

**KANSAS STATE DEPARTMENT OF EDUCATION**

**SCHOOL CONSTRUCTION PROJECT**

**&**

**PLAN SUBMITTAL GUIDE**



**KSDE – SCHOOL PLAN REVIEW ARCHITECT  
2005**

# PREFACE

**E**FFECTIVE JULY 1, 1978 UNDER **KANSAS STATUTE ANNOTATED (K.S.A.) 31-150** THE 1978 KANSAS LEGISLATURE TRANSFERRED THE AUTHORITY FOR REVIEWING AND APPROVING SCHOOL BUILDING CONSTRUCTION PLANS FROM THE STATE **DIVISION OF ARCHITECTURAL SERVICES** (NOW UNDER THE **DIVISION OF FACILITIES MANAGEMENT**) TO THE **STATE BOARD OF EDUCATION**.

**S**INCE JULY 13, 1978, THE **STATE BOARD OF EDUCATION** HAS EMPLOYED AND AUTHORIZED A KANSAS LICENSED ARCHITECT TO BE RESPONSIBLE FOR SCHOOL BUILDING CONSTRUCTION PLAN SUBMITTAL, REVIEW AND APPROVAL. THE **STATE BOARD OF EDUCATION** SCHOOL BUILDING CONSTRUCTION PLAN REVIEW ARCHITECT CAN BE CONTACTED AT:

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**T**HIS GUIDE AND THE INFORMATION PROVIDED WITHIN MAY BE ACCESSED AT **WWW.KSDE.ORG**

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# INTRODUCTION

**T**HE PLAN REVIEW ARCHITECT OF THE **KANSAS STATE DEPARTMENT OF EDUCATION** IS CONSTITUTED TO VERIFY SCHOOL CONSTRUCTION PLAN COMPLIANCE WITH **KANSAS STATUTE ANNOTATED (K.S.A.) 31-150** REGARDING PLAN SUBMITTAL REQUIREMENTS AND SPECIFIED STATE ADOPTED BUILDING CODE PROVISIONS AS WELL AS **K.S.A. 58-1301** REGARDING ACCESSIBILITY STANDARDS.

**A**DDITIONALLY, THE PLAN REVIEW ARCHITECT OFFERS THE FOLLOWING ASSISTANCE AND/OR GUIDANCE TO SCHOOL ADMINISTRATORS, SCHOOL BOARDS, ARCHITECTS, ENGINEERS AND SCHOOL CONSULTANTS REGARDING PROPOSED SCHOOL CONSTRUCTION PLANNING AND DESIGN:

- **REQUIREMENTS OF THE STATUTES SPECIFYING PROFESSIONAL DESIGN SERVICES AND SCHOOL CONSTRUCTION PLAN SUBMITTAL.**
- **SPECIFIC FEATURES OR ACCOMMODATIONS FOR SCHOOLS MANDATED BY STATUTE OR REGULATION.**
- **IDENTIFICATION OF BUILDING CODES AND STANDARDS ADOPTED BY STATUTE.**
- **CONTENT, INTERPRETATION AND APPLICATION OF ADOPTED BUILDING CODES AND STANDARDS.**
- **JURISDICTION AND INVOLVEMENT OF OTHER STATE AGENCIES AND/OR LOCAL BUILDING DEPARTMENTS.**
- **SCHOOL FACILITY ACCESSIBILITY REQUIREMENTS.**

# STATUTES & REGULATIONS

THE FOLLOWING KANSAS STATUTES ANNOTATED (K.S.A.) AND KANSAS ADMINISTRATIVE REGULATIONS (K.A.R.) PERTAIN TO THE REQUIREMENTS FOR THE DESIGN, CONSTRUCTION AND ACCESSIBILITY OF SCHOOL BUILDINGS IN KANSAS. THE APPLICABLE STATUTES AND REGULATIONS ARE PARAPHRASED FOR SIMPLICITY PURPOSES.

## KANSAS STATUTES ANNOTATED CHAPTER 31- FIRE PROTECTION ARTICLE 1- FIRE SAFETY & PREVENTION K.S.A. 31-132

**DEFINITIONS. AS USED IN THIS ACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

(A) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION OR OTHER ASSOCIATION.

(B) "NATIONALLY RECOGNIZED CODE" OR "NATIONALLY RECOGNIZED FIRE PREVENTION CODE" MEANS ANY PUBLISHED COMPILATION OF RULES AND REGULATIONS RELATING TO FIRE PREVENTION WHICH HAVE BEEN PREPARED BY A NATIONALLY RECOGNIZED TECHNICAL TRADE OR SERVICE ASSOCIATION. FOR THE PURPOSES OF THIS ACT, THE FIRE PREVENTION CODES OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) AND STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SHALL CONSTITUTE EXAMPLES OF NATIONALLY RECOGNIZED FIRE PREVENTION CODES.

(C) "MUNICIPALITY" MEANS ANY INCORPORATED CITY, ANY COUNTY OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE.

(D) "NATIONALLY RECOGNIZED BUILDING CODE" MEANS ANY PUBLISHED COMPILATION OF RULES AND REGULATIONS RELATING TO BUILDING CONSTRUCTION WHICH HAVE BEEN PREPARED BY A NATIONALLY RECOGNIZED TECHNICAL TRADE OR SERVICE ASSOCIATION.

## K.S.A. 31-133

**FIRE MARSHAL; POWER AND DUTIES; RULES AND REGULATIONS.**

(A) THE STATE FIRE MARSHAL SHALL ADOPT REASONABLE RULES AND REGULATIONS, CONSISTENT WITH THE PROVISIONS OF THIS ACT, FOR THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE, EXPLOSION AND HAZARDOUS MATERIALS. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

(1) THE CONSTRUCTION, MAINTENANCE AND REGULATION OF EXITS AND FIRE ESCAPES FROM BUILDINGS IN WHICH PEOPLE WORK OR CONGREGATE.

(2) THE INSTALLATION AND MAINTENANCE OF EQUIPMENT INTENDED FOR FIRE CONTROL, DETECTION AND EXTINGUISHMENT IN ALL BUILDINGS IN WHICH PEOPLE WORK OR CONGREGATE.

(3) REQUIRING ADMINISTRATORS OF PUBLIC AND PRIVATE SCHOOLS TO CONDUCT AT LEAST ONE FIRE DRILL EACH MONTH DURING SCHOOL HOURS.

(4) REQUIRING ADMINISTRATORS OF PUBLIC AND PRIVATE SCHOOLS TO ESTABLISH TORNADO PROCEDURES, WHICH PROCEDURES SHALL PROVIDE FOR AT LEAST THREE TORNADO DRILLS TO BE CONDUCTED EACH YEAR DURING SCHOOL HOURS.

(5) OTHER SAFEGUARDS, PROTECTIVE MEASURES OR MEANS ADAPTED TO RENDER INHERENTLY SAFE FROM THE HAZARDS OF FIRE OR THE LOSS OF LIFE BY FIRE ANY BUILDING IN WHICH PEOPLE WORK OR CONGREGATE.

(B) ANY RULES AND REGULATIONS OF THE STATE FIRE MARSHAL ADOPTED PURSUANT TO THIS SECTION MAY INCORPORATE BY REFERENCE SPECIFIC EDITIONS, OR PORTIONS THEREOF, OF NATIONALLY RECOGNIZED FIRE PREVENTION CODES.

(C) THE RULES AND REGULATIONS ADOPTED PURSUANT TO THIS SECTION SHALL ALLOW FACILITIES IN SERVICE PRIOR TO THE EFFECTIVE DATE OF SUCH RULES AND REGULATIONS, AND NOT IN STRICT CONFORMITY THEREWITH, TO CONTINUE IN SERVICE, SO LONG AS SUCH FACILITIES ARE NOT DETERMINED BY THE STATE FIRE MARSHAL TO CONSTITUTE A DISTINCT HAZARD TO LIFE OR PROPERTY.

### K.S.A. 31-134

#### **ADOPTION OF RULES AND REGULATIONS, PROCEDURE; DISTRIBUTION; FEES; REMITTANCE; DESIGNATED AS FIRE PREVENTION CODE; JUDICIAL REVIEW.**

(A) ANY RULES AND REGULATIONS ADOPTED BY THE STATE FIRE MARSHAL UNDER THIS ACT SHALL COMPLY WITH THE PROVISIONS OF K.S.A. 77-415 *ET SEQ.*, AND AMENDMENTS THERETO.

(1) THE STATE FIRE MARSHAL SHALL MAKE AVAILABLE FOR GENERAL DISTRIBUTION UPON REQUEST COPIES OF ANY NATIONALLY RECOGNIZED CODE ADOPTED BY REFERENCE, MARKED SO AS TO INDICATE THE PROVISIONS THEREOF WHICH HAVE BEEN SO ADOPTED.

(2) IN ADDITION TO THE FILING REQUIREMENTS OF K.S.A. 77-416, AND AMENDMENTS THERETO, THE STATE FIRE MARSHAL SHALL PUBLISH ALL SUCH RULES AND REGULATIONS.

(B) THE RULES AND REGULATIONS ADOPTED BY THE STATE FIRE MARSHAL UNDER AUTHORITY OF THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE **KANSAS FIRE PREVENTION CODE**. SUCH RULES AND REGULATIONS SHALL HAVE UNIFORM FORCE AND EFFECT THROUGHOUT THE STATE. NO MUNICIPALITY SHALL ENACT OR ENFORCE ANY ORDINANCE, RESOLUTION OR RULE OR REGULATION INCONSISTENT THEREWITH, EXCEPT THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO IMPAIR THE POWER OF ANY MUNICIPALITY TO REGULATE THE USE OF LAND BY ZONING OR FIRE DISTRICT REGULATIONS. WHENEVER A QUESTION SHALL ARISE AS TO WHETHER ANOTHER STATE STATUTE OR AN ENACTMENT OF A MUNICIPALITY IS INCONSISTENT WITH THE PROVISIONS OF THE FIRE PREVENTION CODE, IT SHALL BE THE DUTY OF THE STATE FIRE MARSHAL TO MAKE SUCH DETERMINATION AFTER A HEARING THEREON WITH ALL INTERESTED PARTIES CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE KANSAS ADMINISTRATIVE PROCEDURE ACT. ANY ACTION OF THE STATE FIRE MARSHAL PURSUANT TO THIS SECTION IS SUBJECT TO REVIEW IN ACCORDANCE WITH THE ACT FOR JUDICIAL REVIEW AND CIVIL ENFORCEMENT OF AGENCY ACTIONS.

**COMPLIANCE WITH CERTAIN BUILDING CODES DEEMED COMPLIANCE WITH FIRE PREVENTION CODE.**

(A) A SCHOOL BUILDING SHALL BE DEEMED TO COMPLY WITH THE KANSAS FIRE PREVENTION CODE IF THE BUILDING CONFORMS TO THE FOLLOWING BUILDING CODE, HAS BEEN ISSUED A CERTIFICATE OF OCCUPANCY AND CONFORMS TO ANY SPECIAL REQUIREMENTS OF THE KANSAS FIRE PREVENTION CODE WHICH ARE NOT COVERED BY SUCH BUILDING CODE:

(1) **2000** EDITION OF THE **INTERNATIONAL BUILDING CODE (IBC)**

(B) THE STATE FIRE MARSHAL SHALL ADOPT RULES AND REGULATIONS SPECIFYING THOSE SUBSEQUENT EDITIONS OF THE CODE ENUMERATED IN SUBSECTION (A) AND THOSE EDITIONS OF OTHER NATIONALLY RECOGNIZED BUILDING CODES WHICH THE STATE FIRE MARSHAL HAS DETERMINED PROVIDE PROTECTION EQUIVALENT TO THAT OF THE KANSAS FIRE PREVENTION CODE.

(C) THIS SECTION SHALL BE PART OF AND SUPPLEMENTAL TO K.S.A. 31-132 TO 31-150, INCLUSIVE, AND K.S.A. 31-150A, AND AMENDMENTS THERETO.

**K.S.A. 31-144**

**SCHOOL BUILDINGS; DEFINITION; INSPECTION; CORRECTION OF VIOLATIONS; CLOSING IN LIEU OF REPAIR; JUDICIAL REVIEW.**

(A) AS USED IN THIS ACT, "SCHOOL BUILDING" MEANS ANY BUILDING OR STRUCTURE OPERATED OR USED FOR ANY PURPOSE BY, OR LOCATED UPON THE LAND OF, ANY SCHOOL DISTRICT OR ANY PRIVATE OR NONPUBLIC SCHOOL, WHETHER OR NOT OPERATED FOR PROFIT. THE TERM SCHOOL BUILDING DOES NOT INCLUDE WITHIN ITS MEANING ANY SINGLE-FAMILY DWELLING OR DUPLEX CONSTRUCTED AS PART OF A VOCATIONAL EDUCATION PROGRAM OR CONSTRUCTION TRADES CLASS IF SUCH SINGLE-FAMILY DWELLING OR DUPLEX IS TO BE SOLD, AFTER ITS CONSTRUCTION, FOR PRIVATE USE.

(B) ALL SCHOOL BUILDINGS SHALL BE INSPECTED AT LEAST ONCE EACH YEAR. IN ALL CITIES OF THE FIRST AND SECOND CLASS IN WHICH THERE IS A FULL-TIME FIRE CHIEF OR FULL-TIME FIRE INSPECTOR, THE INSPECTION OF THE SCHOOL BUILDINGS SHALL BE CONDUCTED BY SUCH CHIEF OR INSPECTOR.

(C) THE STATE FIRE MARSHAL SHALL ORDER THE GOVERNING BODY HAVING CONTROL OF ANY SCHOOL BUILDING OR FACILITY THEREOF TO CORRECT ANY CONDITION IN SUCH BUILDING OR FACILITY WHICH IS IN VIOLATION OF THIS ACT, OR ANY CONDITION WHICH THE STATE FIRE MARSHAL DEEMS DANGEROUS, OR WHICH IN ANY WAY PREVENTS A SPEEDY EXIT FROM SUCH BUILDING. AFTER ANY SUCH ORDER IS RENDERED, SUCH GOVERNING BODY SHALL MAKE THE CHANGES REQUIRED TO COMPLY THERewith. A BOARD OF EDUCATION OF ANY SCHOOL DISTRICT IS HEREBY AUTHORIZED TO MAKE EXPENDITURES FROM ITS GENERAL FUND OR CAPITAL OUTLAY FUND TO COMPLY WITH SUCH ORDER, OR THE BOARD MAY ISSUE NO-FUND WARRANTS IN SUCH AMOUNTS AS ARE NECESSARY TO PAY EXPENSES INCURRED IN COMPLYING WITH SUCH ORDER.

(D) WHENEVER A BOARD OF EDUCATION RECEIVES AN ORDER FROM THE STATE FIRE MARSHAL PURSUANT TO SUBSECTION (C), THE BOARD, IN LIEU OF REPAIRING OR REMODELING THE SCHOOL BUILDING OR FACILITY MAY CLOSE SUCH BUILDING OR

THAT WHICH THE BOARD OF EDUCATION FINDS THE SCHOOL DISTRICT CAN AFFORD, OR THAT THE CHANGES ORDERED ARE UNWARRANTED OR UNNECESSARY, THE BOARD MAY PETITION FOR REVIEW OF SUCH ORDER IN THE DISTRICT COURT OF THE HOME COUNTY OF SUCH SCHOOL DISTRICT.

(E) EXCEPT AS PROVIDED IN SUBSECTION (D), ANY ACTION OF THE STATE FIRE MARSHAL PURSUANT TO THIS SECTION IS SUBJECT TO REVIEW IN ACCORDANCE WITH THE ACT FOR JUDICIAL REVIEW AND CIVIL ENFORCEMENT OF AGENCY ACTIONS.

## **K.S.A. 31-150**

**FIRE SAFETY AND PREVENTION; SCHOOL BUILDINGS; CONSTRUCTION REQUIREMENTS; ACCESSIBILITY TO PERSONS WITH A DISABILITY; BUILDING PLANS, CERTIFICATION AND APPROVAL; EXCEPTIONS; RULES AND REGULATIONS.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE CONSTRUCTION OF SCHOOL BUILDINGS SHALL COMPLY WITH THE REQUIREMENTS OF THE **2000** EDITION OF THE **INTERNATIONAL BUILDING CODE (IBC)** AS PUBLISHED BY THE INTERNATIONAL CODES COUNCIL (ICC). ALL ELECTRIC WIRING SHALL CONFORM TO REQUIREMENTS OF THE 1999 ISSUE OF THE NATIONAL ELECTRIC CODE (NEC) OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA).

(B) THE CONSTRUCTION OF MOBILE, MODULAR, PORTABLE OR RELOCATABLE SCHOOL BUILDINGS SHALL CONFORM TO THE REQUIREMENTS OF THE **2000** EDITION OF THE **LIFE SAFETY CODE** AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA).

(C) THE CONSTRUCTION OF ALL SCHOOL BUILDINGS SHALL CONFORM TO THE PROVISIONS FOR MAKING BUILDINGS AND FACILITIES ACCESSIBLE TO, AND USABLE BY, PERSONS WITH A DISABILITY, AS REQUIRED BY K.S.A. 58-1301 THROUGH 58-1311, AND AMENDMENTS THERETO.

(D) **NO CONTRACT SHALL BE LET FOR THE CONSTRUCTION OF ANY SCHOOL BUILDING, AND IT SHALL BE ILLEGAL TO PAY OUT ANY PUBLIC FUNDS FOR THE CONSTRUCTION OF A SCHOOL BUILDING UNTIL THE PLANS FOR SUCH BUILDING:**

**(1) BEAR THE SEAL PER K.A.R. 66-6-1 OF AN ARCHITECT OR A PROFESSIONAL ENGINEER LICENSED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS CERTIFYING THAT THE PLANS MEET THE APPLICABLE REQUIREMENTS OF THIS ACT; AND**

**(2) BE SUBMITTED TO THE STATE BOARD OF EDUCATION FOR APPROVAL AS TO COMPLIANCE WITH SUCH REQUIREMENTS.**

(E) THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION SHALL NOT APPLY TO ANY BUILDING OR STRUCTURE OPERATED OR USED FOR ANY PURPOSE BY, OR LOCATED UPON THE LAND OF ANY COMMUNITY COLLEGE, AREA VOCATIONAL SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL, TECHNICAL COLLEGE, MUNICIPAL UNIVERSITY, INSTITUTION UNDER THE GOVERNANCE OF THE STATE BOARD OF REGENTS OR OTHER INSTITUTIONS OF POST SECONDARY EDUCATION AS DEFINED BY K.S.A. 74-3249, AND AMENDMENTS THERETO.

(F) THE RELOCATION OF SCHOOL BUILDINGS TO WHICH THE PROVISIONS OF

**(G) THE CONSTRUCTION OR RECONSTRUCTION OF A SCHOOL BUILDING, WHETHER FUNDED BY BONDS OR OTHER MONEYS, IN A SCHOOL DISTRICT WHERE GENERAL OBLIGATION BONDS WERE AUTHORIZED TO BE ISSUED BY A VOTE OF THE ELECTORS IN AN ELECTION HELD ON OR BEFORE JULY 1, 2000, SHALL BE GOVERNED BY THE PROVISIONS OF THIS SECTION THAT WERE IN EFFECT ON JANUARY 1, 2004. THE PROVISIONS OF THIS SUBSECTION SHALL EXPIRE ON JULY 1, 2006.**

(H) THE STATE FIRE MARSHAL SHALL ADOPT RULES AND REGULATIONS SPECIFYING THOSE SUBSEQUENT EDITIONS OF THE CODES ENUMERATED IN SUBSECTIONS (A) AND (B) WHICH THE STATE FIRE MARSHAL HAS DETERMINED PROVIDE PROTECTION EQUIVALENT TO THOSE EDITIONS SPECIFIED HEREIN. COMPLIANCE WITH ANY SUBSEQUENT EDITION SPECIFIED BY SUCH RULES AND REGULATIONS SHALL BE CONSIDERED COMPLIANCE WITH THE EDITION OF THE CODE SPECIFIED BY THIS SECTION.

### **K.S.A. 31-150A**

#### **VIOLATIONS OF FIRE PREVENTION CODE; CRIMINAL PENALTY; INJUNCTION.**

(A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ACT OR THE ACT OF WHICH THIS ACT IS AMENDATORY, OR WHO VIOLATES ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, OR WHO VIOLATES ANY LAWFUL ORDER ISSUED BY THE STATE FIRE MARSHAL OR BY ANY OF THE PERSONS DESIGNATED IN K.S.A. 31-137 AND AMENDMENTS THERETO, SHALL BE GUILTY OF A CLASS B MISDEMEANOR, AND EACH DAY THAT THE OFFENSE CONTINUES AFTER RECEIPT OF WRITTEN NOTICE THEREOF ISSUED BY THE STATE FIRE MARSHAL, OR BY ANY OTHER PERSON DESIGNATED IN K.S.A. 31-137 AND AMENDMENTS THERETO, SHALL CONSTITUTE A SEPARATE VIOLATION.

(B) AT THE REQUEST OF THE STATE FIRE MARSHAL OR ANY OTHER PERSON DESIGNATED IN K.S.A. 31-137 AND AMENDMENTS THERETO, THE ATTORNEY GENERAL OR THE PROPER DISTRICT OR COUNTY ATTORNEY MAY OBTAIN AN INJUNCTION TO RESTRAIN ANY VIOLATION DESIGNATED IN SUBSECTION (A), WHERE SUCH VIOLATION IS A CONTINUING OFFENSE OR WHERE IT CONSTITUTES AN IMMEDIATE HAZARD TO LIFE OR PROPERTY.

## **CHAPTER 58 - PERSONAL & REAL PROPERTY**

### **ARTICLE 13 - PUBLIC BUILDINGS**

#### **K.S.A. 58-1301**

##### **ACCESSIBILITY STANDARDS FOR PUBLIC BUILDINGS OR FACILITIES.**

(A) EXCEPT AS PROVIDED IN K.S.A. 58-1307, AND AMENDMENTS THERETO, ALL EXISTING FACILITIES, AND THE DESIGN AND CONSTRUCTION OF ALL NEW, ADDITIONS TO AND ALTERATIONS OF, FACILITIES IN THIS STATE SHALL CONFORM TO TITLE II OR TITLE III OF 28 CFR PART 35 AND/OR 36 OF THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990 AS APPROPRIATE. THE DESIGN AND CONSTRUCTION OF NEW, ADDITION TO OR ALTERATION OF, ANY FACILITY WHICH RECEIVES A BUILDING PERMIT OR PERMIT EXTENSION AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE GOVERNED BY THE PROVISIONS OF THIS ACT.

#### **K.S.A. 58-1303**

(A) THIS ACT IS INTENDED TO PROHIBIT DISCRIMINATION ON THE BASIS OF DISABILITY BY TITLE II AND TITLE III ENTITIES. ALL FACILITIES COVERED BY THIS ACT ARE TO BE DESIGNED, CONSTRUCTED AND ALTERED TO BE READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH A DISABILITY.

### **K.S.A. 58-1304**

**ACCESSIBILITY STANDARDS FOR PUBLIC BUILDINGS OR FACILITIES; ENFORCEMENT OF ACT.**

(A) THE RESPONSIBILITY FOR ENFORCEMENT OF THIS ACT SHALL BE AS FOLLOWS:

(1) FOR ALL EXISTING TITLE II SCHOOL FACILITIES, AND THE DESIGN AND CONSTRUCTION OF ALL NEW, ADDITIONS TO AND ALTERATIONS OF TITLE II SCHOOL FACILITIES, THE STATE BOARD OF EDUCATION, BY PLAN APPROVAL AS REQUIRED BY K.S.A. 31-150, AND AMENDMENTS THERETO.

### **K.S.A. 58-1306**

**DISPLAY OF INTERNATIONAL SYMBOL.**

(A) THE INTERNATIONAL SYMBOL OF ACCESS TO INDIVIDUALS WITH A DISABILITY SHALL BE PERMANENTLY DISPLAYED AT THE ENTRANCE OF ALL FACILITIES THAT ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED PURSUANT TO THIS ACT.

### **K.S.A. 58-1307**

**HISTORIC FACILITIES; DUTIES OF STATE HISTORIC PRESERVATION OFFICER; REVIEW OF STATE ACTION.**

(A) ANY GOVERNMENTAL ENTITY UNDERTAKING AN ADDITION TO OR ALTERATION OF A QUALIFIED HISTORIC FACILITY, AS DEFINED IN SECTION 504(C) OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) AS REQUIRED BY TITLE II, SHALL FOLLOW 28 CFR PART 35.150(B)(2) AND 35.150(D).

(B) ANY PERSON UNDERTAKING AN ADDITION TO OR ALTERATION OF A QUALIFIED HISTORIC FACILITY, AS DEFINED IN SECTION 504(C) OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) AS REQUIRED BY TITLE III, SHALL FOLLOW 28 CFR PART 36.405.

(C) ANY CONSULTATION FOR ALTERNATIVE METHODS OF ACCESS WITH THE STATE HISTORIC PRESERVATION OFFICER REQUIRED BY 28 CFR PART 35.150(B)(2) OR 35.150(D) OR 28 CFR PART 36.405 SHALL INCLUDE DESCRIPTIONS OF ALTERNATIVE METHODS OF PROVIDING ACCESS, ONE COPY OF THE FACILITY PLANS, WITH DIMENSIONS, FOR THE APPLICABLE AREAS OF THE ADDITION OR ALTERATION, AND PHOTOGRAPHS OF THE EXISTING CONDITIONS.

(D) ANY ACTION BY A STATE OFFICER OR AGENCY PURSUANT TO THIS SECTION IS SUBJECT TO REVIEW IN ACCORDANCE WITH THE ACT FOR JUDICIAL REVIEW AND CIVIL ENFORCEMENT OF AGENCY ACTIONS. ANY ACTION PURSUANT TO THIS SECTION BY ANY OTHER PERSON OR ENTITY IS SUBJECT TO REVIEW BY THE DISTRICT COURT OF THE COUNTY WHERE THE FACILITY IS LOCATED.

### **K.S.A. 58-1308**

**INJUNCTION TO RESTRAIN VIOLATION OF STANDARDS.**

(A) THE ATTORNEY GENERAL, THE CITY, COUNTY OR DISTRICT ATTORNEY OR ANY PERSON, AGENCY OR GOVERNMENTAL ENTITY RESPONSIBLE FOR THE ENFORCEMENT OF THIS ACT MAY APPLY TO THE DISTRICT COURT FOR A TEMPORARY OR PERMANENT INJUNCTION RESTRAINING ANY INDIVIDUAL, CORPORATION OR PARTNERSHIP FROM VIOLATING THE STANDARDS ESTABLISHED BY THIS ACT. SUCH COURT SHALL HAVE JURISDICTION UPON HEARING AND FOR CAUSE SHOWN TO GRANT SUCH INJUNCTION. SUCH COURT MAY REQUIRE THE ALTERATION OF ANY FACILITY BY MANDATORY INJUNCTION TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ACT.

## **K.S.A. 58-1309**

### **VIOLATION OF INJUNCTION; CIVIL PENALTY.**

(A) AN AGGRIEVED INDIVIDUAL WITH A DISABILITY SHALL NOT BE A REQUIRED PARTY IN ACTIONS BROUGHT BY THE ATTORNEY GENERAL OR A CITY, COUNTY OR DISTRICT ATTORNEY PURSUANT TO THIS SECTION.

(B) ANY WILLFUL VIOLATION OF THE TERMS OF ANY INJUNCTION OR COURT ORDER ISSUED PURSUANT TO THIS ACT SHALL RENDER THE VIOLATOR LIABLE FOR THE PAYMENT OF A CIVIL PENALTY IN SUCH AMOUNT AS THE COURT SHALL DETERMINE TO BE NECESSARY AND PROPER.

(C) ANY PERSON, AGENCY OR GOVERNMENTAL ENTITY RESPONSIBLE FOR THE ENFORCEMENT OF THIS ACT MAY REFER EVIDENCE CONCERNING VIOLATION OF THE STANDARDS ESTABLISHED PURSUANT TO THIS ACT TO THE ATTORNEY GENERAL OR THE PROPER CITY, COUNTY OR DISTRICT ATTORNEY, WHO MAY INSTITUTE, WITH OR WITHOUT SUCH A REFERENCE, PROCEEDINGS UNDER THIS SECTION.

## **CHAPTER 60 - PROCEDURE, CIVIL ARTICLE 11 - LIENS FOR LABOR & MATERIAL K.S.A. 60-1111**

### **PUBLIC WORKS BOND.**

(A) BOND BY CONTRACTOR. EXCEPT AS PROVIDED IN THIS SECTION, WHENEVER ANY PUBLIC OFFICIAL, UNDER THE LAWS OF THE STATE, ENTERS INTO CONTRACT IN ANY SUM EXCEEDING \$100,000 WITH ANY PERSON OR PERSONS FOR THE PURPOSE OF MAKING ANY PUBLIC IMPROVEMENTS, OR CONSTRUCTING ANY PUBLIC BUILDING OR MAKING REPAIRS ON THE SAME, SUCH OFFICER SHALL TAKE, FROM THE PARTY CONTRACTED WITH, A BOND TO THE STATE OF KANSAS WITH GOOD AND SUFFICIENT SURETIES IN A SUM NOT LESS THAN THE SUM TOTAL IN THE CONTRACT, CONDITIONED THAT SUCH CONTRACTOR OR THE SUBCONTRACTOR OF SUCH CONTRACTOR SHALL PAY ALL INDEBTEDNESS INCURRED FOR LABOR FURNISHED, MATERIALS, EQUIPMENT OR SUPPLIES, USED OR CONSUMED IN CONNECTION WITH OR IN OR ABOUT THE CONSTRUCTION OF SUCH PUBLIC BUILDING OR IN MAKING SUCH PUBLIC IMPROVEMENTS. A CONTRACT WHICH REQUIRES A CONTRACTOR OR SUBCONTRACTOR TO OBTAIN A PAYMENT BOND OR ANY OTHER BOND SHALL NOT REQUIRE THAT SUCH BOND BE OBTAINED FROM A SPECIFIC SURETY, AGENT, BROKER OR PRODUCER. A PUBLIC OFFICIAL ENTERING INTO A CONTRACT WHICH REQUIRES A CONTRACTOR OR

SUBCONTRACTOR TO OBTAIN A PAYMENT BOND OR ANY OTHER BOND SHALL NOT REQUIRE THAT SUCH BOND BE OBTAINED FROM A SPECIFIC SURETY, AGENT, BROKER OR PRODUCER.

(B) FILING AND LIMITATIONS. THE BOND REQUIRED UNDER SUBSECTION (A) SHALL BE FILED WITH THE CLERK OF THE DISTRICT COURT OF THE COUNTY IN WHICH SUCH PUBLIC IMPROVEMENT IS TO BE MADE. WHEN SUCH BOND IS FILED, NO LIEN SHALL ATTACH UNDER THIS ARTICLE. ANY LIENS WHICH HAVE BEEN FILED PRIOR TO THE FILING OF SUCH BOND SHALL BE DISCHARGED. ANY PERSON TO WHOM THERE IS DUE ANY SUM FOR LABOR OR MATERIAL FURNISHED, AS STATED IN SUBSECTION (A), OR SUCH PERSON'S ASSIGNS, MAY BRING AN ACTION ON SUCH BOND FOR THE RECOVERY OF SUCH INDEBTEDNESS BUT NO ACTION SHALL BE BROUGHT ON SUCH BOND AFTER SIX MONTHS FROM THE COMPLETION OF SUCH PUBLIC IMPROVEMENTS OR PUBLIC BUILDINGS.

**CHAPTER 72 - SCHOOLS**  
**ARTICLE 67 - SCHOOL UNIFICATION ACTS**  
**K.S.A. 72 - 6760**

**SCHOOL DISTRICT EXPENDITURES OVER \$20,000; REQUIREMENTS RELATING TO BIDS AND BIDDERS; EXEMPTIONS.**

(A) EXCEPT AS PROVIDED BY THIS SECTION AND K.S.A. 72-6760B, NO EXPENDITURE INVOLVING AN AMOUNT GREATER THAN \$20,000 FOR CONSTRUCTION, RECONSTRUCTION OR REMODELING OR FOR THE PURCHASE OF MATERIALS, GOODS OR WARES SHALL BE MADE BY THE BOARD OF EDUCATION OF ANY UNIFIED SCHOOL DISTRICT EXCEPT UPON SEALED PROPOSALS, AND TO THE LOWEST RESPONSIBLE BIDDER.

(B) THE PROVISIONS OF SUBSECTION (A) DO NOT APPLY TO EXPENDITURES BY A BOARD OF EDUCATION FOR THE PURCHASE OF:

- (1) SERVICES;
- (2) PRODUCTS REQUIRED TO BE PURCHASED UNDER THE PROVISIONS OF K.S.A. 75-3317 THROUGH 75-3322, AND AMENDMENTS THERETO;
- (3) EDUCATIONAL MATERIALS DIRECTLY RELATED TO CURRICULUM AND SECURED BY COPYRIGHT;
- (4) MOTOR FUELS REQUIRED TO PROVIDE OR FURNISH TRANSPORTATION;
- (5) FOOD AND FOODSTUFFS NECESSARY FOR THE IMPLEMENTATION OR OPERATION OF ANY CHILD NUTRITION PROGRAM;
- (6) ARTICLES OR PRODUCTS THAT ARE PRODUCED, MANUFACTURED OR PROVIDED BY INMATES UNDER THE PRISON-MADE GOODS ACT OF KANSAS;
- (7) NATURAL GAS THAT WILL BE CONSUMED IN BUILDINGS OWNED OR OPERATED BY THE SCHOOL DISTRICT;
- (8) MATERIALS, GOODS OR WARES REQUIRED FOR RECONSTRUCTING, REMODELING, REPAIRING OR EQUIPPING BUILDINGS WHEN SUCH PURCHASE HAS BEEN NECESSITATED BY THE OCCURRENCE OF A LOSS AGAINST WHICH THE BOARD OF EDUCATION HAS PURCHASED PROPERTY OR CASUALTY INSURANCE; AND
- (9) MATERIALS, GOODS OR WARES WHICH ARE PURCHASED UNDER THE SAME PRICING PROVISIONS ESTABLISHED IN FEDERAL, NATIONAL OR OTHER STATE CONTRACTS FACILITATED BY A FEDERAL OR LOCAL GOVERNMENTAL ENTITY OR

AGENCY, SUBJECT TO: (I) AGREEMENT OF THE VENDOR TO HONOR THE CONTRACT PRICES; AND (II) APPROVAL BY THE BOARD OF EDUCATION FOR EXPENDITURES IN AN AMOUNT GRATER THAN \$20,000.

(C) WHENEVER THE BOARD OF EDUCATION OF ANY UNIFIED SCHOOL DISTRICT LETS BIDS FOR THE PURCHASE OF MATERIALS, GOODS OR WARES AND BIDS ARE SUBMITTED BY BIDDERS DOMICILED WITHIN THE UNIFIED SCHOOL DISTRICT AND BY BIDDERS DOMICILED OUTSIDE THE UNIFIED SCHOOL DISTRICT AND THE LOW BID IS SUBMITTED BY A BIDDER DOMICILED OUTSIDE THE UNIFIED SCHOOL DISTRICT, THE UNIFIED SCHOOL DISTRICT DOMICILIARY WHICH SUBMITTED THE LOWEST BID MAY BE DEEMED THE PREFERRED BIDDER AND AWARDED THE BID IF:

(1) THE QUALITY, SUITABILITY AND USABILITY OF THE MATERIALS, GOODS OR WARES ARE EQUAL;

(2) THE AMOUNT OF THE BID OF THE UNIFIED SCHOOL DISTRICT DOMICILIARY IS NOT MORE THAN 1% GREATER THAN THE AMOUNT OF THE LOW BID; AND

(3) THE UNIFIED SCHOOL DISTRICT DOMICILIARY AGREES TO MEET THE LOW BID BY FILING A WRITTEN AGREEMENT TO THAT EFFECT WITHIN 72 HOURS AFTER RECEIVING NOTIFICATION OF BEING DEEMED THE PREFERRED BIDDER.

(D) THE PROVISIONS OF SUBSECTION (C) DO NOT APPLY TO EXPENDITURES FOR CONSTRUCTION, RECONSTRUCTION OR REMODELING.

**ARTICLE 82 - ORGANIZATION, POWERS & FINANCES OF BOARDS OF  
EDUCATION  
K.S.A. 72 - 8213B**

**SCHOOL BUILDINGS, CLOSING; PROCEDURE.**

(A) AS USED IN THIS SECTION, "SCHOOL BUILDING" MEANS ANY BUILDING OR STRUCTURE OPERATED OR MAINTAINED BY THE BOARD OF EDUCATION OF A UNIFIED SCHOOL DISTRICT.

(B) THE BOARD OF EDUCATION OF ANY UNIFIED SCHOOL DISTRICT, BY ADOPTION OF A RESOLUTION, MAY CLOSE ANY SCHOOL BUILDING AT ANY TIME THE BOARD DETERMINES THAT THE BUILDING SHOULD BE CLOSED TO IMPROVE THE SCHOOL SYSTEM OF THE UNIFIED SCHOOL DISTRICT. THE BOARD OF EDUCATION MAY CLOSE MORE THAN ONE SCHOOL BUILDING IN ONE RESOLUTION. A RESOLUTION ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE A MAJORITY VOTE OF THE MEMBERS OF THE BOARD OF EDUCATION AND SHALL REQUIRE NO OTHER APPROVAL.

(C) PRIOR TO ADOPTING A RESOLUTION CLOSING ANY SCHOOL BUILDING, THE BOARD OF EDUCATION SHALL CALL AND HOLD A HEARING ON THE PROPOSAL. THE NOTICE OF SUCH HEARING SHALL INCLUDE THE REASONS FOR THE PROPOSED CLOSING, THE NAME OF ANY AFFECTED BUILDING AND THE NAME OF ANY SCHOOL BUILDING TO WHICH THE INVOLVED PUPILS SHALL BE REASSIGNED. THE BOARD SHALL HEAR TESTIMONY AS TO THE ADVISABILITY OF THE PROPOSED CLOSING, AND A REPRESENTATIVE OF THE BOARD SHALL PRESENT THE BOARD'S PROPOSAL FOR SUCH CLOSING. FOLLOWING THE PUBLIC HEARING, OR ANY CONTINUATION OF SUCH HEARING, AND AFTER CONSIDERING ALL OF THE TESTIMONY AND EVIDENCE PRESENTED OR SUBMITTED AT THE PUBLIC HEARING, THE BOARD SHALL DETERMINE WHETHER THE SCHOOL BUILDING SHOULD BE CLOSED TO IMPROVE THE SCHOOL SYSTEM OF THE UNIFIED SCHOOL DISTRICT.

## K.A.R. 22 - 1 - 3

### ADOPTED NATIONAL CODES.

THE FOLLOWING NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) PAMPHLETS ARE ADOPTED BY REFERENCE.

(1) PORTABLE FIRE EXTINGUISHERS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 10, INCLUDING APPENDICES A, B, C, D, E, F, AND G, 1990 EDITION.

(2) INSTALLATION OF SPRINKLER SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 13, INCLUDING APPENDICES A AND C, 1991 EDITION.

(3) INSTALLATION OF STANDPIPE AND HOSE SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 14, INCLUDING APPENDICES A, B, C, 1990 EDITION.

(4) DRY CHEMICAL EXTINGUISHING SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 17, CHAPTERS 1, 2, 3, 6, AND 7 INCLUDING APPENDICES A AND EXCLUDING SECTIONS 2-11.2, 6-4, 6-5, AND 6-6, 1990 EDITION.

(5) WET CHEMICAL EXTINGUISHING SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 17A, CHAPTERS 1 THROUGH 4, AND APPENDICES A AND B, EXCLUDING SECTIONS 3-1 AND 3-2 AND SECTION A-1-4 OF APPENDIX A, 1990 EDITION.

(6) WATER-BASED FIRE PROTECTION SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 25, INCLUDING APPENDICES A, B, AND C, 1992 EDITION.

(7) SIGNALING SYSTEMS FOR CENTRAL STATION SERVICE. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 71, INCLUDING APPENDICES A AND B, 1989 EDITION.

(8) INSTALLATION, MAINTENANCE AND USE OF PROTECTIVE SIGNALING SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 72, INCLUDING APPENDICES A, B, AND C, 1990 EDITION.

(9) AUTOMATIC FIRE DETECTORS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 72E, INCLUDING APPENDICES A, B, C, AND D, 1990 EDITION.

(10) TESTING PROCEDURES FOR SIGNALING SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 72H, 1988 EDITION.

(11) VAPOR REMOVAL FROM COOKING EQUIPMENT. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 96, INCLUDING APPENDIX A, 1991 EDITION.

(12) LIFE SAFETY CODE. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 101, INCLUDING APPENDICES A AND B, EXCEPT CHAPTER 21, SECTIONS 10-7.1.1.1 AND 11-7.1.1.1 AND THE FIRST SENTENCE OF SECTION 11-8.1.1.1 AND 11-9.1.1.1, 1991 EDITION.

(13) ALTERNATIVE APPROACHES TO LIFE SAFETY. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 101M, 1992 EDITION.

(14) EMERGENCY AND STANDBY POWER SYSTEMS. NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET NO. 110, INCLUDING APPENDICES A, B, AND C, 1988 EDITION.

“CODE FOOTPRINT” SHALL MEAN A BUILDING AND LIFE SAFETY CODE COMPLIANCE DOCUMENT THAT CONTAINS BOTH GRAPHIC AND NARRATIVE INFORMATION AND THAT MEETS THE REQUIREMENTS OF THIS REGULATION. EACH CODE FOOTPRINT SHALL BE SUBMITTED IN THE FOLLOWING FORMAT:

(A) A FULL-SIZED DRAWING CONSISTING OF A COMPLETE FLOOR PLAN, INCLUDING EXISTING FACILITIES AND NEW CONSTRUCTION, FOR EACH FLOOR, INCLUDING BASEMENTS AND MEZZANINES.

(B) AN 11 INCH BY 17 INCH REDUCTION OF THE FULL-SIZED DRAWING, SEALED BY A KANSAS LICENSED DESIGN PROFESSIONAL AS REQUIRED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS – PROFESSIONAL PRACTICE K.A.R. 66-6-1.

(C) A CODE FOOTPRINT SHALL BE PREPARED FOR ALL NEW BUILDINGS, NEW BUILDING ADDITIONS, CHANGE IN OCCUPANCY, OR BUILDING RENOVATIONS. A CODE FOOTPRINT SHALL BE PREPARED AND SEALED BY A KANSAS LICENSED DESIGN PROFESSIONAL AS NOTED IN SUBSECTION (B) OF THIS SECTION. UPON REQUEST, A CODE FOOTPRINT SHALL BE PROVIDED TO THE FIRE OR BUILDING OFFICIAL IN THE MUNICIPALITY WHERE THE WORK IS OCCURRING.

(D) A CODE FOOTPRINT SHALL BE SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION (ACTING ON BEHALF OF THE STATE FIRE MARSHAL) FOR REVIEW AND APPROVAL FOR ANY GROUP “E” EDUCATIONAL OCCUPANCY NEW CONSTRUCTION, ADDITION, RENOVATION OR CHANGE OF OCCUPANCY.

**R**EFER TO PAGE **17** FOR MORE DETAILED CODE FOOTPRINT INFORMATION AND REQUIREMENTS OR LOG ON TO THE KANSAS STATE FIRE MARSHAL WEB SITE AT:

[WWW.ACCESSKANSAS.ORG/FIREMARSHAL](http://WWW.ACCESSKANSAS.ORG/FIREMARSHAL)

# ATTORNEY GENERAL OPINIONS

THE FOLLOWING KANSAS STATE ATTORNEY GENERAL OPINIONS HAVE BEEN ISSUED PROVIDING CLARIFICATION OF STATUTES AND REGULATIONS PARAPHRASED IN THIS GUIDE PERTAINING TO THE REQUIREMENTS FOR THE DESIGN, CONSTRUCTION AND ACCESSIBILITY OF SCHOOL BUILDINGS IN KANSAS.

## OPINION 75 - 249

### **SCHOOLS - CONSTRUCTION - "FAST TRACKING" METHOD.**

SYNOPSIS: THE "FAST TRACK" METHOD OF DESIGN AND CONSTRUCTION IS NOT PRESENTLY AVAILABLE IN THE ERECTION OF SCHOOL BUILDINGS AS PRESCRIBED BY K.S.A. 31-150(A). ISSUED JUNE 17, 1975.

## OPINION 79 - 28

### **SCHOOLS - COUNTIES AND COUNTY OFFICERS - PLANNING AND ZONING.**

SYNOPSIS: THERE IS NO STATUTORY EXPRESSION OF LEGISLATIVE INTENT THAT LOCAL BOARDS OF EDUCATION ARE IMMUNE FROM ZONING REGULATIONS PROMULGATED BY COUNTY ZONING AUTHORITIES. ISSUED MARCH 12, 1979.

## OPINION 80 - 14

### **SCHOOLS - COMPLIANCE WITH MUNICIPAL ZONING & BUILDING CODE REQUIREMENTS.**

SYNOPSIS: UNDER A MUNICIPAL CODE A BUILDING PERMIT MAY BE ISSUED ONLY AFTER ALL ZONING REQUIREMENTS AND BUILDING CODE SPECIFICATIONS HAVE BEEN COMPLIED WITH. AS A SCHOOL DISTRICT IS REQUIRED TO FOLLOW THE BUILDING CODES SPECIFIED BY K.S.A. 31-150, THE POWER OF A CITY IN THIS RESPECT HAS BEEN PREEMPTED. OPINION No. 79-28 IS REAFFIRMED. ISSUED JANUARY 16, 1980.

## OPINION 86 - 81

### **SCHOOLS - FIRE PROTECTION - FIRE SAFETY AND PREVENTION.**

SYNOPSIS: A CITY MAY NOT CONDITION THE GRANT OF A BUILDING PERMIT TO A SCHOOL UPON COMPLIANCE WITH ITS BUILDING CODE, AS THEY HAVE BEEN PREEMPTED BY K.S.A. 31-150. OPINION No. 80-14 IS REAFFIRMED. ISSUED MAY 30, 1986.

## OPINION 87 - 9

### **SCHOOLS - FIRE PROTECTION - FIRE SAFETY AND PREVENTION.**

SYNOPSIS: WHILE A CITY MAY NOT CONDITION THE GRANT OF A BUILDING PERMIT TO A SCHOOL UPON COMPLIANCE WITH ITS BUILDING CODES, IT MAY REQUIRE A SCHOOL DISTRICT TO OBTAIN A BUILDING PERMIT AND TO COMPLY WITH CITY INSPECTION REQUIREMENTS. THE PERMIT AND INSPECTION REQUIREMENTS MAY BE IMPOSED ONLY TO ENFORCE COMPLIANCE WITH BUILDING CODES PRESCRIBED BY K.S.A. 31-150. ISSUED JANUARY 16, 1987.

# CODES & STANDARDS

**S**CHOOL BUILDINGS, BOTH PUBLIC AND PRIVATE, AS DEFINED BY K.S.A. 31-144 WHICH ARE CONSTRUCTED, RECONSTRUCTED OR RENOVATED ON OR AFTER **JANUARY 1, 2005** SHALL COMPLY WITH THE FOLLOWING CODES:

- 2000 INTERNATIONAL BUILDING CODE (ICC)
- \* 2000 INTERNATIONAL MECHANICAL CODE (ICC)
- \* 2000 INTERNATIONAL PLUMBING CODE (ICC)
- \* 1999 NATIONAL ELECTRICAL CODE (NFPA)
- 1990 AMERICANS WITH DISABILITIES ACT (ADA)
  
- \* 2000 UNIFORM MECHANICAL CODE (IAPMO)
- \* 2000 UNIFORM PLUMBING CODE (IAPMO)
- \* 2000 ELECTRICAL CODE (ICC)
  
- \* COMPLY WITH LOCAL MUNICIPALITY ADOPTED CODE(S).

**C**OMPLIANCE TO A SUBSEQUENT EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) WILL BE PERMITTED BY THE KANSAS STATE FIRE MARSHAL PROVIDED SUCH IS PROPERLY DOCUMENTED ON THE FINAL APPROVED "SEALED" CODE FOOTPRINT WITH THE STATEMENT – "PER 2000 INTERNATIONAL BUILDING CODE (IBC) SECTION 104.11 THE KANSAS STATE FIRE MARSHAL ACCEPTS APPLICATION OF THE 2003 IBC TO THIS PROJECT AS PROVIDING EQUIVALENT LEVEL OF MINIMUM LIFE SAFETY AS REQUIRED BY THE KANSAS FIRE PREVENTION CODE."

**R**ELOCATABLE/PORTABLE (TEMPORARY) CLASSROOM "UNITS" SHALL COMPLY WITH THE FOLLOWING CODES:

- 2000 NATIONAL FIRE PROTECTION ASSOCIATION  
(NFPA) 101 – LIFE SAFETY CODE
- 1990 AMERICANS WITH DISABILITIES ACT (ADA)

# PLAN SUBMITTAL REQUIREMENTS

PROJECTS REQUIRING PLAN SUBMITTAL PER K.S.A. 31-150(D) INCLUDE:

- \* NEW BUILDINGS
- \* ADDITIONS
- \* ALTERATIONS/RENOVATIONS/REMODEL  
(25% OR MORE OF THE CURRENT REPLACEMENT COST OF THE BUILDING)
- \* CHANGES IN USE

ANY PROJECT, REGARDLESS OF SIZE, AFFECTING BUILDING:

- \* EXITING
- \* FIRE - RESISTIVE QUALITIES
- \* ACCESSIBILITY

## PRELIMINARY PLAN SUBMITTAL

**A** PRELIMINARY AND/OR DESIGN DEVELOPMENT **CODE FOOTPRINT** FOR NEW BUILDINGS, ADDITIONS, CHANGE OF USE OR RENOVATION/REMODEL PROJECTS SHALL BE SUBMITTED FOR REVIEW AND VERIFICATION OF COMPLIANCE TO CRUCIAL FIRE AND LIFE SAFETY CODE PROVISIONS. REFER TO PAGE **17** FOR DETAILED CODE FOOTPRINT INFORMATION AND REQUIREMENTS.

**A**DDITIONS AND/OR RENOVATION/REMODEL PROJECTS THAT EFFECT EXITING FROM AN EXISTING SCHOOL BUILDING SHALL INCLUDE A PLAN DELINEATING **“TEMPORARY EXITING”** DURING CONSTRUCTION/RENOVATION AND BE SUBMITTED DIRECTLY TO THE STATE FIRE MARSHAL FOR REVIEW AND ACCEPTANCE.

**S**UBSEQUENT PRELIMINARY CODE FOOTPRINT SUBMITTALS ARE NOT REQUIRED BUT RECOMMENDED BASED ON THE NUMBER OF CRUCIAL FIRE AND LIFE SAFETY CODE PROVISIONS REQUIRING REVIEW AND/OR REVISION.

# FINAL PLAN SUBMITTAL

ONE (1) COMPLETE SET OF “SEALED” (KANSAS LICENSED ARCHITECT AND/OR ENGINEER’S STAMP AND SIGNATURE PER K.A.R. 66-6-1) CONSTRUCTION DOCUMENTS, SPECIFICATIONS, SCHEDULES, ADDENDUM(S) AND OTHER NECESSARY DOCUMENTS, INCLUDING TWO (2) “SEALED” COPIES OF THE 11 X 17 CODE FOOTPRINT SHALL BE SUBMITTED FOR REVIEW BEFORE A CONSTRUCTION CONTRACT CAN BE LET AND/OR BEFORE ANY PUBLIC FUNDS ARE PAID OUT PER K.S.A. 31-150(D).

THE FOLLOWING “SYSTEMS” PLANS SHALL BE SUBMITTED DIRECTLY TO THE KANSAS STATE FIRE MARSHAL’S OFFICE FOR REVIEW AND APPROVAL:

- \* AUTOMATIC SUPPRESSION SYSTEMS INCLUDING SPRINKLER SYSTEMS
- \* FIRE ALARM SIGNALING SYSTEMS INCLUDING MANUAL FIRE ALARMS AND SMOKE DETECTION SYSTEMS
- \* TEMPORARY EXITING (IF NOT SUBMITTED AS A PRELIMINARY SUBMITTAL)

PROJECTS NOT REQUIRING PLAN SUBMITTAL INCLUDE:

- \* REDECORATING
  - \* REPLACEMENT OF KIND (WINDOWS, MECHANICAL EQUIPMENT, ETC.)
  - \* CORRECTIVE AND/OR PREVENTIVE MAINTENANCE
  - \* MINOR ALTERATIONS/RENOVATIONS/REMODEL
- (LESS THAN 25% OF THE CURRENT REPLACEMENT COST OF THE BUILDING UNLESS MINOR ALTERATION/RENOVATION/REMODEL AFFECTS BUILDING EXITING, FIRE-RESISTIVE QUALITIES AND/OR ACCESSIBILITY).

ALL SCHOOL CONSTRUCTION PROJECTS, NEW OR TO EXISTING BUILDINGS, REGARDLESS OF SIZE OR EXTENT, ARE REQUIRED TO COMPLY WITH STATE ADOPTED CODES WHETHER OR NOT SUBMITTAL PER K.S.A. 31-150(D) IS REQUIRED. IT IS THE RESPONSIBILITY OF THE UNIFIED SCHOOL DISTRICT (USD), ARCHITECT OR ENGINEER (IF SUCH SERVICES ARE RETAINED), TO ENSURE BUILDING CODE COMPLIANCE FOR THOSE PROJECTS WHERE PLAN SUBMITTAL IS NOT REQUIRED PER THE GUIDELINES LISTED ABOVE.

# CODE FOOTPRINT

## CODE FOOTPRINT IS:

**A**N ARCHITECT'S OR FIRE PROTECTION ENGINEER'S GRAPHIC DELINEATION AND NARRATIVE INFORMATION OF THE INTENDED FIRE AND LIFE SAFETY DESIGN FEATURES FOR A BUILDING. UPON BUILDING OCCUPANCY, THE CODE FOOTPRINT BECOMES A DOCUMENT VERIFYING A BUILDING OWNER'S COMPLIANCE WITH STATE LAW PROTECTING OCCUPANTS FROM THE DANGERS OF FIRE AND/OR SMOKE EVENTS AND PROVIDING/MAINTAINING SAFE EXITING FROM THE BUILDING.

## PURPOSE OF CODE FOOTPRINT:

**K**ANSAS STATE FIRE MARSHAL REGULATION K.A.R. 22-1-7, ADOPTED JULY 9, 2004, DEFINES MINIMUM FEATURES OF A CODE FOOTPRINT FOR AN OBJECTIVE EVALUATION BY UNIFORM APPLICATION OF STATE LAW. K.A.R. 22-1-7 ALSO REQUIRES A CODE FOOTPRINT BE AVAILABLE TO ASSIST LOCAL FIRE AND BUILDING OFFICIALS VIEW NEW CONSTRUCTION AND CHANGE OF USE. THE REGULATION PROVIDES A BUILDING OWNER WITH FIRE/LIFE SAFETY CHOICES TO BEST SUIT THEIR CIRCUMSTANCES BEFORE CONSTRUCTION AND/OR RENOVATION. THE CODE FOOTPRINT IS A SIMPLE RECORD OF THE DESIGNER'S FIRE/LIFE SAFETY FEATURES AND IS A FIXED CODE TARGET FOR THE "LIFE" OF A BUILDING.

**A** CODE FOOTPRINT PROVIDES FORMALIZED CRITERIA INTO A UNIQUE FORMAT PROVIDING A "SNAPSHOT" SMALL SCALE BUILDING PLAN WITH KEY CODE INFORMATION SHOWN IN CONTEXTUAL FORM. THE CODE FOOTPRINT REDUCES REDUNDANCY AND INCREASES THE COORDINATION OF EFFORT AMONG ALL PARTICIPANTS INVOLVED WITH NEW CONSTRUCTION. A SAMPLE CODE FOOTPRINT CAN BE ACCESSED AT:

[WWW.ACCESSKANSAS.ORG/FIREMARSHAL](http://WWW.ACCESSKANSAS.ORG/FIREMARSHAL)

# ACCESSIBILITY REQUIREMENTS

## NEW CONSTRUCTION & ADDITIONS

**D**ESIGN AND **C**ONSTRUCTION: **E**VERY SCHOOL FACILITY OR PART OF A SCHOOL FACILITY CONSTRUCTED BY, ON BEHALF OF, OR FOR THE USE OF A **PUBLIC** SCHOOL ENTITY AFTER JANUARY 26, 1992 SHALL BE DESIGNED AND CONSTRUCTED IN SUCH A MANNER THAT THE SCHOOL FACILITY OR PART OF THE SCHOOL FACILITY IS READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES.

## ALTERATIONS/RENOVATIONS/REMODEL

**E**VERY SCHOOL FACILITY OR PART OF A SCHOOL FACILITY ALTERED BY, ON BEHALF OF, OR FOR THE USE OF A **PUBLIC** SCHOOL ENTITY AFTER JANUARY 26, 1992 IN A MANNER THAT AFFECTS OR COULD AFFECT THE USABILITY OF THE SCHOOL FACILITY OR PART OF THE SCHOOL FACILITY SHALL, **TO THE MAXIMUM EXTENT FEASIBLE**, BE ALTERED IN SUCH A MANNER THAT THE ALTERED PORTION OF THE SCHOOL FACILITY IS READILY ACCESSIBLE TO AND USABLE BY INDIVIDUALS WITH DISABILITIES.

**T**HE DESIGN, CONSTRUCTION OR ALTERATION OF A SCHOOL FACILITY IN CONFORMANCE WITH THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES (APPENDIX A TO 28 CFR PART 36) SHALL BE DEEMED TO COMPLY WITH THE REQUIREMENTS OF K.S.A. 58-1301(A), EXCEPT THAT THE ELEVATOR EXEMPTION CONTAINED IN SECTIONS 4.1.3(5) AND 4.1.6(1)(J) OF THE ADAAG SHALL NOT APPLY.

## EXISTING SCHOOL FACILITIES

**A**SSISTANCE REGARDING ACCESSIBILITY REQUIREMENTS FOR EXISTING SCHOOL FACILITIES CAN BE RECEIVED BY CONTACTING:

GREAT PLAINS DISABILITY & BUSINESS TECHNICAL ASSISTANCE CENTER  
UNIVERSITY OF MISSOURI – COLUMBIA

**1 (800) 949-4232**

# PORTABLE CLASSROOMS

**F**OR THIS SECTION THE TERMS MOBILE, MOVABLE, TEMPORARY, PORTABLE AND RELOCATABLE SHALL BE CONSIDERED SYNONYMOUS. MOBILE, MOVABLE, TEMPORARY, PORTABLE OR RELOCATABLE CLASSROOMS ARE PREFABRICATED BUILDING “UNITS” CONSISTING OF ONE OR MORE CLASSROOMS WHICH ARE TEMPORARY AND PORTABLE OR RELOCATABLE. CONCRETE FLOORS, CONCRETE FOUNDATIONS, PARTY WALLS OR CONNECTION TO OTHER BUILDINGS ARE NOT PERMITTED.

**K**ANSAS STATUTE 31-150 PROVIDES THAT ALL SUCH “UNITS” BE CONSTRUCTED IN CONFORMANCE WITH THE 2000 LIFE SAFETY CODE (NFPA 101), THE 1990 AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) AND THE LOCALLY ADOPTED PLUMBING CODE (REFER TO PAGE 14).

**D**RINKING WATER SHALL BE PROVIDED IN EACH “UNIT”. TOILET FACILITIES SHALL BE PROVIDED BY ONE WATER CLOSET AND LAVATORY PER SEX IN EACH “UNIT”. EXISTING TOILET FACILITIES WITHIN AN ADJACENT “PERMANENT” SCHOOL BUILDING MAY SERVE A TEMPORARY CLASSROOM “UNIT” **PROVIDED** THOSE FACILITIES MEET THE REQUIREMENTS OF THE APPLICABLE CODE FOR THE CALCULATED OCCUPANCY OF THE TOTAL SCHOOL FACILITY, A MAXIMUM “DOOR TO DOOR” TRAVEL DISTANCE FROM A “UNIT” TO EXISTING TOILET FACILITIES DOES NOT EXCEED 150 FEET AND THE STUDENT CLASS ASSIGNMENTS WITHIN A “UNIT” ARE FOR ONE HOUR OR LESS.

**A** 20 FOOT MINIMUM DISTANCE IS REQUIRED BETWEEN AN EXISTING (PERMANENT) STRUCTURE OR PROPERTY LINE AND A PORTABLE UNIT. A 5 FOOT MINIMUM DISTANCE IS REQUIRED BETWEEN PORTABLE UNITS PROVIDED THE TOTAL SQUARE FOOTAGE OF THE UNITS DOES NOT EXCEED 9,500 SQ. FT.

**M**INIMUM PLAN SUBMITTAL REQUIREMENTS INCLUDE:

- \* KANSAS ENGINEER “SEALED” RELOCATABLE CLASSROOM “UNIT” PLANS
- \* KANSAS ENGINEER “SEALED” “TIE-DOWN” AND SUPPORT DETAILS
- \* KANSAS ARCHITECT “SEALED” RAMP AND STAIR PLANS/DETAILS
- \* SITE PLAN DRAWN TO SCALE
- \* STATEMENT OF PLANNED USE  
(CLASSROOM OR OFFICE USE, LENGTH OF CLASS PERIODS, ETC.)

# FREQUENTLY ASKED QUESTIONS

- Q:** WHICH CODE ENFORCEMENT AUTHORITIES HAVE JURISDICTION OVER A SCHOOL CONSTRUCTION PROJECT?
- A:** PER K.S.A. 31-134(A) SCHOOL CONSTRUCTION PROJECTS ARE REQUIRED TO COMPLY WITH THE KANSAS FIRE PREVENTION CODE WHICH SPECIFIES THE 2000 INTERNATIONAL BUILDING CODE (IBC). WHERE A BUILDING OFFICIAL IS PRESENT, A BUILDING PERMIT, INSPECTIONS AND A CERTIFICATE OF OCCUPANCY ARE REQUIRED IN ACCORDANCE WITH STATE ADOPTED CODES. WHERE A BUILDING OFFICIAL IS NOT PRESENT, THE KANSAS STATE FIRE MARSHAL MAY INSPECT FOR SPECIFIC CODE COMPLIANCE (ATTORNEY GENERAL OPINION 87-9). A SCHOOL OWNER AND THEIR DESIGN PROFESSIONAL(S) MUST WORK WITH THE LOCAL AUTHORITIES FOR COMPLIANCE WITH LOCAL ZONING AND DRAINAGE ORDINANCES AND FIRE DEPARTMENT REQUIREMENTS (ATTORNEY GENERAL OPINIONS 79-28 & 80-14).
- Q:** IS AN ARCHITECT AND/OR ENGINEER REQUIRED FOR A SCHOOL CONSTRUCTION PROJECT?
- A:** PER K.S.A. 31-150(D) PLANS BEARING THE “SEAL” OF AN ARCHITECT OR ENGINEER LICENSED IN THE STATE OF KANSAS ARE REQUIRED FOR NEW CONSTRUCTION, ADDITIONS, RENOVATION/REMODEL AND STRUCTURAL MODIFICATIONS.
- Q:** WHEN ARE STATUTORY BONDS REQUIRED?
- A:** PER K.S.A. 60-1111(A) A PUBLIC WORKS BOND IS REQUIRED WHENEVER A PUBLIC OFFICIAL UNDER THE LAWS OF THE STATE ENTERS INTO A CONTRACT IN A SUM EXCEEDING \$100,000 WITH ANY PERSON OR PERSONS.
- Q:** ARE THERE MINIMUM SIZE REQUIREMENTS FOR A SCHOOL FACILITY?
- A:** THE STATE DEPARTMENT OF EDUCATION DOES NOT MANDATE MINIMUM OR MAXIMUM SIZE REQUIREMENTS FOR A SCHOOL FACILITY.
- Q:** CAN A PUBLIC SCHOOL DISTRICT HAVE A SINGLE APPROVED PRODUCT OR “CLOSED SPECIFICATION” ON A SCHOOL CONSTRUCTION PROJECT?
- A:** PER K.S.A. 1907 SUPP. 72-6760 COMPETITIVE BIDDING IS REQUIRED FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS.
- Q:** CAN A PUBLIC SCHOOL DISTRICT “FAST-TRACK” A CONSTRUCTION PROJECT?
- A:** PER KANSAS STATE ATTORNEY GENERAL OPINION 75-249 “FAST-TRACKING” A PUBLIC SCHOOL CONSTRUCTION PROJECT AS PRESCRIBED BY K.S.A. 31-150(A) IS NOT AVAILABLE.