed in the procedures to be followed in the event that a fire occurs **during a lunch period.**
- Four additional drills are required to be held each school year during the hours after sunset and before sunrise in buildings where students are provided with sleeping accommodations.
- **At least two additional drills should be held during summer school** in buildings where summer school is conducted, and **one of such drills should be held during the first week of summer school.**
- **For after-school programs** conducted within a school building, and which include persons who do not regularly attend classes in the building, the principal or other person in charge of the building shall require the teacher or other person in charge of the after-school program, to **notify persons in attendance at the beginning of each such program of the procedures to be followed in the event of an emergency.**
- A copy of the New York State Education Law, Section 807 (Fire Drills) should be **printed in the manual or handbook prepared for the guidance of teachers.**

GREEN CLEANING

New York State Education & New York State Finance Law Education Law 409-I and Finance Law 163-b Effective Date - September 1, 2006

The State Education and State Finance laws were amended in relation to the **procurement and use of environmentally-sensitive cleaning and maintenance products** in New York State elementary and secondary schools (both public and non-public). The intent of the law is to **reduce exposures of children and school district staff** to potentially harmful chemicals and substances used in the cleaning and maintenance of schools.

COMPLIANCE ISSUES

- Elementary or secondary school means a facility used for instruction of elementary or secondary students. Facility means any **school building or facility used for instructional purposes, and the surrounding grounds** or other sites used for playgrounds, athletics or other instructional purposes.
- **Environmentally-sensitive cleaning and maintenance products mean those cleaning and maintenance products that minimize adverse impact on children's health and the environment.**
- The Commissioner of General Services, in conjunction with the Commissioners of Education, Environmental Conservation, Health and Labor, **shall establish, and from time to time, amend guidelines and specifications** for environmentally-sensitive cleaning and maintenance products. Such guidelines shall be followed by elementary and secondary schools to identify and procure environmentally-sensitive cleaning and maintenance products which are available in the form, function, and utility generally used by elementary and secondary schools in their facilities
- The Commissioner of General Services **shall disseminate to all elementary and secondary schools such guidelines and specifications, and also prepare and disseminate a sample list of environmentally-sensitive cleaning and maintenance products** that meet the guidelines or specifications. Elementary and secondary schools shall notify their personnel of the availability of such guidelines, specifications and sample list.
- How school districts should use the **guidelines and list of approved cleaning products** to purchase green cleaning products:
 1. Schools should use up existing cleaning products inventory.
 2. Select a **specific product category** and review the list of approved products.
 3. Review your purchasing procedures and the State Education Department Handbook.
 4. Work with your custodial staff to try and **test one or more new green products** contained on the new product list. **Get feedback** from staff and determine if this new product meets your cleaning needs.
 5. **Obtain pricing information** from the vendor.
 6. Use the *cost calculator for green cleaning products* located on the OGS website.
 7. Require the selected **vendor to provide training** to staff before the product is used.
 8. Follow these procedures until green cleaning products are selected to **replace existing products** in all of the cleaning categories.
 9. **Maintain records of purchases, and what products were replaced.** This information will be necessary for reporting requirements mandated by the legislation.
- Nothing in the law precludes an elementary or secondary school from **depleting existing cleaning and maintenance supplies purchased prior to the effective date of the regulation.**
- The Commissioner of General Services shall **maintain a list of contractors which produce or manufacture, or offer for sale, environmentally-sensitive cleaning and maintenance products** in the form, function and utility generally used by elementary and secondary schools.
- **If green products are not capable of satisfying a district's particular need, they may still purchase and use products that are not considered green.**
- Other **laws or regulations may supercede** the use of environmentally sensitive products.
- The Office of General Services has developed websites to address both purchasing and legislation questions as follows:
www.ogs.state.ny.us/purchase/GreenPurchasing.asp and www.ogs.state.ny.us/bldgAdmin/environmental/default.

HAZARDOUS WASTE

Resource Conservation and Recovery Act (RCRA) - Effective Date - 1976

EPA SARA Title III - Effective Date - 1986

SED Education Law Chapter 627

NYS Department of Environmental Conservation - 6 NYCRR Parts 370-374

Effective Date - February 19, 1987

Requirements for the proper disposal of hazardous waste are based on how much hazardous waste is generated and stored monthly. Hazardous waste must be tracked from its point of generation to its final destination. The **Environmental Protection Agency (EPA)** assumes primary responsibility for the **Resource Conservation and Recovery Act (RCRA)**. The **New York State Department of Environmental Conservation (DEC) (518-457-6934)** has received formal authorization to implement the program. DEC is responsible for: regulating specific categories of hazardous waste; registering hazardous waste generators; licensing transporters; and permitting **treatment, storage, and disposal (TSD)** facilities. EPA established the following criteria for its four characteristic hazardous wastes: corrosivity; ignitability; reactivity; and toxicity. Groups involved with hazardous waste management fall into one or more of the three categories: (1) generators of hazardous waste; (2) transporters of hazardous waste; and (3) TSD facilities. All generators, transporters, and TSD facilities are required to have an **EPA identification number**. DEC imposes regulatory fees on generators of hazardous waste in New York which include a \$1,000 fee for those generators from 15-100 tons annually. The **Uniform Hazardous Waste Manifest** assures uniform record keeping and must be used for all shipments of hazardous waste.

COMPLIANCE ISSUES

- The generator must document how much waste it generates each month (1 barrel = 200 kilograms = 55 gallons):
 - ⇒ **Conditionally Exempt Generators** generate and store less than 100 kilograms of hazardous waste per month and less than 1 kilogram per month of acutely hazardous waste. May be exempt from RCRA requirements if wastes are properly managed.
 - ⇒ **Small Quantity Generators (SQGs)** generate and store between 100 and 1,000 kilograms of hazardous waste per month. SQGs generate and store less than 1 kilogram of acutely hazardous waste per month.
 - ⇒ **Large Quantity Generators (LQGs)** generate or store more than 1,000 kilograms of hazardous waste per month and they generate or store more than 1 kilogram of acutely hazardous waste per month. Must comply with all RCRA requirements.
- **SQGs** may store hazardous waste on-site for up to 180 days or for up to 270 days, if it is being shipped to a facility that is over 200 miles away.
- Stored hazardous waste containers must be marked "**Hazardous Waste**" with the date collection began. Containers must be stored properly. Extra precautions must be taken for hazardous wastes stored in tanks.
- **SQGs** and **LQGs** must designate an **Emergency Coordinator** to be on call at all times and to coordinate emergency response measures.
- The name and telephone number of the **Emergency Coordinator**, the telephone number of the Fire Department, as well as the location of fire extinguishers, spill-control equipment, and the fire alarm, must be posted next to the telephone.
- In the event of an emergency threatening public health, the generator must immediately notify the **National Response Center (800-424-8802)** and the **DEC Pollution Control Unit (518-457-7362)**.
- **SQGs** and **LQGs** must obtain an **EPA identification number**.
- **SQGs** and **LQGs** must have a **Manifest** with hazardous waste shipments so that waste can be tracked from its point of generation to its final destination. The generator, the transporter, and the designated facility operator must each sign the Manifest and keep a copy. The designated facility operator must send a copy back to the generator so that the generator can be sure the shipment arrived. Records must be kept for 3 years.
- **SQGs** must submit **Generator Annual Reports** to the DEC. (**SQG Hotline: 800-462-6553**).
- The **Universal Waste Rule**, which became effective May 11, 1995, is an attempt by the EPA to streamline hazardous waste management requirements for certain widely-generated hazardous wastes, encourage recycling and reduce the solid waste stream. On January 6, 2000, **hazardous waste lamps** were added to the Federal list of universal wastes, thus allowing generators to eliminate this source from their hazardous waste stream.

TRAINING

- Employees must be trained to perform their duties in ways that ensure worker safety, emergency response, and facility compliance with hazardous waste rules. Workers must receive initial training and annual refreshers.

HEARING CONSERVATION

OSHA Standard – 29 CFR 1910.95 & 1926.52 Occupational Noise Exposure Occupational Safety & Health Administration

Noise, or unwanted sound, is one of the most pervasive occupational health problems. Exposure to high levels of noise causes hearing loss and may cause other harmful health effects. The extent of damage depends primarily on the **intensity of the noise and the duration of the exposure**. Noise-induced hearing loss can be temporary (short-term exposure) or permanent (prolonged exposure). A **Hearing Conservation Program** is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire work life. **Enforcement is conducted by the New York State Department of Labor (PESH Unit) (516-228-3970)**

COMPLIANCE ISSUES

Table G-16 – Permissible Noise Exposures

Duration Per Day – Hours	Sound Level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
.5	110
.25 or less	115

- When employees are subjected to sound levels exceeding those listed in **Table G-16**, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table G-16, **personal protective equipment** shall be provided and used to reduce sound levels within the levels of the table.
- **Hearing Conservation Program** – The employer shall administer a continuing, effective hearing conservation program whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of **85 decibels (action level)**. For the purposes of the Hearing Conservation Program, employee noise exposures shall be computed **without regard to any attenuation provided by the use of personal protective equipment**.
- **Monitoring** – When information indicates that any employee’s exposure may **equal or exceed an 8-hour time-weighted average of 85 decibels**, the employer shall develop and implement a monitoring program. The sampling strategy shall be designed to identify employees in the Hearing Conservation Program and to enable the proper selection of hearing protectors. Where circumstances such as high worker mobility, significant variations in sound level, or a significant component of impulse noise make area monitoring generally inappropriate, the employer shall use representative personal sampling to comply with the monitoring requirements. All continuous, intermittent and impulsive **sound levels from 80-130 decibels shall be integrated into the noise measurements**. Measurement instruments shall be calibrated to ensure accuracy. Monitoring shall be repeated whenever a change in production, process, equipment or controls increases noise exposure to the extent that: (1) additional employees may be exposed at or above the action level; and (2) the attenuation provided by hearing protectors are inadequate
- **Employee Notification** – The employer shall **notify each employee exposed at or above an 8-hour time-weighted average of 85 decibels** of the results of monitoring. The employer shall provide affected employees or their representatives with an opportunity to observe any noise measurements.
- **Audiometric Testing Program** – The employer shall establish and maintain an audiometric testing program by making **audiometric testing available to all employees whose exposures equal or exceed a TWA of 85 decibels**. The program shall be **provided at no cost to the employees**. Audiometric tests shall be performed by a **licensed or certified audiologist, otolaryngologist, or other physician (who are responsible for supervising the program), or by a technician** (who is responsible to those previously noted) certified by the Council of Accreditation in Occupational Hearing Conservation. The employee needs a referral for further testing when test results are questionable or when problems of a medical nature are suspected.

- **Baseline Audiogram** – Within **6 months of an employee’s first exposure at or above the action level**, the employer shall establish a valid **baseline audiogram** against which subsequent audiograms can be compared.
- **Annual Audiogram** – **At least annually**, after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee **exposed at or above the TWA of 85 decibels**. The annual audiogram shall be compared to the employee’s baseline audiogram to determine if the audiogram is valid and if a standard threshold shift has occurred. **If such a threshold shift has occurred, the employee shall be informed of this fact in writing, within 21 days of the determination.** The employer shall then ensure the following: (1) Employees not using hearing protectors shall be fitted with hearing protectors, trained in their use and care, and required to use them; and (2) Employees already using hearing protectors shall be refitted and retrained and provided with hearing protectors providing greater attenuation.
- **Standard Threshold Shift** – The change in hearing threshold relative to the baseline audiogram of an average of **10 dB or more at 2000, 3000, and 4000 Hz in either ear.**
- **Hearing Protectors** – Employers shall make hearing protectors available (and replace as necessary) to all employees exposed to an **8-hour TWA of 85 decibels or greater at no cost to the employees.** Employers shall ensure that hearing protectors are worn by: (1) Employees who are required to wear personal protective equipment; (2) Any employee who is exposed to an 8-hour TWA of 85 decibels or greater; (3) Employees who have not yet had a baseline audiogram; (4) Employees who have experienced a standard threshold shift; and (5) Employees exposed over the **permissible exposure limit (PEL) of 90 decibels** over an 8-hour TWA. Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer. The employer shall provide training in the use and care of hearing protectors and ensure proper initial fitting. Most employers use the **Noise Reduction Rating (NRR)** that represents the protector’s ability to reduce noise under ideal laboratory conditions. The employer then adjusts the NRR to reflect noise reduction in the actual working environment.
- **Hearing Protection Attenuation** – The employer shall evaluate hearing protection attenuation for the specific noise environments in which the protector will be used. Hearing protectors must **attenuate employee exposure at least to an 8-hour TWA of 90 decibels.** For **employees who have experienced a standard threshold shift, hearing protectors must attenuate employee exposure to an 8-hour TWA of 85 decibels or below.**
- **Training Program** – The employer shall institute a **training program for all employees who are exposed to noise at above an 8-hour TWA of 85 decibels.** The **training program shall be repeated annually** for each employee included in the Hearing Conservation Program. The employer shall inform employees of the following: (1) The effects of noise on hearing; (2) The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instruction on selection, fitting, use, and care; and (3) The purpose of audiometric testing, and an explanation of the test procedures. The employer shall make available to affected employees or their representatives copies of the standard, which should also be posted in the workplace.
- **Recordkeeping** – The employer shall maintain an accurate record of all employee **exposure measurements and audiometric test records.** These records shall include: (1) Employee name and job classification; (2) Date of audiogram; (3) Examiner’s name; (4) Date of the last acoustic calibration of the audiometer; and (5) Employee’s most recent noise exposure assessment. The employer shall maintain records of the measurements of the background sound pressure levels in audiometric test rooms. **Noise exposure measurement records shall be retained for 2 years. Audiometric test records shall be retained for the duration of the affected employee’s employment.**

LEAD IN PAINT

Housing and Community Development Act - 24 CFR Part 38

Effective Date - 1987

Toxic Substances Control Act (TSCA) - 40 CFR Parts 745, 763 - Revised 8/29/96

Occupational Safety and Health Act (OSHA) - 29 CFR 1910.1001; 1915.1001; 1926.1101

Effective Date - 1978

Clean Air Act - 40 CFR 61.140-157

New York Air Pollution Control Law - NYCRR Parts 220-250, 482

New York Lead Poisoning Prevention Act - 10 NYCRR Part 67

The hazards of lead have been recognized as toxic to human health and the environment for many years. However, it was not until the early 1970s that the United States enacted lead-based paint laws. The **Lead-Based Paint Poisoning Prevention Act of 1971** called for various Federal agencies to ban lead usage: **Health and Human Services (HHS)** - cooking, drinking, and eating utensils; **Housing and Urban Development (HUD)** - residential structures constructed or rehabilitated by the **Federal Government**; **Consumer Product Safety Commission (CPSC)** - toys, furniture, and paint with more than 0.06% lead. Although lead has been banned for use in paints and the concern for worker protection has increased, lead still persists in the environment due to its previous widespread use. Both the **Environmental Protection Agency (EPA) (Region II - 908-321-6671)** and **HUD (202-260-1866)** have been given extensive responsibility to prevent harmful lead exposure. HUD has developed extensive technical guidelines on testing, abatement, worker protection, cleanup and disposal of lead-based paint. In 1992, Congress added Title IV to TSCA (**Lead-Based Paint Exposure Reduction Act**) to reduce ongoing childhood lead exposure. EPA has not finalized many of these requirements but generally follows the same recommendations as HUD. The **Occupational Safety and Health Administration (OSHA)** provides protection to workers under the **General Industry Standard and the Construction Industry Standard**. In New York State, childhood lead poisoning is regulated by the **NYS Department of Health (518-473-4602)**. The **National Safety Council** runs the National Lead Information Center Clearinghouse (**1-800-424-LEAD**).

COMPLIANCE ISSUES

- Lead-based paint defined as paint or other surface coating containing lead ≥ 1.0 milligrams per centimeter squared or **0.5% by weight**.
- OSHA **permissible exposure limit (PEL) = 50 micrograms of lead per cubic meter ($50 \mu\text{g}/\text{m}^3$)**. The Construction Industry Standard has an action level of **$30 \mu\text{g}/\text{m}^3$** .
- Numerous worker protection requirements in OSHA Standards.
- The **New York Lead Poisoning Prevention Act** establishes a program requiring the screening of **blood lead levels in children and pregnant women** (enforcement is through the NYS Department of Health). Any clinic or hospital must report to the Department of Health elevated blood lead levels which are:
 - ⇒ **10 micrograms per deciliter ($10 \mu\text{g}/\text{dl}$)** in children under six years of age.
 - ⇒ **$25 \mu\text{g}/\text{dl}$** in workers exposed to lead on the job.All State licensed nursery schools, kindergartens and child-care facilities must require **proof of a blood lead screening** for each **child under the age of six** enrolled at the school or facility. Parents must provide proof of a screening within six months after enrolling a child.
- **“Child occupied facilities”** are included in the revised TSCA Standard (Sections 402, 404) which defines such facilities as rooms in which **children six years of age or under** spend time (not the entire school).
- Important dates include:
 - ⇒ **8/31/98** – Training programs that want to offer lead-training courses may first apply to EPA for certification.
 - ⇒ **3/1/99** – All training programs that provide lead training must be accredited, and individuals or firms that perform lead-based paint activities may first apply to EPA for certification.
 - ⇒ **8/30/99** – No individual or firm can perform lead-based paint activities without EPA certification. All lead-based activities as defined in the rule must be performed according to applicable work practice standards.
- The EPA Regulation focuses on **abatement activities** and is defined as those projects designed by the building owner and contractor to permanently eliminate lead-based paint hazards.
- **Renovation and remodeling** activities are not covered by the rule. Special regulations for these activities may be developed at a later date.

TRAINING REQUIREMENTS

- EPA Regulations for **lead-based paint professionals** include a training and certification system which addresses:
 - ⇒ Accreditation of training providers.
 - ⇒ Training curricula.
 - ⇒ Hands-on training.
 - ⇒ Trainee competency and proficiency.
 - ⇒ Training program quality control.
- Separate training programs are to be provided for the following job titles:
 - ⇒ Inspector.
 - ⇒ Risk Assessor.
 - ⇒ Supervisor.
 - ⇒ Abatement Worker.
 - ⇒ Project Designer.

LOCKOUT-TAGOUT

OSHA Standard - 29 CFR 1910.147

The Control of Hazardous Energy

Effective Date - October 31, 1989

The **Control of Hazardous Energy** helps safeguard employees from situations where injury could be caused by unexpected startup, energization, or release of stored energy while a machine is being serviced or maintained. The Standard requires that employers have an Energy Control Program that identifies the practices and procedures necessary to shut down and lock out or tag out machines and equipment, that the employees receive training in their role in the lockout-tagout program, and mandates that periodic inspections be conducted to maintain or enhance the energy control program. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- **Identify** all powered machinery, all sources of energy, all energy isolation devices, and employees who use or service powered equipment.
- **Identify authorized employees**, employees who implement a lockout-tagout procedure; **affected employees**, employees who operate the machinery or work in the area where the lockout-tagout is performed; and **other employees**, employees who may be required to go into the area where a lockout-tagout is performed.
- **Implement energy control procedures** for the control of hazardous energy including preparation for shutdown, and notification of all affected employees, equipment isolation, lockout-tagout application, release of stored energy, verification of isolation, and procedures for the release of lockout-tagout (re-energization).
- Conduct **periodic inspections** and certification of energy control procedures, at least annually.
- **Training** of employees in the specific energy control procedures with training reminders as part of the periodic inspections of the control procedures.
- **Additional requirements** for outside contractors, for multiple lockout when a crew is servicing equipment, for shift changes, and others.
- Exclusions include normal production operations covered under OSHA's Machine Guarding Standard, work on unplugged cord and plug-connected equipment, when the employee has complete control over the plug; hot tap operations, where continuity of service is essential.

TRAINING REQUIREMENTS

- Initial training and retraining as necessary for authorized, affected, and other employees.
- Certification of training for all covered employees, containing the employees' names and dates of training.

MEDICAL WASTE - REGULATED

NYS Department of Environmental Conservation - 6 NYCRR Part 364

Effective Date - December 7, 1988

Under the New York Environmental Conservation Law, the **Department of Environmental Conservation's (DEC's) Division of Solid and Hazardous Materials (518-457-6934) (Medical Waste 518-485-8394)** regulates and requires the proper onsite and offsite handling, treatment, and disposal of medical wastes from all generators other than hospitals, clinical laboratories, and residential health care facilities. Any medical waste generated in school districts is covered under this Regulation.

COMPLIANCE ISSUES

- **Medical waste generators** must properly segregate, handle, store, and arrange for the transportation and disposal of medical waste.
- Medical wastes must be segregated into three classes: sharps, fluids, and other regulated medical wastes. If regulated wastes are mixed in with other waste, then it is all considered regulated medical waste.
- Sharps must be stored in leak-proof, rigid, puncture-resistant **red containers**; all other medical wastes must be stored in strong, moisture-impervious **red bags**.
- All containers must be labeled "**REGULATED MEDICAL WASTE**".
- Prior to disposal, medical waste must be stored so as to prevent decay. Access to storage areas must be limited to authorized personnel.
- If a generator does not destroy waste on-site, it must arrange for transportation of waste to a treatment and disposal facility using a **DEC-permitted transporter** (red bag hauler).
- **Small Quantity Generators** (generate and dispose of less than 50 pounds of regulated medical waste per month) may ship their own waste, provided they first register with the DEC.
- **Large Quantity Generators** (generate and dispose of more than 50 pounds of regulated medical waste per month) must hire a "medical waste hauler" who holds a current New York State DEC permit to transport regulated medical wastes to a licensed treatment/disposal facility.
- Medical waste bound for off-site transport must be labeled on the outside with the name and address of the generator, the name, address, and permit number of the transporter, the date of shipment, and identification of the contents as regulated medical waste. Inner containers must be labeled with the generator's name and address.
- A **NYS Medical Waste Tracking Form** must be used to ensure that the regulated medical waste is transported, treated, and disposed of in compliance with DEC regulations.
- Tracking forms must be signed by the generator, transporters, and the destination facility operator, and must be retained by the generator for at least three years.

TRAINING REQUIREMENTS

- Training of medical care providers and custodial and maintenance staff in the proper handling and disposal of medical waste is required by the Occupational Safety and Health Administration (OSHA). See OSHA Standard 29 CFR 1910.1030 - Occupational Exposure to Bloodborne Pathogens.

OCCUPATIONAL ILLNESS & INJURY REPORTING

NYS Labor Law Article 2, Section 27-a, Subdivision 9

Recording and Reporting Public Employees' Occupational Illnesses and Injuries
12 NYCRR Part 801

Effective Date - March 10, 1986; Revised January 1, 2002

The purpose of this Regulation is to provide for **recordkeeping and reporting** by public employers, so that information may be developed regarding the causes and prevention of **occupational injuries and illnesses**, and so that **public reports** of work-related deaths, injuries, and illnesses can be made periodically. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- **Determination of Work Relatedness**
 - ⇒ The event or exposure in the work environment either **caused or contributed** to the resulting condition or **significantly aggravated a pre-existing** injury or illness.
- **Determination of New Cases**
 - ⇒ The employee has not previously experienced a recorded illness or injury of the same type that affects the same part of the body, or
 - ⇒ The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but has recovered completely from the previous injury or illness, and an event or exposure in the work environment caused the signs or symptoms to reappear.
- **General Recording Criteria**

Illness or injury that results in:

 - ⇒ **Death.**
 - ⇒ **Days away from work.**
 - ⇒ **Restricted work or transfer to another job.**
 - ⇒ **Medical treatment beyond First-Aid.**
 - ⇒ **Loss of consciousness, or**
 - ⇒ A significant injury or illness **diagnosed by a physician or other licensed healthcare professional even if the above-noted conditions have not been met.**
- **Specific Recording Criteria**
 - ⇒ **Needlesticks and Sharps Injuries –**

Work-related needlestick injuries and cuts from sharp objects **contaminated with another person's blood** or potentially infectious material. The case must be recorded on the SH 900 Log as an **injury**. To protect the **employee's privacy**, no employee name will be entered on the SH 900 Log.
 - ⇒ **Cases Involving Medical Removal Under PESH Standards –**

If an employee is medically removed under the **medical surveillance requirements** of a PESH Standard, the employer must record the case on the SH 900 Log.
 - ⇒ **Cases Involving Occupational Hearing Loss –**

If an employee's hearing test (Audiogram) reveals that a **standard threshold shift (STS)** has occurred, the employer must record the case on the SH 900 Log by checking the **Hearing Loss** column.
 - ⇒ **Work-Related Tuberculosis Cases –**

If any of the employer's employees have been **occupationally exposed** to anyone with a known **case of active tuberculosis**, and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician, the employer must record the case on the SH 900 Log by checking the **Respiratory Condition** column.
 - ⇒ **Cases Involving Work-Related Musculoskeletal Disorders –**

If any of the employer's employees experience a recordable **work-related musculoskeletal disorder (MSD)**, the employer must record it on the SH 900 Log by checking the **Musculoskeletal Disorder** column, **effective January 1, 2003.**
- **Forms**
 - ⇒ **SH 900** – Log of work-related injuries and illnesses.
 - ⇒ **SH 900.1** – Summary of work-related injuries and illnesses.
 - ⇒ **SH 900.2** – Injury and illness incident report.

- **Multiple Establishments**
 - ⇒ The employer must keep a **separate SH 900 Log for each establishment** expected to be in operation one year or longer.
- **Covered Employees**
 - ⇒ All employees on the employer's payroll, **including hourly, part-time, or seasonal**. This also includes employees not on the employer's payroll who are **supervised by the employer** on a day-to-day basis.
- **Annual Summary**
 - At the end of the calendar year, the employer must:
 - ⇒ **Review the SH 900 Log** to verify it is complete and accurate.
 - ⇒ **Create an Annual Summary** of injuries and illnesses recorded on the SH 900 Log.
 - ⇒ **Certify the Summary**.
 - ⇒ **Post the Annual Summary**.
- **Retention**
 - ⇒ The employer must save the SH 900 Log, SH900.1 Annual Summary and SH 900.2 Incident Report Forms for **5 years** following the end of the calendar year that these records cover.
- **Employee Involvement**
 - ⇒ The employer must inform each employee on how to report an injury or illness to the employer.
 - ⇒ The employer must provide limited access to its illness and injury records for its employees and their representatives.
- **Reporting Fatalities and Multiple Hospitalization Incidents to PESH**
 - ⇒ An **employee death** in the workplace, **regardless of the cause**, must be reported within **8 hours** after the death.
 - ⇒ **In-patient hospitalization of 2 or more employees**, as a result of a **work-related incident**, must be reported within **8 hours** after hospitalization.
 - ⇒ The employer **must orally report** the fatality/multiple hospitalization **by telephone or in person** to the nearest office of the New York State Department of Labor, Division of Safety and Health (DOSH) (**516-485-4408**).
- **Providing Records to Government Representatives**
 - ⇒ Upon request from the **New York State Department of Labor**, employers **must provide copies** of their records, required under Part 801, within **4 business hours**, regardless of where the records are maintained.
- **Annual DOSH Injury and Illness Survey**
 - If** the employer receives the New York State Department of Labor, Division of Safety and Health (DOSH) **Annual Survey Form**, the employer **must report** the following information and return it to **DOSH**:
 - ⇒ The **number of workers employed**.
 - ⇒ The **number of hours worked** by employees.
 - ⇒ The **requested information** from the records that the employer keeps under Part 801.
- **Requests from the Bureau of Labor Statistics (BLS)**
 - ⇒ If the employer receives a **survey from BLS**, the employer **must complete** the form and return it **promptly**.
- **Summary and Posting**
 - ⇒ Beginning in **2003**, the Annual Summary is to be posted for **3 months** from February through April.
- **Posters for Public Employees**
 - ⇒ Each employer shall **post in each establishment** a poster providing information related to job safety and health protection afforded to public employees by Provisions of the Labor Law, Section 27-a. **These posters may be obtained from the New York State Department of Labor, Division of Safety and Health (DOSH) (516-485-4408)**. A poster for each establishment shall be **posted in a conspicuous place** or places where notices to employees of that establishment are usually posted.
- **Definitions**
 - ⇒ **Establishment** – A **single physical location** where services, operations or other activities are performed. For activities where employees do not work at a single physical location, the establishment is represented by the **main branch offices** from which individuals are **supervised** or **carry out activities**. An establishment may include more than one physical location provided:
 1. The employer operates the location as a single operation under common management.
 2. The locations are all in close proximity to each other.
 3. The employer keeps one set of records for the location.

- ⇒ **Injury or Illness** – An abnormal condition or disorder. Injuries include, but are not limited to, a cut, fracture, and sprain. Illnesses can be acute or chronic and include, but are not limited to, a skin disease, respiratory disorder, and poisoning.
- ⇒ **Work Environment** – The establishment and other locations where one or more employees are working or are present as a condition of their employment.

PERSONAL PROTECTIVE EQUIPMENT

OSHA Standard - 29 CFR 1910.132, 133, 135, 136, 138

Personal Protective Equipment

Effective Date - July 5, 1994

The purpose of the **Occupational Safety and Health Administration (OSHA)** Standard for **Personal Protective Equipment (PPE)** is to protect workers at risk for eye, face, head, and foot injuries. Selecting the appropriate PPE, and training employees on proper use, will help protect them when other controls are inadequate or impossible. PPE is the last line of defense for employers to protect their workers from occupational hazards. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- **Hazard assessment** must be conducted and must be certified in writing. The assessment will determine if hazards necessitating the use of PPE are present.
- **PPE** must be selected, provided, and maintained. The employer must ensure that each affected employee uses the appropriate PPE.
- **PPE** must properly fit affected employees. PPE must be of safe design and construction. Defective and damaged equipment shall not be used.
- **Training** is required for all employees required to use PPE.
- **Eye and face protection** must comply with ANSI Z87.1-1989. The manufacturer's name must be marked on the PPE.
- **Head protection** must comply with ANSI Z89.1-1986.
- **Foot protection** must comply with ANSI Z41.1-1991.
- **Hand protection** selection must be based on tasks to be performed.

TRAINING REQUIREMENTS

- Training must include: when PPE is necessary; what PPE is necessary; how to put on, wear, and take off PPE; the limitations of PPE; the care, maintenance, useful life, and disposal of PPE.
- Employees must **demonstrate an understanding** of the training and the ability to use PPE properly.
- **Retraining** is required but not limited to when; changes in the workplace render previous training obsolete; changes in the types of PPE to be used render previous training obsolete; the employee does not retain the required knowledge or skill.
- **Written certification of training** must be maintained including names of trainees, dates of training, and subject of certification.

PESTICIDE APPLICATION

NYS Environmental Conservation Law, Article 33 - Revised September 12, 1997

6 NYCRR Title 6, Parts 325 & 326

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

40 CFR Parts 152-180

Effective Date - December 24, 1988

Pesticides are classified as restricted by both Federal and State legislation. In New York, it includes those pesticides that are highly toxic, persistent, or accumulative, and those pesticides restricted by the **Environmental Protection Agency (EPA)**. They may be purchased and used only by certified applicators or by special permit. Enforcement in New York State is through the **New York State Department of Environmental Conservation (DEC) (631-444-0340)**.

COMPLIANCE ISSUES

- The **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)** requires manufacturers to register and classify pesticides with the EPA and prescribes controls over pesticide application and use. In New York, pesticides must be re-registered with the **Department of Environmental Conservation (DEC) (631-444-0340)** every 2 years.
- DEC requires **commercial permits** for the distribution, sale, and purchase of restricted use pesticides.
- Pesticides must only be applied in a manner that prevents contamination.
- Registered pesticides must be applied according to their labeling.
- All pesticide application equipment that draws water from any water source must have an effective anti-siphon device to prevent backflow.
- Unwanted pesticides and containers must be disposed of according to Rules and Regulations of the State of New York.
- All commercial applicators in New York State must be certified or work under a certified applicator's supervision whether they use restricted use or general use pesticides. **Certification is for a 6-year period**. However, **DEC issues a renewal notice every 3 years** requiring the payment of a fee.
- Commercial applicators and businesses must register annually with DEC and submit annual pesticide usage reports. Must be able to supply container labels for all pesticides used.
- DEC-issued stickers must be prominently displayed on each piece of application equipment and transportation vehicles, except on hand-held or portable equipment and noncommercial vehicles.
- When pesticides are applied to lawns, shrubs, and trees, markers measuring 4"x 5" must be posted at least 12" above the ground in such a manner, and in such number, distance apart and location, so they are clearly visible to persons immediately outside the perimeter of the treated area.
- Pesticide use records must be maintained.

TRAINING REQUIREMENTS

- In order to be certified by the DEC, applicators must attend the **30-hour Pesticide Applicators Course**, and then pass a two-part exam. This will provide **provisional certification**. An additional **1-3 years of supervision** by a certified applicator is required, and is dependent on the individual's previous education. Applicators must attend **recertification** training programs approved by DEC during the **6-year** period of certification. Required training hours vary from **10-20 hours** depending on the category of certification (3A-15 hours, 7A-20 hours).

PESTICIDE APPLICATION

School Pesticide Neighbor Notification Law New York State Education Law (Title 1, Article 9, Section 409-h) Section 155.24 of the Regulations of the Commissioner of Education Effective Date - July 1, 2001

Schools are required to establish a **pesticide notification procedure** to provide information on pesticide application at school facilities. **School** is defined as any public school district or private or parochial school or board of cooperative educational services. **Pesticide** shall have the same meaning as in subdivision thirty-five of **Section 33-0101 of the Environmental Conservation Law**. **Facility** means any school building used for instructional purposes and its surrounding grounds, sites and other grounds to be used for playgrounds, athletics and other instructional purposes, and any administrative offices. **Relevant facility** is any facility where a **staff person regularly works** or where a **child of the person in parental relation regularly receives instruction**.

COMPLIANCE ISSUES

- Written notification is defined as **notice in writing** that is:
 - ⇒ **Provided directly** to the student or staff.
 - ⇒ **Delivered to a receptacle** designated for that student or staff.
 - ⇒ **Mailed** to the student's or staff's last known address.
 - ⇒ A notice in a **school newsletter**.
 - ⇒ Delivered by any other reasonable methods authorized by the Commissioner.
- Schools shall provide **written notification to all staff and persons in parental relation** at the **beginning of each school year and summer school session (within the first week)** or **within one week of a student's enrollment or employee's start of employment** and include the following information:
 - ⇒ A statement that **pesticides may be used periodically** throughout the school year.
 - ⇒ A statement that schools are **required to maintain a list** of staff and persons in parental relation who wish to receive **48-hour prior written notification** of pesticide applications at relevant facilities.
 - ⇒ Instructions on **how to register** with the school to be on such list for notification.
 - ⇒ **Name of a school representative** and contact number to obtain further information.
- Schools shall provide **written notification (pesticide application summary report) to all staff and persons in parental relation** within **10 days of the end of the school year** and within **2 school days of the end of the winter recess, spring recess and summer school session for each application which required prior notification** and each emergency application, listing:
 - ⇒ Date.
 - ⇒ Location.
 - ⇒ Product used.
 - ⇒ A statement that schools are **required to maintain a list** of staff and persons in parental relation who wish to receive **48-hour prior written notification** of pesticide applications at relevant facilities.
 - ⇒ Instructions on **how to register** with the school to be on such list for notification.
 - ⇒ **How to obtain further information** about the products being applied, including any **warnings on the label** of the pesticide.
 - ⇒ Name of a **school district representative and contact number** for additional information.
- **Each school shall establish and maintain a list** of staff and persons in parental relation requesting 48-hour prior notification of pesticide application.
- Not less than 48 hours prior to the application of a pesticide, a school shall **provide to those on the list written notification** including, at a minimum, the following:
 - ⇒ Date (can include alternate dates to account for weather conditions).
 - ⇒ Location.
 - ⇒ Product name and EPA Registration Number.

- ⇒ The following statements: *This notice is to inform you of a pending pesticide application to a school property. You may wish to discuss with the designated school representative what precautions are being taken to protect your child from exposure to these pesticides. Further information about the product(s) being applied, including any warnings that appear on the label of the pesticide(s) that are pertinent to the protection of humans, animals, or the environment, can be obtained by calling the National Pesticide Telecommunications Network information phone number at 1-800-858-7378, or the New York State Department of Health Center for Environmental Health information line at 1-800-458-1158.*
- ⇒ The **name of the designated school representative** and contact number for additional information.
- The **48-hour written notification** may be provided by any of the following methods:
 - ⇒ A notice **provided directly** to persons on the registry.
 - ⇒ A notice **delivered in a receptacle** designated for persons on the registry.
 - ⇒ A notice **mailed to the home address** of persons on the registry.
 - ⇒ A notice **sent electronically** to persons on the registry.
 - ⇒ A notice **sent by fax** to persons on the registry.
- The notification must also be **posted in a public location within the relevant facility**.
- **The following pesticide applications shall not be subject to prior notification requirements:**
 - ⇒ **Antimicrobial pesticides and products** as defined by FIFRA.
 - ⇒ **Aerosol products with a directed spray** in containers of **less than 18 fluid ounces**, used to protect individuals from an **imminent threat** from stinging and biting insects. Fogging is not exempt.
 - ⇒ Application where the school facility remains **unoccupied for a continuous 72-hour period** following pesticide application.
 - ⇒ **Silica gels**, and other non-volatile ready-to-use paste, foam or gel insecticides in areas inaccessible to children.
 - ⇒ Non-volatile insecticidal or rodenticidal **baits in tamper-resistant bait stations** in areas inaccessible to children.
 - ⇒ U.S. EPA **exempt materials** under 40 CFR 152.25.
 - ⇒ U.S. EPA **designated biopesticide**.
 - ⇒ **Boric Acid** and **Disodium Octaborate Tetrahydrate**.
 - ⇒ An **emergency application** due to an imminent threat to human health. Notification to the Commissioner of Health is required.
- If a school district **does not use any pesticide products** in buildings and grounds, other than those noted as exempt listed above, the school district is **not required to provide follow-up written notification** (48-hour or fall, spring, end of year and end of summer school). However, if an **emergency application** of a non-exempt product is necessary, the school district must make a **good faith effort to notify all persons in parental relation and staff in writing prior to the emergency application**. Emergency applications also require notification to the New York State Department of Health. **School districts must still provide the initial written notification at the beginning of the school year and summer school session.**
- The **Commissioner will ensure compliance** with this regulation and shall establish a procedure for parents to notify the state of any school's failure to comply. The Commissioner **may withhold state-aid** monies for failure to comply with the regulation.
- **No school or school employee shall be held liable** for failure to comply with this regulation, unless such failure constitutes negligence, gross negligence or intentional misconduct.

PLAYGROUND SAFETY

New York State General Business Law 399-dd

Part 4605 – Design, Installation, Inspection, and Maintenance of Playground Equipment

Effective Date – July 1, 2007

The Consumer Protection Board shall promulgate rules and regulations for the design, installation, inspection, and maintenance of playgrounds and playground equipment. Those regulations shall substantially comply with the guidelines and criteria which are contained in the *Handbook for Public Playground Safety* produced by the **United States Consumer Product Safety Commission**. The document is available at www.nassauboces.org/cit/health&safety.

COMPLIANCE ISSUES

- No person, firm, corporation, or other legal entity which constructs, assembles, or installs a playground or playground equipment, shall construct, assemble, or install such playground or playground equipment unless such playground or playground equipment shall conform to the requirements of those rules and regulations as promulgated.
- Playground or equipment constructed on one, two and three-family residential property are exempt.
- The guidelines of the United States Consumer Product Safety Commission *Handbook for Public Playground Safety* are incorporated by reference.

RESPIRATORY PROTECTION

OSHA Standard - 29 CFR 1910.134

Personal Protective Equipment - Respiratory Protection

Effective Date - Amended October 5, 1998

The goal in controlling occupational diseases caused by breathing contaminated air is to prevent atmospheric contamination by using effective engineering controls. When this is not feasible, appropriate respirators must be provided and a **Respiratory Protection Program** must be established. Types of respirators include disposable masks, half-mask air purifying, full facemasks (air purifying), and supplied-air respirators. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- Engineering measures to control atmospheric contamination must be instituted where feasible.
- Employers must select and provide appropriate respirators for each job, when necessary, to protect the health of employees. Selection must be in accordance with ANSI Z88.2-1969 and respirators must be both **Mine Safety and Health Act (MSHA)** and **National Institute for Occupational Safety and Health (NIOSH)** approved.
- Employers must have a written **Respiratory Protection Program** including standard operating procedures for the selection, use, and care of respirators. The program must be evaluated regularly to determine its effectiveness. A qualified **“Program Administrator”** must oversee the Respiratory Protection Program.
- An employee’s physical ability to use a respirator must be determined by **medical evaluation** before he/she starts using a respirator and periodically thereafter (usually annually). The employer shall identify a physician or other licensed health care professional to perform medical evaluations using a medical questionnaire or an initial medical that obtains the same information as the medical questionnaire.
- Employees must use respirators according to instruction and training in the proper use of respirators and their limitations. Dust masks are not covered under the regulation. However, if the employer provides a respirator for **voluntary use** or if the employee provides his/her own respirator in the workplace, the employer is responsible for providing the employee with **Appendix D** of the Standard. Appendix D will explain to the employee **precautions** to be taken when using a respirator.
- Frequent random inspections of proper respirator use must be conducted.
- Proper respirator fit is essential. Respirator wearers must check the facepiece fit each time a respirator is worn. The wearer’s diligence in having the proper fit must be evaluated by periodic check. **Fit testing** can be qualitative or quantitative, and must be conducted at least annually.
- Respirators must be cleaned, disinfected, inspected, and maintained regularly.
- Respirators must be stored in a convenient, clean, and sanitary location.
- Surveillance of work area conditions and the degree of employee exposure must be determined.
- Recordkeeping – Requires medical evaluation, fit testing, and written Respiratory Protection Program.

TRAINING REQUIREMENTS

- Respirator users and supervisors must be trained in the proper selection, use, maintenance, and limitations of respirators.
- Training must include at least the following:
 1. Why the respirator is necessary and how improper fit, usage and maintenance can make the respirator ineffective.
 2. What the limitations and capabilities of the selected respirator are.
 3. How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions.
 4. How to inspect, put on and remove, and check the seals of the respirator.
 5. What the respirator maintenance and storage procedures are.
 6. How to recognize medical signs and symptoms that may limit or prevent effective use of the respirator.
 7. The general requirement of the Respiratory Protection Standard.
- Training should be conducted annually.

SCHOOL BUILDING SAFETY

Comprehensive Public School Safety Program RESCUE Regulations (Rebuilding Schools to Uphold Education) 8 NYCRR 155.1-155.6

Effective Date - October 7, 1999

The **Comprehensive Public School Safety Program** was enacted to **ensure that all school facilities are properly maintained and preserved** and provide suitable educational settings. The Board of Education of each school district shall cause all occupied school facilities which are **owned, operated or leased** by the district to comply with the provisions of the Comprehensive Public School Safety Program as set forth in Section 155.3 and the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring as prescribed in Section 155.4. The Comprehensive Public School Safety Program shall consist of the following:

- **Five Year Capital Plan** – Each school district shall develop and keep on file a comprehensive long-range plan which shall be re-evaluated and **updated annually** and include appraisal of the following:
 - ⇒ **Educational philosophy** of the school district and resulting administrative organization and program requirements.
 - ⇒ Present and projected **pupil enrollments**.
 - ⇒ Space use and **state-rated pupil capacity** of existing facilities.
 - ⇒ **Priority** of need of maintenance.
 - ⇒ Repair or **modernization** of existing facilities.
 - ⇒ Consideration of the **obsolescence and retirement of certain facilities** and the provision of additional facilities.
- Each school district shall prepare a **five-year capital facilities plan no later than July 1, 2001** and shall update such plan annually. The plan shall be prepared in a format prescribed by the Commissioner and shall be submitted to the Commissioner upon request. The plan will include a breakdown for each of the five years of the plan of the estimated expenses for the following:
 - ⇒ Current or proposed **new construction** ranked in priority order.
 - ⇒ Current or proposed **additions** to school facilities ranked in priority order.
 - ⇒ Current or proposed **alterations or reconstruction** of school facilities ranked in priority order.
 - ⇒ **Major repairs** ranked in priority order.
 - ⇒ **Major system replacement** and repairs, and maintenance ranked in priority order.
 - ⇒ **Energy consumption**.
 - ⇒ District-wide **building inventory** including:
 - ❖ The number and type of facilities owned, operated or leased by the district.
 - ❖ The age, enrollment, rated capacity, use, size and the safety rating of such buildings.
 - ❖ The energy source for such buildings.
 - ❖ The probable useful life of each building and its major subsystems.
 - ❖ The need for major system replacement and repairs and maintenance.
 - ❖ Summary of the triennial asbestos reports.
- **Uniform Code of Public School Building Inspections, Safety Ratings and Monitoring**
 - ⇒ **Procedures for Periodic Inspections** – Buildings shall be assessed by a building condition survey conducted **once every five years**, an annual fire safety inspection and an annual visual inspection conducted in years in which no building condition survey is conducted for the building.
 - ❖ **Building Condition Survey** – A building condition survey will be conducted for all occupied buildings on or before **November 15, 2000 and at least every five years** thereafter.
 - The survey shall be conducted by a team that includes at least one **licensed architect or engineer** in a format prescribed by the Commissioner of Education.
 - The survey shall include a list of all program spaces and an inspection of the following building systems for evidence of movement, deterioration, structural failure, probable useful life, need for repair and maintenance and need for replacement:
 1. **The building site** including utilities, paving, playgrounds and play fields.
 2. **Roofing**.

3. **Exterior elements** of the building, including walls, doors, windows and fire escapes.
 4. **Building structural elements.**
 5. **Building interiors** including finishes, doors, and hardware.
 6. **Electrical systems**, including service and distribution, lighting, communications, technology infrastructure and cabling.
 7. **Plumbing**, including water distribution system, drainage system and fixtures.
 8. **Heating and cooling systems**, including boilers, furnaces, terminal units, and control systems.
 9. **Ventilation systems.**
 10. **Air-conditioning systems**, including refrigeration, terminal units, and control systems.
 11. **Special construction**, including stairs, elevators, escalators, and swimming pools.
 12. **Fire protection and security systems**, including alarm, detection, and fire protection.
 13. **Environmental features**, including appearance, cleanliness, acoustics, lighting quality, thermal comfort, humidity, ventilation and space adequacy.
- Reports of building condition surveys signed and sealed by the licensed architect or engineer shall be submitted to the Commissioner by **January 15, 2001 and January 15th of every fifth year thereafter.** Building aid is available for building condition surveys as defined in the regulation.
- ❖ **Annual Visual Inspections** – A visual inspection of every occupied building shall be conducted **annually except in years that building condition surveys are conducted.**
 - The annual visual inspection shall consist of a **visual re-inspection** of the components of the building condition survey for changes that may have occurred and a review and update of the safety rating as needed.
 - The annual visual inspection shall be **conducted by a team composed of a certified code enforcement official, the district director of facilities or designee, and a member of the health and safety committee.**
 - If the annual visual inspection results in a determination that the building may have a deficiency showing the building safety rating to be **unsatisfactory** or unsafe/unhealthful, the board shall **retain a licensed architect or engineer** to perform a detailed inspection and develop a corrective action plan.
 - The annual visual inspection shall be completed by **November 15th of each year** not scheduled for a building condition survey.
 - The results of the annual visual inspection shall be reported to the Commissioner on **forms prescribed by the Commissioner**, shall be signed by the person(s) who conducted the inspection, and shall be **filed with the Commissioner by January 15th.** Annual visual inspections shall be made available to the public.
 - Beginning with the 2004-05 annual visual inspection form, there will be a question regarding the federal (AHERA) triennial inspection which will satisfy the New York State reporting requirements for the AHERA triennial re-inspections.
- ⇒ **Safety Rating System** – Each school district shall provide for the **safety rating of all occupied school buildings** keyed to the structural integrity and overall safety of the building on an **annual basis.**
- ❖ The safety rating shall be established by each district after **consultation with the Health and Safety Committee** established pursuant to paragraph (d)(1) (Monitoring System) of this regulation. The safety rating shall identify and assess:
 - The **condition of every major system component** of each occupied school building based upon overall assessment of the system or element.
 - Probable **useful life.**
 - **Structural safety integrity.**
 - **Overall safety.**
 - Need for **repair and maintenance.**
 - Need for **replacement.**
 - The **estimated cost** of necessary repairs and /or replacement.
 - Assessment of the **effectiveness of the building comprehensive maintenance plan** as required by this regulation.
 - ❖ The **major system components of each occupied school building shall be rated** in one of the following categories:
 - **Excellent** – No remediation required other than routine maintenance.
 - **Satisfactory** – System is functioning reliably but repair is required.
 - **Unsatisfactory** – System is functioning unreliably or has exceeded its useful life. A corrective action plan has been scheduled.

- **Unsafe/Unhealthful** – System is non-functioning, unreliable or not functioning as designed. System endangers occupants' health and/or safety, and/or has deficiencies that have resulted in serious accident or injury.
- **Indeterminate** – Requires additional probing or testing and a summary report will be issued.
- ❖ Building **system deficiencies** shall be categorized as follows:
 - **Health and safety.**
 - **Structural.**
 - **Comfort.**
 - **Aesthetic.**
- ❖ The **overall rating** of the building shall be determined by a weighted system developed by the Commissioner in consideration of the **rating of the major system components** of each building and the **categorization of the building system deficiencies**, as noted above, with the following categories:
 - **Excellent** – Systems rated in excellent condition. Preventive maintenance plan in place.
 - **Good** – Systems rated in overall good or better condition.
 - **Satisfactory** – Any system categorized as comfort or aesthetic, rated as unsatisfactory. All systems categorized as health and safety or structural, rated good or better.
 - **Unsafe/Unhealthful** – Any system categorized as health and safety or structural, rated unsafe and/or unhealthful. This rating shall result in the revocation of the building's Certificate of Occupancy.
- ⇒ **Monitoring System – Boards of Education shall establish a process to monitor the condition** of occupied public school buildings in order to assure that they are safe and maintained in a state of good repair. This process shall include the following elements:
 - ❖ **Health and Safety Committee** comprised of representation from district officials, staff, bargaining units and parents.
 - ❖ **Comprehensive maintenance plan** for all major building systems, including provisions for a least toxic approach to **integrated pest management** and maintenance procedures and guidelines that will contribute to **acceptable indoor air quality**. The plan shall be **available for public inspection**.
 - ❖ **Board of Education annual review and approval** of the annual building inspection reports and five-year building condition surveys.
 - ❖ Procedures for assuring that an **annual fire safety inspection** of each building is conducted in accordance with Section 807-a of the Education Law.
 - ❖ Procedures for assuring that a current and valid **Certificate of Occupancy** is maintained for each building and posted in a conspicuous place.
 - ❖ Procedures for **investigation and disposition of complaints** related to health and safety. Such procedures shall involve the **Health and Safety Committee** and conform to the following requirements:
 - Provide a **written response to written complaints** which describes the following:
 1. **Investigations, inspections or tests** made to verify the substance of the complaints or a statement explaining why further investigation, inspection 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 resolve the problem.
 4. The actions, if any, taken if the complaint involved a **violation of law or of a contract provision**.
 - ❖ Every Board of Education shall take actions to **immediately remedy serious conditions affecting health and safety** in school buildings, and shall **report such actions to the Commissioner**.
 - ❖ All school construction and maintenance activities shall comply with the **Uniform Safety Standards for School Construction and Maintenance Projects** as set forth in Section 155.5 of the regulation.
- **Uniform Safety Standards for School Construction and Maintenance Projects**
 - ⇒ **Monitoring of Construction and Maintenance Activities**
 - ❖ The **occupied portion** of any school building shall always comply with the minimum requirements necessary to **maintain a Certificate of Occupancy** and shall be **monitored during construction or maintenance** activities for safety violations by **school district personnel**.
 - ⇒ **Investigation and disposition of complaints** relating to health and safety as a result of construction and maintenance activities are required as established under section 155.4(d)(7) and as described under Monitoring Systems above.
 - ⇒ **Pre-construction Testing and Planning for Construction Projects**
 - ❖ Safety shall be addressed in **bid specifications** and contract documents before contract documents are advertised for bid. All school areas to be disturbed during renovation or demolition shall be **tested for lead and asbestos**. Appropriate procedures to **protect the health of building occupants** shall be included in the final construction documents for bidding.
 - ❖ **Safety committees shall monitor safety** during school construction projects. This **committee shall be expanded during construction projects** to include the project architect, construction manager and the

contractors, and shall **meet periodically** to review issues and address complaints related to health and safety resulting from the construction project.

- ❖ The district **Emergency Management Plan shall be updated** to reflect any changes necessary to accommodate the construction process. Provisions shall be made for **emergency evacuation** in the event of a construction incident.
- ❖ **Fire drills shall be held** to familiarize students and staff with temporary exits and revised emergency procedures.

⇒ **Pre-construction Notification of Construction Projects**

- ❖ The Board of Education shall establish **procedures for notification** of parents, staff and the community in advance of a construction project of **\$10,000 or more** to be conducted in a school building **while the building is occupied**.
- ❖ Such procedures shall provide **at least two months prior notice** to the date on which construction is to begin, provided that **emergency construction projects** shall provide notice **as far in advance of construction as practicable**.
- ❖ Such notice shall include **information on the district's obligation under the law** to provide a safe school environment during construction projects.
- ❖ Such **notice requirement** may be met by publication in **district newsletters, direct mailing or by holding a public hearing**.

⇒ **General Safety and Security Standards for Construction Projects**

- ❖ All construction materials shall be **stored in a safe and secure manner**.
- ❖ **Fences** around construction supplies or debris shall be maintained.
- ❖ **Gates shall always be locked** unless a worker is in attendance to prevent unauthorized entry.
- ❖ During exterior renovation work, **overhead protection shall be provided** for any sidewalks or areas immediately beneath the work site or such areas shall be fenced off and provided with warning signs to prevent entry.
- ❖ Workers shall be required to wear **photo-identification badges** at all times while working at occupied sites.

⇒ **Separation of Construction Areas from Occupied Spaces**

- ❖ Construction areas under control of the contractor and not occupied by students and staff shall be **separated from occupied areas**. Provisions shall be made to prevent passage of dust and contaminants into occupied areas and these barriers shall be inspected periodically. **Gypsum board must be used in exit ways or other areas that require fire-rated separation**. Heavy-duty plastic sheeting may only be used as an infiltration barrier and **not to separate** occupied spaces from construction areas.
- ❖ A specific stairwell and/or elevator should be assigned for construction worker use during work hours. **Corridors, stairs or elevators designated for students or staff shall not be used by workers**.
- ❖ Large amounts of debris must be removed by using **enclosed chutes** and not through halls of occupied spaces. No materials shall be dropped or thrown outside the walls of the building.
- ❖ All occupied parts of the building affected by renovation activity shall be **cleaned at the close of every workday**.

⇒ **Maintaining Exiting and Ventilation During School Construction Projects**

- ❖ A **plan should be available detailing how required exiting** will be maintained during construction. At a minimum, required exits, temporary stairs, ramps, exit signs, and door hardware shall be provided at all times.
- ❖ A **plan should be available detailing how adequate ventilation** will be maintained during construction.

⇒ **Fire and Hazard Prevention**

- ❖ **No smoking** is allowed on school property, including construction areas.
- ❖ **Daily inspections** should be conducted to assure **exits are not blocked**.
- ❖ **Proper operation** of fire extinguishers, fire alarms, and smoke/fire detection systems shall be maintained throughout the project.

⇒ **Noise Abatement During Construction and Maintenance Activities**

- ❖ Noise shall not be produced in occupied spaces in excess of **60 dba** as measured by a type 2 sound level meter in the occupied space closest to the source of the noise.
- ❖ **Complaints** regarding noise shall be addressed by the Health and Safety Committee.
- ❖ **"No work"** periods shall be incorporated into the bid for periods when noise may be unacceptable.

⇒ **Control of Chemical Fumes, Gases, and other Contaminants During Construction and Maintenance Projects**

- ❖ Bid specifications shall require schedules of work on construction and maintenance projects, which include time for **"off-gassing"** of volatile organic compounds before re-occupancy. Special attention should be given to **glues, paint, furniture, carpeting, wall coverings and drapery**. Manufacturers shall be contacted to assure appropriate practices are followed. Building materials or furnishings which "off-gas" chemical fumes shall be aired out in a well-ventilated heated warehouse before installation. If toxic gases are generated which

- cannot be contained, then work must be done when school is not in session. **The building must be properly ventilated and given time to cure or “off-gas” before reoccupancy.**
- ❖ **Material Safety Data Sheets (MSDS)** shall be maintained at the site for all materials used in projects.
- ⇒ **Asbestos Abatement Protocols**
- ❖ All asbestos abatement projects shall comply with all Federal and State laws. **Large and small asbestos projects as defined in 12 NYCRR 56 shall not be performed while the building is occupied.** Minor asbestos projects as defined in 12 NYCRR 56 (10 square feet or less or 25 lineal feet or less) may be performed in unoccupied areas of a building.
- ⇒ **Lead Paint**
- ❖ Any construction or maintenance operations which will disturb lead-based paint will require abatement of those areas according to protocols detailed in *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (June, 1995 U.S. Department of Housing and Urban Development). All areas scheduled for construction, as well as areas of peeling and flaking paint shall be tested for the presence of lead and abated or encapsulated in accordance with the above-noted guidelines.
- ⇒ **Radon**
- ❖ Districts shall take responsibility to be aware of the **geological potential** for high levels of radon and to test and mitigate as appropriate. This information is available from the New York State Department of Health Radon Measurement Database.
- ⇒ **Post-Construction Inspection**
- ❖ The school district shall provide the opportunity for a **walk-through inspection** by the Health and Safety Committee members to confirm that the area is ready to be reopened for use.
- **School Facility Report Cards**
 - ⇒ **On January 1, 2001 and each year thereafter**, every school district shall prepare a school facility report card for each occupied school building.
 - ⇒ The report card for each building shall be reviewed annually by the Board of Education. The Board of Education shall report at a public meeting on the status of each item (as described below) contained on the report card in a **format prescribed by the Commissioner.**
 - ❖ Building age.
 - ❖ Building size.
 - ❖ Enrollment.
 - ❖ Rated capacity.
 - ❖ List of program spaces.
 - ❖ Probable useful life of building.
 - ❖ Five-year building condition survey results.
 - ❖ Annual building visual inspection results.
 - ❖ School building safety rating.
 - ❖ Certificate of Occupancy status and expiration date.
 - ❖ Five-year capital facilities plan status.
 - ❖ Estimated costs to restore the buildings to a state of good repair.
 - ❖ Estimated costs to keep the buildings in a state of good repair.
 - ❖ Projected operations and maintenance spending for the current year.
 - ❖ Need for routine maintenance, repairs, rehabilitation, reconstruction, construction and other improvements.
 - ❖ Estimated energy costs for the current school year.
 - ❖ A description of Health and Safety Committee activities.
 - ❖ The following environmental information:
 - Status of the AHERA plan.
 - Status of measures taken to assure acceptable indoor air quality.
 - Status of any required lead testing.
 - Status of any required radon testing.
 - Status of district’s integrated pest management program.
 - Name of Right-To-Know designee for the building.

SCHOOL SAFETY AND VIOLENCE PREVENTION

Project SAVE – Safe Schools Against Violence in Education Act

New York State Education Law Chapters 180-182

Effective Date - November 1, 2000

Full Compliance for Most Provisions by July 1, 2001

The New York State SAVE Act is one of the most comprehensive regulations in the nation seeking to address school safety and violence prevention. The legislation covers 15 specific areas of concern, with each including numerous provisions as described below.

COMPLIANCE ISSUES

- ***Comprehensive School Safety Plans*** – To be developed by a **District-Wide School Safety Team** appointed by the Board of Education and to include the following representation at a minimum: School Board; Student; Teacher; Administrator; Parent Organizations; School Safety Personnel; and other School Personnel. The Plan must be **filed with the Commissioner of Education** within 30 days of adoption by the Board of Education. The Plan must also be **reviewed annually by the School Safety Team** and can only be adopted after at least **one public meeting**. Full compliance with this provision of the regulation is expected by **July 1, 2001**. This Plan shall include **policies and procedures** for:

- ⇒ **Responding** to implied or direct **threats of violence**.
- ⇒ **Responding to acts of violence** including consideration of **Zero-Tolerance policies**.
- ⇒ **Contacting law enforcement officials** in the event of a violent incident.
- ⇒ **Contacting parents/guardians** in the event of a violent incident.
- ⇒ **School Building Security**.
- ⇒ **Dissemination of information** regarding **early detection** of potentially **violent behavior** to all school personnel, students, parents and any others deemed necessary.
- ⇒ **Annual school safety training** for staff and students.

The Plan shall also include:

- ⇒ **Protocols** for responding to **bomb threats, hostage-taking, intrusions and kidnapping**.
- ⇒ Strategies for **improving communication** and **reporting** of potentially violent incidents.
- ⇒ A description of the duties of hall monitors and other **school safety personnel**, along with the **requirements for training, hiring, and screening process** for all personnel acting in a school safety capacity.
- ⇒ Appropriate **prevention and intervention strategies** as follows:
 - ❖ Collaborative arrangements with state and local law enforcement officials to ensure school **safety officers and security personnel are adequately trained**.
 - ❖ Non-violent **conflict resolution training** programs.
 - ❖ Peer Mediation.
 - ❖ Extended day and other school safety programs.

- ***Emergency Response Plans*** – To be developed by **Building-Level School Safety Teams appointed by the principal** in accordance with guidelines established by the Board of Education. Teams shall include, but not be limited to, representatives of teacher, administrator and parent organizations, school safety personnel and other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives deemed appropriate. The **Emergency Response Plans will be part of the Comprehensive School Safety Plan** filed with the Commissioner by the school district. Full compliance with this provision of the regulation is expected by **July 1, 2001**. **The State Education Department has developed a format for Plans**. All Emergency Response Plans developed by Building-Level School Safety Teams must include the following:

- ⇒ **Policies and procedures for safe evacuation** shall include evacuation routes and shelter sites and procedures for addressing medical needs, transportation and emergency notification to persons in parental relation to a student.
- ⇒ Designation of an **Emergency Response Team** comprised of school personnel, local law enforcement officials and representatives from emergency response agencies, other appropriate emergency response teams and a **Post-Incident Response Team** that includes appropriate school personnel, medical personnel, mental health counselors and others who can assist in the aftermath of a violent incident.

- ⇒ **Procedures** for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area.
 - ⇒ Internal and external **communication systems**.
 - ⇒ Definition of the **Chain of Command** consistent with incident command systems.
 - ⇒ **Coordination of the School Safety Plan with the State-Wide Plan** for disaster mental health services to assure access to federal, state and local mental health resources.
 - ⇒ Procedures to conduct drills and other exercises to **test components** of the Emergency Response Plan.
 - ⇒ Policies and procedures to **restrict access to crime scenes** on school property.
- ***Codes of Conduct, Principal Suspension and Teacher Removal***– Requires the Board of Education to adopt a Code of Conduct which is **developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other school personnel**. The school board may adopt a Code of Conduct only after **at least one public hearing**. The Code of Conduct must be **reviewed at least annually** and amended as necessary only after at least one public hearing. All Codes of Conduct and amendments must be **filed with the Commissioner of Education within 30 days of adoption** by the Board of Education. Section 2801 of the Commissioner of Education’s Regulations is repealed and replaced by the new Code of Conduct section. Full compliance with this provision of the regulation is expected by **July 1, 2001**.
 - ⇒ **Code of Conduct** – Each code of conduct must include at a minimum the following:
 - ❖ Provisions for **appropriate conduct, dress and language and acceptable civil and respectful treatment** of teachers, school administrators, and other school personnel, students and visitors on school property and at school functions; appropriate range of **disciplinary measures** which may be imposed for violation of such code; the roles of teachers, administrators, other school personnel, the Board of Education and parents.
 - ❖ Standards and procedures to **assure security and safety** of students and school personnel.
 - ❖ Provisions for **removal from the classroom and from school property**, including a school function, of students and other persons who violate the code.
 - ❖ **Disciplinary measures** related to possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student’s civil rights and threats of violence.
 - ❖ **Provisions for detention, suspension and removal** from the classroom of students and policies and procedures for **continued educational programming** and activities for students removed from the classroom, placed in detention, or suspended from school.
 - ❖ **Procedures to determine and report violations**, discipline imposed and how carried out.
 - ❖ Provisions which ensure the code of conduct complies with laws related to **students with disabilities**.
 - ❖ Provisions to **notify local law enforcement** of code violations which constitute a crime.
 - ❖ Provisions which explain when and **how parents will be notified** of a student code violation.
 - ❖ Provisions by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision petition, as defined in **Articles three and seven of the Family Court Act**, will be filed.
 - ❖ Circumstances under and procedures by which **referral to human services agencies** shall be made.
 - ❖ A **minimum suspension period** for students who **repeatedly are substantially disruptive (as defined by the Commissioner)** of the educational process.
 - ❖ A **minimum suspension period** for acts that would qualify the pupil to be defined as a **violent pupil**.
 - ⇒ **Teacher Removal and Principal Suspension**
 - ❖ Teachers have the **authority to remove a disruptive pupil** from the classroom as defined by the discipline measures contained in the Code of Conduct. Teachers are required to report and refer a violent pupil to the principal or superintendent for a violation of the Code of Conduct. Principals and superintendents have the authority to **suspend** an insubordinate, disorderly, disruptive or violent pupil for up to **5 days**. The district is required to implement policies and procedures to provide for **continued educational programming** and activities for the pupil removed from the classroom. **Violent and Disruptive Pupils are defined as follows:**
 - **Violent Pupil** – An elementary or secondary student under the age of 21 who:
 1. Commits an act of violence upon a teacher, administrator or other school employee.
 2. Commits, while on school property, an act of violence upon another student or other person lawfully upon school property.
 3. Possesses, while on school property, what appears to be a gun, knife, explosive or other dangerous instrument capable of causing death or physical injury.
 4. Displays, while on school property, what appears to be a gun, knife, explosive or other dangerous instrument capable of causing death or physical injury.
 5. Threatens, while on school property, to use any instrument that appears capable of causing physical injury or death.
 6. Knowingly and intentionally damages or destroys the property of a teacher, administrator, other school district employee or any person lawfully upon school district property.

7. Knowingly and intentionally damages or destroys school district property.
- **Disruptive Pupil** – An elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or who substantially interferes with the teacher’s authority over the classroom.
 - ❖ When a **student is removed from a classroom**, the following is required:
 - The teacher must **inform the pupil and the principal** of the reasons for the removal. If the teacher finds the student’s continued presence to pose an **ongoing danger**, the teacher must provide the pupil with an **explanation of the basis for removal** and an informal opportunity to be **heard within 24 hours** of removal. If the teacher does not find a continued threat of ongoing danger, the teacher shall provide the explanation and allow the pupil to **present his/her version of relevant events prior to removing the pupil** from the classroom.
 - The principal shall inform the parent of the pupil’s removal from the classroom and the reasons within **24 hours of removal**. Upon request, the pupil and parent shall be given the opportunity for an **informal conference with the principal**. If the pupil denies the charges, the principal shall give the pupil and the parent the **opportunity to present the pupil’s version of the events within 48 hours of the pupil’s removal**.
 - The principal is not authorized to set aside the discipline imposed by the teacher unless the principal finds that the charges against the pupil are not supported by substantial evidence or in violation of law or that the conduct warrants suspension from school. The principal’s decision shall be made by the close of business on the day succeeding the 48-hour period for an informal hearing with the principal.
 - ❖ **Upon suspension** from school, the following procedures are required:
 - The suspending authority shall provide the pupil with **notice of the charged misconduct**. If the pupil denies the misconduct, an **explanation of the basis for suspension** will be provided.
 - Upon request, the **pupil and parent shall be given an opportunity for an informal conference** with the principal, at which time an opportunity will be provided to present the pupil’s version of the event and to ask questions of complaining witnesses.
 - The **notice and opportunity for an informal conference shall take place prior to the suspension** of the pupil unless the pupil’s presence in school poses a continuing threat, in which case the notice and opportunity for an informal hearing shall take place as soon as practicable following the suspension.
- ⇒ The Board of Education shall provide **copies of a summary of the Code of Conduct to all students** at a general assembly held at the beginning of the school year, and shall make **copies of the Code available to persons in parental relation** to students at the beginning of each school year. A plain language **summary of the Code shall be mailed to all persons in a parental relation** to students **before the beginning of each school year**, and made available thereafter upon request.
- ***Character Education*** – The **regents shall ensure** that the course of instruction in **grades K-12 includes a component on civility, citizenship and character education**. The regents shall determine how to incorporate into existing curricula the principles of honesty, tolerance, personal responsibility, respect for others, observances of laws and rules, courtesy, dignity and other positive traits. Full compliance with this provision of the regulation is expected by **July 1, 2001**.
 - ***Fingerprinting*** – **All prospective school district employees and all individuals who apply to the State Education Department for teacher or educator certification** will be fingerprinted for a criminal history background check in order to be cleared for employment at a school or for certification. The law **does not apply to current employees**. This law will also apply if a currently certified individual applies for additional certification. Full compliance with this provision of the regulation is expected by **July 1, 2001**.
 - ⇒ SED will collect two sets of fingerprints and a **\$99 processing fee, effective July 1, 2003**, from each applicant and submit them to DCJS. The fee can be waived for individuals demonstrating financial hardship. Criminal history records, if any, will be sent by DCJS and the FBI to SED for review and consideration of whether any convictions or outstanding arrests justify denial of clearance for employment or certification. **Applicants who are denied clearance will be afforded an opportunity to challenge the determination by SED** and to review and challenge the content of the criminal history record through a record review process afforded by DCJS.
 - ⇒ The conditional appointment and emergency conditional appointment authority granted to school districts is extended from July 1, 2003 to July 1, 2005.
 - ***Child Abuse Reporting and Prohibiting Silent Resignations*** – Applies to teachers, school nurses, guidance counselors, psychologists, social workers, administrators, board members, superintendents and other school personnel required to hold teaching or administrative licenses or certificates. Full compliance with this provision of the regulation is expected by **July 1, 2001**.

⇒ **Child Abuse Reporting**

- ❖ Child abuse in an educational setting is defined as **any of the following acts** committed against a child in an educational setting by a school employee or volunteer:
 - Intentionally or recklessly **inflicting physical injury**, serious physical injury or death.
 - Intentionally or recklessly **engaging in conduct which creates a substantial risk** of such physical injury, serious physical injury or death.
 - **Any child sexual abuse** defined as any conduct prohibited by Article 130 or 263 of the Penal Law.
- ❖ Requires the **immediate reporting of allegations of child abuse** in an educational setting to school authorities, parents and law enforcement, in the following manner:
 - **Mandatory reporters** are teachers, school nurses, guidance counselors, psychologists, social workers, administrators, board members, and other school personnel required to hold a teaching or administrative license or certificate.
 - Mandatory reporter must prepare a **written report** of the allegations and transmit to the school administrator.
 - School administrators who receive such written reports will determine whether there is reasonable suspicion to believe that child abuse has occurred and **notify the child's parents and forward the report to appropriate law enforcement authorities.**
 - **District Attorneys will be required to notify the superintendent** of the filing of an indictment or accusatory instrument, conviction and suspension or termination of a criminal investigation with respect to such reports. **District Attorneys will also be required to notify the Commissioner of Education** of the conviction of a certified individual.
 - Willful failure to make a required report will be a **Class A Misdemeanor.**
 - Individuals who in good faith comply with the reporting requirements will be entitled to **immunity from any civil liability.**

⇒ **Prohibiting Silent Resignations**

- ❖ **Ends the practice of silent resignations** whereby school authorities allow a person to resign rather than disclosing allegations of child abuse by bringing **disciplinary actions through the Education Department or filing a complaint with law enforcement authorities.**
- ❖ If a superintendent permits an employee to resign under these circumstances, it will be a **Class E Felony**, punishable by up to a maximum of 4 years in prison and a civil penalty not to exceed \$20,000.
- ❖ Individuals who in good faith comply with the reporting requirements will be entitled to **immunity from any civil or criminal liability.**

- ***Uniform Violent Incident Reporting***– Requires the Commissioner of Education and DCJS to develop a **statewide system of reporting violent incidents** on school grounds. Full compliance with this provision of the regulation is expected by **July 1, 2001**. Schools will report to the Commissioner on an annual basis, at a minimum, the following data:

- ⇒ **Number and type** of violent incidents.
- ⇒ **Number of suspensions** and other forms of discipline.
- ⇒ **Location** where the incident occurred.
- ⇒ If a weapon was involved, the **type of weapon** used.
- ⇒ **Actions taken**, including whether the incident was reported to law enforcement officials and if disciplinary action was taken against the offenders.
- ⇒ **Any student discipline** or referral action taken against a student and the duration of such action.
- ⇒ **Age and grade** of disciplined pupils.
- ⇒ **Nature of the victim** and the victim's age and grade.

Filing Requirements:

- ⇒ Data to be **reported on an annual (school year) basis** and a **summary** of this information will be included on **school report cards.**

Reporting Requirements:

- ⇒ By **January 1 of each year**, the Commissioner will be required to:
 - ❖ **Report to the Governor and the Legislature** the prevalence of violent incidents on school grounds and the effectiveness of school programs undertaken to reduce violence and assure safety of students and staff.
 - ❖ **Summarize the data** from the violent incident reporting system and identify the schools and school **districts with the least and greatest number of violent incidents** and the least and most improvement since the previous school year.
 - ❖ **Report on the effectiveness of school violence measures** undertaken by school districts, including the school codes and school safety plans required by this law.
- ***Reporting Sentences to Schools*** – Full compliance with this provision of the regulation is expected by **November 1, 2000**. Applies to criminal courts, family courts and Office of Children and Family Services and all public school districts as follows:
 - ⇒ Family and criminal courts must provide **notification of all juvenile delinquency adjudications** of a student that has been placed with the Office of Children and Family Services pursuant to Family Court Act §353.3 and later enrolls in a school, and all criminal convictions and youthful offender adjudications of a student to the **Designated Educational Official** of the district where the student is enrolled.
 - ⇒ A Designated Educational Official is an individual **designated by a school district to receive these notification records** and to coordinate the student's participation in programs which may exist in the school district or community which address school violence prevention and intervention. The information received by the school district from the court system is **confidential and does not enter the student's permanent school record**. This information is only to be used for purposes related to the execution of the student's educational plan.
- ***Whistleblower Protection for Employees Reporting Acts of Violence*** – Compliance with this provision of the regulation is expected by **July 1, 2001** and applies to all school district employees.
 - ⇒ School employees who have **reasonable cause to suspect that a person has committed an act of violence** in or on school property or upon a student, school employee or volunteer either on school grounds or elsewhere, or that a person has brought a weapon, bomb or other dangerous instrument on school grounds, will have **immunity from civil liability** for reporting those suspicions in good faith to school officials, to the Commissioner or to Law Enforcement Officials. Such employees will also be **protected from any retaliatory action** by the school district or other school employees.
- ***Omnibus School Violence Prevention Grant Program*** – Compliance with this provision of the regulation is expected by **July 1, 2001** and provides the mechanism for and establishes standards under which the Commissioner may dispense grants under the Extended School Day/School Violence Prevention Program which is funded in the budget. Eligible programs include:
 - ⇒ Safety corridors programs.
 - ⇒ Diversity programs.
 - ⇒ School safety programs in conjunction with law enforcement agencies or community-based organizations.
 - ⇒ Metal detectors, intercom and other intra-school communication devices to increase school security and safety.
 - ⇒ Other programs, including comprehensive school-based intervention models approved by the Commissioner, which reduce school violence and improve school safety.
 - ⇒ Programs conducted outside the regular school day, such as extracurricular enrichment activities, including athletics, academic enrichment, art, music, drama, academic tutoring, mentoring, community services and related programs to increase student achievement and contribute to school violence prevention.
- ***School Violence Prevention Training*** – Effective date for this provision of the regulation is **November 1, 2000** and applies to all school districts and **applicants for certification** as follows:
 - ⇒ Requires school **violence prevention training in regular conference days**.
 - ⇒ Individuals applying for teacher, teaching assistant, pupil personnel service professional, school administrator or supervisor or superintendent of schools certification on or after **February 2, 2001** will be required to have completed **two hours of course work** or training in school violence prevention and intervention training in their professional development plans.
- ***Interpersonal Violence Prevention Package and Health Curriculum Changes*** – The effective date of this provision of the regulation is **November 1, 2000**, and it applies to the Commissioner of Education and Board of Regents as follows:

- ⇒ The Commissioner will be required to develop **an interpersonal violence prevention package for grades K-12** and to encourage the use of the material in the health and other related curricula. The Board of Regents will be required to review the health curriculum to modify the requirements to ensure that students have sufficient time and instruction to develop, **no later than middle school**, the skills necessary to address and understand issues of violence prevention and mental health.
- ***Expanding Teacher Discipline***– The effective date for this provision of the regulation is **November 1, 2000** and applies to **individuals holding teaching certificates**. It expands the Commissioner’s authority in administrative proceedings brought against individuals holding teaching certificates to include:
 - ⇒ **Suspension of the certificate**
 - ❖ **Wholly, or for a fixed period of time.**
 - ❖ **Partially**, until the teacher successfully completes a course of retraining in the area to which the suspension applies.
 - ❖ **Wholly**, until the teacher successfully completes a course of therapy or treatment.
 - ⇒ **Limitation on the scope of the certificate** through revocation of an extension to teach additional subjects or grades.
 - ⇒ A **fine** not to exceed \$5,000.
 - ⇒ Completion of a course of **continuing education**.
- ***Felony Assault***– The effective date for this provision of the regulation is **November 1, 2000** and applies to **any individual who assaults a school employee on school grounds**, and any non-student who assaults a student on school grounds as follows:
 - ⇒ Such assaults will be a **Class D Felony** rather than the current Class A Misdemeanor, and will carry a sentence of up to **4 years imprisonment**.
- ***Plan for Enrolling Juvenile Delinquents in Educational or Vocational Programs upon Release from Placement in Youth Detention Facility***– The effective date for this provision of the regulation is **July 1, 2001** and applies to **Office of Children and Family Services** youth detention facilities, local social service commissioners and other persons or agencies having custody of youth placed by order of a family court. It changes the time for filing of reports at the conclusion of placement of a youth by the Family Court and expands the scope of the reports as follows:
 - ⇒ The reports will include a **plan for the release or conditional release** of the youth to the custody of his/her parent(s), to independent living or to another alternative. If the youth is within the age for compulsory education, the plan must include the steps taken to **facilitate the enrollment of the youth** in a school or educational program. If the youth is beyond the age of compulsory education and chooses not to pursue an educational program, the plan must include the steps taken to assist the youth to become **gainfully employed or enrolled in a vocational program following release**.
 - ⇒ When the agency is not seeking to extend placement, reports must be filed no later than 30 days prior to the conclusion of placement. When the agency is seeking interest to extend placement, reports must be filed no later than 60 days prior to the date on which the permanency hearing must be held and shall be attached to the petition for a permanency hearing and extension of placement.

SCIENCE LABORATORIES

OSHA Standard - 29 CFR 1910.1450 - *Effective Date - May 1, 1990*
SED Law Section 305, Subdivision 19 - *Effective Date - July 1, 1991*

Employees who work in laboratories are generally exposed to many different chemicals in smaller quantities and for shorter periods of time than workers in general industry. The **Occupational Safety and Health Administration (OSHA)** Standard for **Occupational Exposure to Hazardous Chemicals in Laboratories** was developed to recognize these differences, while still protecting laboratory employees from occupational exposure to hazardous chemicals. The Standard emphasizes the use of work practices and effective worker protection in a **laboratory scale** work environment. Laboratory scale is defined as “work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person.” The **State Education Department (SED)** also has requirements regarding storage of hazardous chemicals in science facilities. **Enforced by New York State Department of Labor (PESH Unit) (516-228-3970).**

COMPLIANCE ISSUES

- Written **Chemical Hygiene Plan (CHP)**, updated annually, available for review.
- Designate a **Chemical Hygiene Officer or Chemical Hygiene Committee**.
- Employee exposures must not exceed **OSHA permissible exposure limits (PEL)**.
- Initial **employee exposure determination**. If exposure is over the action level or PEL, periodic monitoring is necessary.
- **Employee training and information** to ensure that employees are aware of the hazards of chemicals in their work area.
- **Medical consultation and examinations** for employees exposed to chemicals.
- **Hazard identification** via labels and Material Safety Data Sheets (MSDSs).
- **Respirators** provided at no cost when necessary to maintain exposure below PELs.
- **Records** of employee chemical-exposure monitoring and medical consultation or examinations.
- **Inventory** of science chemicals must be prepared annually.
- **Storage** of chemicals for science to be in locked and secure storage rooms and cabinets (properly ventilated and with fire protection). Chemicals must be segregated by compatibility.

TRAINING REQUIREMENTS

- Training must be provided at the time of initial assignment and prior to assignments involving new exposure situations.
- Employees must have access to a copy of the Standard and its appendices.
- Information must be provided on: the contents of the Standard and its appendices; the location, availability, and details of the Chemical Hygiene Plan; the PELs and other recommended exposure limits for hazardous substances; signs and symptoms of exposure; location, and availability of MSDSs and other reference materials.
- Training must include: detection and monitoring of hazardous chemicals; physical and health hazards of chemicals; protection measures such as work practices, engineering controls, emergency procedures, and personal protective equipment.

SECURITY GUARD ACT

NYS General Business Law Articles 7 & 7-A and 19 NYCRR Parts 170-174

Effective Date - January 1, 1994

The **Security Guard Act** seeks to assure public safety and welfare by requiring security guards to meet certain minimum standards. It requires security guards to be registered with the New York State Department of State and to complete a series of training courses.

COMPLIANCE ISSUES

- Responsibility for the Security Guard Act is divided between two agencies: The **New York State Department of State** regulates security guard employers, security guard registration, and program enforcement (**518-474-4429**); and the **New York State Division of Criminal Justice Services** approves security guard schools, training courses, and certification of instructors (**518-457-4135**).
- Application for security guard registration, with photograph, security guard employment status notification, employee statement, course completion certificate, and fingerprint cards must be filed with the Department of State.
- The New York State Department of State will issue **registration cards** for all security guards.
- Private or contracted security guard agencies are responsible for meeting all requirements of the law for their own employees.
- Employers must maintain **records** of employees who are security guards.
- Security guards must complete three training courses conducted by **certified instructors** at **approved training schools** (see “Training Requirements” below). Armed guards must take additional training and have a special armed guard registration card.
- Training providers must issue **certificates of completion** after each training course.
- Training and registration requirements do not apply to non-compensated volunteers, active police officers, and temporary employees hired for discrete events totaling not **more than 15 days annually**.
- A **Security Guard Employment Status Notification Form** must be filed within 15 days following employment, retirement, resignation, or termination of a security guard.
- Security guard registration costs include a **\$36 registration/application fee, fingerprint fees of \$75 for New York State, \$30.25 for the FBI, and a biennial renewal fee of \$25**.
- Satisfactory proof of self-insurance or a Certificate of Insurance showing comprehensive general liability coverage must be filed with the Department of State for a minimum of \$100,000 per occurrence and \$300,000 aggregate.

TRAINING REQUIREMENTS

- The three training courses are as follows: **8-Hour Pre-Assignment Training Course** must be completed in order to register; **16-Hour On-The-Job Training Course** within 90 working days following employment; and **8-Hour Annual In-Service Course** for renewal of security guard registration.

TOBACCO USE

U.S. Title X of Goals 2000: Educate America Act Pro-Children Act of 1994

Effective Date - December 26, 1994

The New York State Pro-Kids Act of 1994

Effective Date - August 25, 1994

New York State Clean Indoor Air Act: Public Health Law; Articles 13E & 13F

Effective Date - January 1, 1990

Exposure to tobacco smoke in public places was first regulated in New York by the **Clean Air Act of 1989**. It prohibited smoking in all classrooms (when used for instruction), elevators, restrooms, medical facilities, and gymnasiums in public and private elementary and secondary schools and other educational or vocational institutions. The **New York State Pro-Kids Act of 1994** amends the Public Health Law and Education Law by further restricting tobacco use. It **prohibits tobacco use in buildings, on school grounds, and in any vehicle used by a school, such as school buses or vans**. It curtails exposure to tobacco use and prohibits out-of-package sales of tobacco products. Smoking by staff members in a **designated smoking area during non-school hours is permitted**. However, school hours include any student activity that is supervised by staff, as well as any other event officially sanctioned by the school, even when students are not present. The Federal **Pro-Children Act of 1994** goes even one step further and **prohibits any tobacco use in any school building at any time**.

COMPLIANCE ISSUES

- Smoking is prohibited within any indoor facility, public or private, where kindergarten, elementary, or secondary education or library services are being provided to children.
- **Smoking is prohibited anywhere on school grounds.**
- Tobacco use is prohibited at any time in all vehicles used for school purposes regardless of whether or not students are on board.
- The use of smokeless tobacco, such as snuff and chewing tobacco, is prohibited on school grounds at all times.
- **“No Smoking” signs** must be prominently posted where smoking is prohibited.
- Employers must adopt and implement a **written policy on smoking**.
- Civil penalties and fines may be imposed for noncompliance.

WATER QUALITY - DRINKING

Federal Safe Drinking Water Act - 40 CFR Parts 141-143

Effective Date - June 6, 1991

Lead Contamination Control Act New York Public Health Law 100-572

10 NYCRR Part 5-1

Effective Date - October 31, 1988

In 1974, the Federal **Safe Drinking Water Act (SDWA)** created a comprehensive national framework designed to ensure the quality and safety of drinking water supplies. Enforcement authority has been assigned to the **Environmental Protection Agency (EPA)**. States may assume primary enforcement authority (**primacy**) for SDWA if they create State drinking water programs at least as stringent as Federal standards. New York has obtained primacy under SDWA. **The New York State Department of Health (518-458-6731) enforces drinking water standards** that meet or exceed Federal standards. SDWA and State Law apply to public water systems providing piped water for human consumption to at least 15 service connections or regularly servicing at least 25 individuals a minimum of 60 days per year. New York defines public water systems as having 5 service connections or providing service to 25 people. EPA's principal function under SDWA has been to develop national **primary drinking water regulations** which cover contaminants that EPA determines could have **adverse health affects** and **secondary drinking water regulations** which address the **aesthetic quality** of water. Primary drinking water regulations set **maximum contaminant levels (MCLs)** for biological and chemical contaminants in drinking water. If it is not feasible to specify an MCL for a particular contaminant, EPA may instead establish an **action level** that allows EPA-designated treatment techniques known to reduce the levels of the contaminant. Secondary drinking water regulations address the aesthetic quality of water for factors that do not affect health such as odor, taste, and appearance. Although MCLs are set for such factors, they are not enforced by EPA or New York State. In 1991, EPA adopted the **Lead and Copper Rule** which established an action level of **0.015 mg/l (15 ppb) for lead and 1.3 mg/l (1.3 ppm) for copper**. Public water suppliers must also assure lead-free distribution plumbing that has **solder with no more than 0.2% lead** and faucets, pipes, and other plumbing material with no more than 8% lead. EPA and New York State are required to disseminate a guidance document and list of unsafe water coolers to educational agencies. EPA identifies brands and models of drinking water coolers that are not lead-free (**interior of water cooler storage tanks cannot contain more than 0.2% lead**).

COMPLIANCE ISSUES

- Schools must repair, replace, permanently remove or render inoperable, **water coolers on the EPA list**.
- EPA recommends but **does not mandate that schools test for lead in drinking water**.
- Testing may only be conducted by **State-certified laboratories** using EPA-approved methods.
- If testing is undertaken, then the results of those tests must be **provided to the school community**.
- Schools should complete a building plumbing profile survey to identify lead pipe or solder and corrosive water.
- Schools with lead levels in excess of the **EPA action level of 20 ppb** should develop a routine **flushing program**.

WORKPLACE SAFETY AND LOSS PREVENTION PROGRAM

New York State Department of Labor - Industrial Code Rule 59 (12 NYCRR 59)

Effective Date - January 8, 1997

The intent of Code Rule 59 is to reduce workplace injuries and lower workers' compensation costs for employers. To accomplish this, employers will be notified by the Compensation Insurance Rating Board to arrange for and undergo a workplace safety and loss prevention consultation and evaluation of all worksites, by a Certified Consultant. The consultation will determine if the employer has an effective safety and loss prevention program and if necessary, remedial action will be recommended. The employer must carry out any necessary remediation within 6 months, or an insurance surcharge will be assessed. This rule is enforced by the Workers' Compensation Unit of the NYS Department of Labor's (DOL) Division of Safety and Health (518)-457-3427. This regulation does not apply to self-insured school districts.

COMPLIANCE ISSUES

- Employers with an annual payroll over \$800,000 and whose workers' compensation experience rating is above 1.2, will be notified in writing by the Compensation Insurance Rating Board that they must have a workplace safety and loss prevention consultation and evaluation of all worksites.
- Arrangements for the consultation must be made within **30 days of notification**.
- **Within 10 days** of making the arrangements, the employer must send, in writing, to their insurer and the NYS DOL the scheduled date of the consultation, the date the consultation must be completed, the name and address of the consultant, the consultant's certification number (if the consultant is not a NYS DOL employee), and copies of Workers' Compensation C-2 forms for the previous four years.
- The consultation must be completed and the consultant's written evaluation received by the employer within **75 days** of the above notification.
- The consultation must include an opening conference, an analysis of the employer's workplace safety and loss prevention program, an on-site hazard survey of the entire workplace, and a closing conference.
- The consultant must either be **employed by the NYS DOL** or must be **certified by the NYS DOL**. The fee for a NYS DOL employee consultant is **\$350/day** plus any additional costs incurred.
- The consultant will make recommendations for instituting and maintaining an effective safety and loss prevention program to identify, evaluate, and control workplace hazards, if the employer does not already have an acceptable written program.
- The employer must send their insurer and the NYS DOL a copy of the consultant's evaluation report **within 30 days of receipt**. A **written statement** detailing any necessary remedial actions must accompany the report.
- All required remediation must be completed **within 6 months** of receiving the consultant's report.
- The insurer must inspect the employer for compliance with the consultant's report, **within 60 days** of the end of the 6 months allowed for remediation. A copy of the inspection report must be sent to the employer and the NYS DOL **within 45 days** after the compliance inspection.
- An **insurance surcharge of 5%** of the employer's manual rate premium will be assessed on the employer for each policy period of non-compliance.
- An employer may appeal an insurer's determination by filing a Notice of Appeal to the NYS DOL and a copy to the insurer **within 30 days** of receiving the insurer's report. The Commissioner of Labor will schedule an inspection within 90 days of receipt of the appeal, to make a final written determination to be sent to the employer and copied to the insurer.



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