
Construction Update: What Every School District Should Have On Its Radar Screen!

By Dana L. Abrahams / Sep 28, 2016

By now you may have read in the newspaper or heard through the grapevine that one of our Michigan public school districts was forced to shut down several of its elementary schools following a State Fire Marshal's order, for failing to comply with the State's adopted Life Safety Code requirements. Although the law has not changed significantly over time, many school administrators are new to their positions and therefore may not be familiar with the egress requirements applicable to younger students. There are a few basic rules under the Life Safety Code that you should be aware of:

- Section 10-2.1.2 applicable to New Educational Occupancies provides in pertinent part as follows:

Rooms normally occupied by preschool, kindergarten, or first-grade pupils shall not be located above or below the level of exit discharge. Rooms normally occupied by second-grade pupils shall not be located more than one story above the level of exit discharge.
- A similar rule is found in Section 11-2.1.2, which is applicable to Existing Educational Occupancies, and provides in pertinent part as follows:

Rooms normally occupied by preschool, kindergarten, or first-grade pupils shall not be located above or below the story of exit discharge. Rooms normally occupied by second-grade pupils shall not be located more than one story above the story of exit discharge.

The intent of the above-referenced rules is that the Fire Marshal does not want the larger/older kids trampling the younger students on the stairs in the unfortunate event of a fire or other emergency. However, there is an exemption contained in Section 14.2.1.4 of the above-referenced rules that applies to both New and Existing Educational Occupancies:

Rooms or areas located on floor levels other than as specified shall be permitted to be used where provided with independent means of egress dedicated for use by the preschool, kindergarten, first-grade, or second-grade students.

This exemption recognizes that younger students may not have an issue using the stairs if they do not have to share the egress with older students. So, for example, if the entire school building is comprised only of K-1 students, you could allow kindergarten and 1st grade classrooms to be located on the second floor of that building since the younger students would not have to share the stairs with any older students.

The reason that all school administrators MUST be aware of these rules is that while the school's architect/engineer may design a classroom for a particular use and in accordance with then current code requirements, over time the use of the original classroom may change as the district's needs transition. If the school administrator making that decision to change the use of the classroom is not familiar with these rules, the change in use may not be compliant with the current Life Safety Code requirements applicable to Michigan schools.

On a similar, but unrelated note, in the last few years, Title IX lawsuits appear to be one of the fastest growing sources of potential liability for school districts. The federal Office of Civil Rights has made Title IX a priority enforcement issue. As such, when your school district passes a Bond Issue or uses its Sinking Fund monies or other funding sources to make improvements to its school buildings/facilities, keep in mind Title IX, and the related transgender issues, when you are in the infancy of designing your school construction improvements. We strongly encourage you to consider designing unisex single stall bathrooms, family style bathrooms, as well as family style locker rooms. Pro-actively implementing these gender neutral facilities may save your district a lot of time, money and unwanted media coverage down the road.

If you have any questions about these or other issues in connection with the design or use of current or future school buildings, please contact Dana L. Abrahams at dabrahams@clarkhill.com | (248) 988-5840, or another member of Clark Hill's Education Practice Group.