

Construction Codes and Licensing Division- Building Plan Review Unit**PLAN REVIEW POLICY****PR-08****Setting 4- Special Education Facilities****9/4/2018****Background**

In Minnesota, students receiving special education services have an individualized education program (IEP) that describes the type and location of special education and related services. In the public school setting, the instructional setting can range from instructional setting one to instructional setting four. Setting four is the most restrictive environment provided by a public school district. Students in instructional setting four are in a public separate school facility for more than fifty percent of the school day. It is not a residential setting. Students with disabilities receiving services in instructional setting four are in need of more intensive special education and related services than can be provided in a less restrictive setting. Some setting four settings have specific programs for students who meet eligibility under Autism Spectrum Disorder [ASD], Emotional Behavioral Disorder [EBD], and developmental cognitive disabilities (DCD). Students with these disabilities are often highly agitated by and often struggle with a compulsion to elope/run away and they may also struggle with a fixation on elopement when they know that opportunities exist.

The International Building Code [IBC] classifies buildings or structures used by six or more persons at any one time for educational purposes through the 12th grade as an E Occupancy, Educational group. Setting 4 Special Education Facilities have some unique conditions that set them apart from other E occupancies:

Staff to student ratios are high because many of the students have one or more Special Education Paraprofessionals assigned to them, and the teacher to student ratio is high due to smaller class sizes.

- Students who are disturbed, distracted and/or agitated may take an extended period of time to recover.
- Some students may not be capable of self-preservation by evacuating the building without any assistance under emergency conditions.
- Some students may become agitated and resist evacuation during heightened alarm conditions.
- Some students may fixate on elopement if the opportunity is available to them for leaving. This opportunity may be a distraction to their learning and a hindrance to their educational progress.
- Free egress as well as Delayed Egress Locking allowed in E occupancies may be distracting to students with fixations on elopement, may be a hindrance to their education.
- What are typically deemed as “assembly” spaces in schools, such as gymnasiums, are not used for assembly purposes because the student population is generally not tolerant of large concentrated gatherings of people. Gymnasium spaces are used for their large areas at low occupant load densities.

- Non-verbal audible alarms and strobing visual alarms including fire alarms, door alarms, and other types of abstract communication alarms may not effectively communicate to students. Such alarms may actually hinder an appropriate emergency response.
- Special Locking Provisions are allowed by IBC Section 1008.1.9.6 in Groups I-1, I-2, R-3, and R-4 occupancies for residents and patients where some residents may require that egress doors are locked from the inside due to their clinical need. Special education students distracted by opportunities of elopement would benefit from the same type of locking because credentialing would always be required to leave the building except under emergency alarm conditions. The currently approved occupancies require a smoke barrier as a means to defend in place so that occupants need only be evacuated to the exterior of the building as a last resort. The smoke Barriers associated with the Special Locking Provisions are suitable for occupancies where the residents and patients are asleep at night when staff ratios are low and is not necessary in highly supervised areas where the occupants are always awake.
- Providing a fenced disbursal area more than 50 feet beyond the building as a safe means of egress location provides a level of safety, but does not inhibit a predisposition toward elopement, nor does it mitigate severe winter exposure hazards for those students prone to elope. It is also not an option for many facilities that may not have large outdoor spaces adjacent.

Policy

- I. Special Locking Provisions as described in Minnesota Rule 1305.1008, Subpart 6a, **IBC section 1008.1.9.6 Special door locking arrangements** shall be allowable in Group E- Setting 4 Special Education Facilities under the following conditions:
 1. The special locking devices shall unlock upon activation of either the automatic sprinkler system or the automatic s-detection system.
 2. The special locking devices shall unlock upon loss of power controlling the lock or lock mechanism.
 3. The special locking devices shall have the capability of being unlocked from an approved location.
 4. Special locking devices shall be placed on exterior building doors only. Exception: One vestibule with glazed doors at both the interior and the exterior of the building may have a special egress lock on both the interior and exterior doors of the vestibule provided that the vestibule is constantly monitored by staff while the special locking arrangements are engaged.
 5. The procedures for the operations of the unlocking system shall be described and approved as part of the emergency planning and preparedness required by IFC Chapter 4.
 6. All staff shall have the keys, codes, or other means necessary to operate the locking devices.
 7. Emergency lighting shall be provided on both sides of each door with a special locking device.
 8. Special locking is enabled during scheduled hours of building occupancy and is disabled when the building is not scheduled to be occupied to provide Setting 4 Special Education.
 9. The special locking devices are designed to fail in the open position.
 10. Spaces on other than the level of exit discharge shall not egress through special locking devices.
 11. Special locking arrangements are only permissible in Group E occupancies where the means of egress system is dedicated exclusively to Setting 4 Special Education and the immediate support functions.
 12. The building shall be provided with an automatic sprinkler system per section 903.3.1.1.

13. The means of egress system shall be provided with an automatic smoke and alarm system throughout the corridors, areas open to corridors and in intervening rooms where the aggregate exiting occupant load is greater than 10 occupants.
 14. The building audible alarm notification system shall be an emergency voice/alarm communication system per section 907.4.2.2.
 15. The building visual alarm notification system may utilize electronic textual signage boards in lieu of strobe alarms.
 16. Spaces are not used for assembling large groups where special locking devices are installed within the means of egress. Spaces with an occupant load more than 49 persons and/or spaces with an occupant load density greater than 1 person in 35 square feet (the allowable occupant load density for day care) are not permitted.
 17. The building emergency fire response plan shall include a building evacuation plan and not a defend-in-place strategy. Evacuations shall be practiced utilizing fire evacuation drills per Minnesota Statute 299F.30 by both students and staff.
 18. Testing and maintenance of Special Locking Arrangements and associated equipment and devices shall be per the Minnesota Fire Code.
 19. The use of special locking arrangements per this policy is revocable by the code official for due cause, or when there is a change in the use characteristics of the building or the facility is no longer used solely for Setting 4 Special Education.
- II. Drinking fountains required by IBC section 2902.1, are not required where a dining area in the facility available to the students serves water at no charge.
- III. The Minnesota Department of Public Safety, State Fire Marshal Division, Supervisor of School Inspections shall be notified by the licensed design professional when the policy is being utilized. Contact Forrest Williams at Forrest.Williams@State.MN.US or 651-769-7784.