

oppaga

Progress Report



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DBPR Assumes Regulation of Educational Building Code Inspectors

at a glance

By offering training for architects and/or engineers who inspect educational facilities, the Office of Educational Facilities continues to help ensure uniform and consistent application of the *State Uniform Building Code for Public Educational Facilities Construction*.

The merger of the state's building codes into the *Florida Building Code*, effective January 1, 2001, should provide additional assurances that school facilities are safe. The new code will be more prescriptive and may encourage local entities to share plan review and inspection expertise. Local governments may also inspect school buildings to ensure code compliance.

The Department of Business and Professional Regulation will assume regulation authority over school building inspectors. The department will have authority to impose sanctions for code violations, which should discourage pressure on building inspectors to open facilities that do not meet code requirements.

Purpose

As required by state law, this progress report describes actions taken by the Department of Education in response to a 1997 OPPAGA report.^{1, 2}

Background

Florida's Educational Facilities Act (Ch. 235, F.S.) requires that all educational facilities comply with the provisions of the *State Uniform Building Code for Public Educational Facilities Construction* adopted by the State Board of Education. The code is intended to ensure educational facilities provide safe, healthy environments for Florida students.

The Department of Education's Office of Educational Facilities (OEF) and Florida's school districts jointly implement the provisions of the Educational Facilities Act. Prior to 1995, OEF provided oversight of district facility operations by identifying local needs, reviewing construction plans to ensure compliance with the code, and approving school facilities for occupancy.

¹ Section 11.45(7)(f), F.S.

² *Review of the Decentralization of the Educational Facility Construction Review Process*, OPPAGA [Report No. 96-36](#), January 21, 1997.

Progress Report

However, the 1995 Legislature decentralized the educational facilities review process. Decentralization was an effort to move OEF's focus from regulation to technical assistance, increase efficiency and decrease duplication, and provide more local control of facility decisions.

Exhibit 1 provides information on the responsibilities of OEF and the local school districts after decentralization.

Exhibit 1 State and Local Responsibilities for Educational Facilities

District Responsibilities	Office of Educational Facilities Responsibilities
Conduct five-year educational plant surveys to identify educational facility needs	Train district, K-12, community college, and Board of Regents staff to conduct five-year surveys; review surveys for accuracy
Procure facility design and construction services	Develop educational facility standards
Review and approve Phase I, II, and III construction documents ¹	Review Phase III construction documents at the request of local school boards and community colleges
Conduct pre-occupancy inspections of facilities using a code inspector	Train code inspectors; provide training on indoor air quality codes and life safety; conduct plan review and inspection training Draft revisions to the code for adoption by the State Board of Education

¹ A Phase I construction document illustrates the proposed facility's size and location. A Phase II document adds more building detail, such as equipment, mechanical and electrical components to a Phase I document. A Phase III document is a final construction blueprint and specifications.

Source: Developed by OPPAGA from Department of Education documents.

In addition, OEF administers two state trust funds that are used to build, improve, equip, or maintain educational facilities in the school districts and fund OEF operating expenses. The Fiscal Year 1999-2000 allocation for OEF operations is \$3,775,535. This allocation

includes \$1,318,800 to redesign department computer software.

The 1998 Legislature approved development of one statewide building code to replace over 400 building codes currently administered by a variety of state agencies and local governments. Currently, the State Board of Education approves the *State Uniform Building Code for Public Educational Facilities Construction* that is incorporated into the *Florida Administrative Code*.

After January 1, 2001, all state building codes, including those for public educational facilities, will merge into the *Florida Building Code*. When the new code takes effect, Florida school building codes will be under the jurisdiction of the Florida Building Commission. The commission will have the authority to adopt changes to the code. The Department of Business and Professional Regulation (DBPR) will certify personnel who inspect facilities for code compliance. While the Department of Education's Office of Educational Facilities may continue to provide supplemental training for personnel who work with school buildings, DBPR will have to approve training. DBPR will have the authority to take disciplinary action against certified inspectors for code violations. This authority to discipline educational facility inspectors did not exist before the 1998 legislative changes.

Prior Findings

Our prior report found that decentralization of the educational facilities construction review process reduced state costs. OEF's expenditures were reduced by approximately \$2.3 million from Fiscal Year 1994-95, the year before decentralization, to Fiscal Year 1995-96, the year after. OEF's workforce was reduced from 72 to 26 positions. OEF now has 25 full-time employees and its Fiscal Year 1998-99 operating expenditures were \$2,050,891.

Decentralization also reduced OEF’s workload and the amount of time necessary to review construction documents. Because it reviewed construction documents only when requested by districts, OEF reviewed only about half as many final construction documents as it had prior to decentralization the previous year. However, the number of documents reviewed in the past two years shows an upward trend. OEF reduced the average amount of time to review these documents from 26 days to 19 days. Although processing time increased by five days during the past year, the number of days has remained around 20, which is 6 days less than the year before decentralization. Exhibit 2 shows the number of final construction documents reviewed and the average length of time it took since the year before decentralization.

Exhibit 2
OEF’s Workload and Average Time to Review Documents Has Been Reduced Since Decentralization

Fiscal Year	Final Construction	
	Documents Reviewed	Average Time to Process
1994-95	498	26
1995-96	247	19
1996-97	197	21
1997-98	220	15
1998-99	278	20

Source: Developed by OPPAGA from Department of Education documents.

Our January 1997 report also found that decentralization had a mixed effect on school districts. Some districts reported that decentralization had sped up the educational facility construction process. After decentralization, districts were not required to submit construction plans to OEF for review and when they did OEF was able to complete the review more quickly as they had fewer plans to review. This enabled districts to meet construction deadlines and open facilities more quickly.

However, many district respondents expressed concern that decentralization would increase local workload and costs. Since responsibility for conducting Five-Year Educational Plant Surveys and reviewing construction documents devolved to the local level, district personnel were concerned that their staffing levels would be insufficient to meet their new responsibilities.

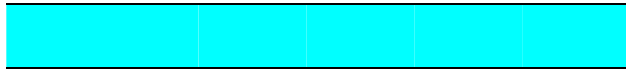
Finally, some district respondents expressed concern that without OEF’s independent review of construction documents, the code may not be consistently interpreted and applied across the state. Some respondents believed that local staff could be pressured to approve building plans that do not adhere to the requirements of the code in order to meet construction deadlines or budgets. In order to help ensure consistent and uniform application of the code, OPPAGA recommended that the department continue to offer code training for architects and/or engineers who review educational facility plans and documents. We also recommended that the effect of decentralizing the construction review process be reevaluated in four years.

Current Status

As we recommended, OEF continues to offer code training to qualified architects and/or engineers who perform inspections of facilities in order to help ensure the consistent application of the code. Architects and engineers who perform inspections must be registered with the state, meet minimum requirements, attend code training, pass an examination on the code, and be re-certified by OEF every three years.

For each of the last three years approximately 200 people have attended the code training provided by the department and about 90% have passed the examination (see Exhibit 3).

**Exhibit 3
About 90% of Inspection Course Participants Pass**



Total Course Participants	124	213	223	209
Number of Passing Scores	112 (90%)	192 (90%)	201 (90%)	192 (92%)

Source: Office of Educational Facilities, Department of Education.

The course will be offered 10 times in calendar year 2000 at locations across the state to ensure easy access for local staff. In addition, OEF staff provide updates twice a year on changes to the code at conferences of the Florida Educational Facilities Planners Association and the Florida School Plant Management Association.

Although the department provides training and testing for inspectors, it has no mechanism in place to determine how effective the course is in ensuring school facility safety. The department no longer has an oversight role and it doesn't receive feedback when building code violations are found. The only post-inspection safeguards include supplemental inspections by local building inspectors and mandatory fire safety inspections by personnel certified by the State Fire Marshal's office.

Some districts still rely on OEF to review their construction documents, and some districts report that the cost to hire private contractors to conduct plant surveys is higher than if OEF had performed them. According to the Florida Association of District School Superintendents, the devolution of plant surveys and construction reviews is most problematic for smaller districts which may not

have architects and engineers on staff, as do many of the state's larger districts. Smaller districts tend to work collaboratively and use OEF technical assistance services to help defray costs.

The merger of the state's building codes into a single code may provide greater assurances of school building safety. The new *Florida Building Code* is more prescriptive regarding what items must be inspected. The merger of building codes will require that local district boards hire inspectors with multiple certifications to inspect different facets of a building (e.g., electrical systems, plumbing) or hire multiple inspectors. This may encourage local school districts to partner with universities, local governments, community college districts, or other school districts to help minimize costs. These partnerships should increase the level of expertise brought to inspections. The local inspections will still be supplemented by mandatory fire safety inspections by local fire officials. In addition, local governments may also inspect educational facilities to ensure code compliance.

Finally, the Department of Business and Professional Regulation will regulate school building code inspectors and may impose sanctions for willful material code violations, including license revocation and administrative fines. Local entities may also impose fines, and DBPR will track disciplinary actions on a statewide basis. The onset of sanctions for code violations may allay fears cited by districts in our earlier report that some inspectors may be pressured to approve facilities that don't meet code requirements or are not ready for occupancy.

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