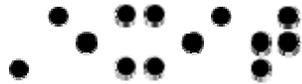




Personal Emergency Evacuation Planning Tool for School Students with Disabilities



July 2007



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The National Fire Protection Association (NFPA) is a codes and standards development organization, not an enforcement agency. The purpose of this *Tool* is simply to help students with disabilities, teachers, administrators, parents, and others look at some of the issues that are relevant to a student’s ability to evacuate a building in the event of an emergency. This document is not intended to be a method or tool for compliance, nor is it a substitute for compliance with any federal, state, or local laws, rules, or regulations. All proposed alternative methods or physical changes should be checked against appropriate codes and enforcing authorities should be consulted to ensure that all proper steps are taken and required approvals are obtained.

It is important to note that teachers and school administrators have certain legal responsibilities to prevent discrimination against students with disabilities in areas within their control, including but not limited to transportation, training, and access to programs, and activities. Equal facilitation is required for any service provided. Teachers and school administrators are strongly encouraged to seek guidance from qualified professionals with respect to compliance with the applicable laws for individual programs and facilities.



Introduction and Overview

When it comes to emergency planning for children with disabilities in school, we need to know what we don't know!

A hundred years from now
It will not matter
What my bank account was,
The sort of house I lived in
Or the kind of car I drove

But the world may be different
Because I was important
In the life of a child

Forest E. Witcraft
([American Scholar](#), [Teacher](#) and [Scout Leader](#), 1894-1967)

Planning for building emergencies is a necessary and important component for our everyday lives. Evacuation procedures for people with disabilities are sometimes overlooked and have not been given due consideration. In the educational environment, where many of us first learned about fire safety and fire drills, a recent event in Maryland shows an unfortunate example of how the needs of some children go unaddressed. (See the article *School Emergency Policy: Leave Wheelchair-Bound Kids Behind.*)

<http://www.theksbwchannel.com/education/4049149/detail.html>

Schools are required by federal law to develop “individual educational programs” (IEPs) that evaluate and consider many facets of a child’s condition in order to ensure that an equal education is provided to every student, regardless of disabilities. A portion of the IEP is to provide for related services. While not explicitly stated, the related services component must consider the particular needs of the child to ensure his or her safety during a building emergency that includes an evacuation.

The following excerpts from federal regulations, 34 CFR-*Education*, Part 300 – *Assistance to States for the Education of Children with Disabilities*, (<http://www.nectac.org/idea/300regs.asp>) express the need for IEPs to address



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getting children into, around, and out of school buildings under circumstances of emergency situations.

Sec. 300.24 Related services.

(a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also includes school health services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the IEP of the child, social work services in schools, and parent counseling and training.



(6) Orientation and mobility services—

(i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(ii) Includes travel, training, instruction, and teaching students the following, as appropriate:

(A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;

(C) To understand and use remaining vision and distance low vision aids; and

(D) Other concepts, techniques, and tools.



(15) Transportation includes--

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and



- (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

The information contained in this document will assist teachers, school administrators, special education staff, parents, and students in planning for the related services that may need to be provided for students in the event of an emergency evacuation. The checklist included with this material may also be a useful tool for simply facilitating movement around the building under routine conditions.

For more detailed information regarding the planning process, see the following documents:

<http://www.nfpa.org/assets/files//PDF/Forms/EvacuationGuide.pdf> or

<http://www.nfpa.org/assets/files//PDF/Forms/EvacuationGuide.doc>

The following excerpts are from the *Guide to the Individualized Education Program* (Office of Special Education and Rehabilitative Services, U.S. Department of Education, July 2000).

Special education and related services: The IEP must list the special education and related services to be provided to the child or on behalf of the child. This includes supplementary aids and services that the child needs. It also includes modifications (changes) to the program or supports for school personnel, such as training or professional development, that will be provided to assist the child.

Related Services

A child may require any of the following related services in order to benefit from special education. Related services, as listed under *Individuals with Disabilities Education Act* (IDEA) <http://idea.ed.gov/>, include (but are not limited to):

- Audiology services
- Counseling services
- Early identification and assessment of disabilities in children
- Medical services
- Occupational therapy
- Orientation and mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreation



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- Rehabilitation counseling services
- School health services
- Social work services in schools
- Speech-language pathology services
- Transportation

If a child needs a particular related service in order to benefit from special education, the related service professional should be involved in developing the IEP. He or she may be invited by the school or parent to join the IEP team as a person “with knowledge or special expertise about the child.”

Special Factors To Consider

Depending on the needs of the child, the IEP team needs to consider what the law calls special factors. These include:

- If the child’s *behavior* interferes with his or her learning or the learning of others, the IEP team will consider strategies and supports to address the child’s behavior.
- If the child has *limited proficiency in English*, the IEP team will consider the child’s language needs as these needs relate to his or her IEP.
- If the child is *blind or visually impaired*, the IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.
- If the child has *communication needs*, the IEP team must consider those needs.
- If the child is *deaf or hard of hearing*, the IEP team will consider his or her language and communication needs. This includes the child’s opportunities to communicate directly with classmates and school staff in his or her usual method of communication (for example, sign language).
- The IEP team must always consider the child’s need for *assistive technology* devices or services.



Basics that Parents of Children with Disabilities Need to Know:

What Is an IEP? (<http://www.nectac.org/idea/300regs2.asp>, section 300.340)

The individualized education program (IEP) is a written document that is developed for each public school child who is eligible for special education. The IEP is created through a team effort and reviewed at least once a year.

Before an IEP can be written, the child must be deemed eligible for special education. By federal law, a multidisciplinary team must determine that (1) he or she is a child with a disability and (2) he or she requires special education and related services to benefit from the general education program.

The Individuals with Disabilities Education Act (IDEA), a federal law, (<http://idea.ed.gov/>) requires certain information to be included in the IEP but does not specify how the IEP should look. Because states and local school systems may include additional information, forms differ from state to state and may vary between school systems within a state. You can find out about your state laws and regulations through <http://www.dbtac.vcu.edu/>.

What Is Section 504?

As part of the Rehabilitation Act of 1973, Congress passed Section 504-*Nondiscrimination Under Federal Grants and Programs*, a civil rights law to protect people with disabilities by eliminating barriers and allowing full participation in areas such as education and the workplace. Since then, the Office for Civil Rights has developed federal regulations that help to explain this law.

While the law does not provide any new funding for programs and agencies that comply, it carries the threat of withholding federal funds from those that do not.

Since public schools receive federal tax dollars, the law applies to them. It does not apply to private schools that do not receive any money from the federal government. <http://www.section508.gov/index.cfm?FuseAction=Content&ID=15>

What Is a Section 504 Plan?

If your child is determined to be eligible, a Section 504 Plan will be developed to give him or her access to the general education curriculum. Unlike the IEP for special education, there are no legal requirements for what should be included in the plan. Affording a free appropriate public education (FAPE) under Section 504 often means identifying reasonable accommodations to help him or her succeed in the classroom. An accommodation plan usually addresses the following:

- ◆ Nature of the disability and major life activity it limits



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- ◆ Basis for determining the disability
- ◆ Educational impact of the disability
- ◆ Necessary accommodations
- ◆ Placement in the least restrictive environment (LRE)

What Are My Rights?

The law does not require schools to allow parents to attend the meetings at which a child's Section 504 plan is discussed, nor are the schools required to obtain parental permission to assess the child or parental approval of the plan. However, many schools do include parents in the process. The law does require that schools notify parents when they plan to evaluate a child or make a significant change in the student's educational placement.

The Section 504 coordinator for your school or district can advise you about procedures for grievances and due process if you have a disagreement. You can also request a copy of the district's Section 504 policy.



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PERSONAL SCHOOL EMERGENCY EVACUATION PLANNING CHECKLIST



Student Name: _____ Primary Room Location: _____
 School Name: _____ Primary Phone: _____
 Address: _____ Cell Phone: _____
 Floor: _____ E-mail: _____
 Service Animal: Yes No
Has this plan been incorporated into the child's IEP or Section 504 plan? Yes No

STUDENT'S COMPLETE SCHEDULE *(add rows as necessary)*

Day	Time	Room	Comments

STUDENT NOTIFICATION

Type of Emergency	Method or Device for Notification
Fire:	_____
Earthquake:	_____
Flood:	_____
Storm:	_____
Attack:	_____
Other (specify):	_____

	YES	NO	N/A	Comments
Are there emergency notification devices (alarms, etc.) appropriate for this person student?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does this student know the location of each emergency notification device/system and understand its meaning/function?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does this student know how to sound the alert for emergencies (manual pull box alarms, public address systems, radio, telephones)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



	YES	NO	N/A	Comments
If telephones are used to report emergencies, are emergency numbers posted near telephones, on student notice boards, or in other conspicuous locations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a way for a student with a hearing or speech impairment to report an emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the communication system also serves as an alarm system, do all emergency messages have priority over all non-emergency messages?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a unique signal (sound, light, etc.) to indicate an emergency message?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

WAY FINDING

	YES	NO	N/A	Comments
Is there a usable way out?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Where is it? (List all and indicate nearest.)				
Where is the established outside meeting place?				
Is the usable circulation path clearly marked to show the route to leave the building or to relocate to some other space within the building in an emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If a student exiting a doorway or turning a corner could inadvertently be directed into the path of a moving vehicle, is a safeguarding device with a warning sign in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the stairs in the circulation path lead anywhere but out of the building, are doors, partitions, or other effective means used to show the correct route out of the building?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do doors used to connect any room to a circulation path have proper maneuvering clearances?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Can the doors be easily unlatched?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do exterior circulation paths (balcony, porch, gallery, roof) meet the preceding four requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the exterior circulation path have guardrails to protect open sides of walking surfaces?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the exterior circulation path smooth, solid, and a substantially level travel surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the exterior circulation path <i>not</i> branch off and head away from the public way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is each exit marked with a clearly visible sign reading "EXIT" in all forms (visual, tactile, Braille)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



	YES	NO	N/A	Comments
Is every doorway or passage that might be mistaken for an exit marked "NOT AN EXIT" or with an indication of its actual use in all forms (visual, tactile, Braille)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are signs posted and arranged along circulation paths to adequately show how to get to the nearest exit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do the signs clearly indicate the direction of travel in all forms (visual, tactile, Braille)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do brightly lit signs, displays, or objects in or near the line of vision <i>not</i> obstruct or distract attention from exit signs, particularly for people with low vision?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

USE OF THE WAY

	YES	NO	N/A	Comments
Are circulation paths always free of obstructions, including furniture and equipment, so everyone can safely exit the building during an emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are people <i>not</i> required to travel through a room that can be locked, such as a restroom?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do all interior doors, other than fire doors, readily open from the inside without keys, tools, or special knowledge and require less than 5 pounds of force to unlatch and set the door in motion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are exit signs <i>not</i> obstructed or concealed in any way, particularly for people with vision impairments who need to find and feel the sign?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are exit doors kept free of items that obscure the visibility of exit signs or that may hide visual, tactile, or Braille signage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the circulation path clear of obstacles caused by construction or repair ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the circulation path maintain a clear height of 6 feet 8 inches at all points?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do objects that stick out into the circulation path, such as ceiling fans and wall cabinets, <i>not</i> reduce the minimum height and width of the circulation path?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are circulation paths at least 32 inches wide for any segment less than 24 inches in length and 36 inches for all segments 24 inches or longer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is each circulation path a permanent part of the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



	YES	NO	N/A	Comments
If the circulation path is not substantially level, are students provided with appropriate stairs or a ramp?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do building circulation paths lead to a public way, that is:				
Directly outside or to a street or walkway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To an area of refuge and from there to a public way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To an open space with access to the outside?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To streets, walkways, or open spaces large enough to accommodate all building occupants likely to use the exit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

TYPE OF ASSISTANCE NEEDED

	YES	NO	N/A	Comments
Can the student evacuate himself or herself with a device or aid?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
What is the specific device or aid?				
Where is the device or aid located?				
Does the student need assistance to evacuate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
What does the assistant(s) need to do?				
Does the assistant(s) need any training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the training been completed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Where will the assistant(s) meet the student requiring assistance?				
When will the student requiring assistance contact the assistant(s)?				

Number of Assistants Needed

How many assistants are needed? _____

How will the assistant(s) be contacted in an emergency? _____

Name	Phone	Cell Phone	Classroom
Assistant 1			
Assistant 2			
Assistant 3			
Assistant 4			



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SERVICE ANIMAL

	YES	NO	Comments
Has the student or parent discussed with emergency management personnel his or her preferences with regard to evacuation and handling of the service animal?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the student or parent thought about under what circumstances a decision may have to be made about leaving the service animal behind?	<input type="checkbox"/>	<input type="checkbox"/>	
What is the best way to assist the service animal if it becomes hesitant or disoriented?			
Do first responders have a copy of the detailed information for the service animal?	<input type="checkbox"/>	<input type="checkbox"/>	
Where are extra food and supplies kept for the service animal?			



Annex A

Precedent-Setting Decision on Emergency Evacuations for People with Disabilities Issued in Maryland (01/04/2005)

For the first time, a court has declared that the Americans with Disabilities Act (the ADA) requires places of public accommodation to consider the needs of people with disabilities in developing emergency evacuation plans. This groundbreaking decision—issued on December 28, 2004 by Judge John W. Debelius III of the Circuit Court for Montgomery County, Maryland—means that shopping malls, stores, restaurants, movie theaters, museums, and other private entities subject to the ADA throughout the country, whether landlords or tenants, must now seek to accommodate people with disabilities in the development and modification of emergency evacuation procedures.

“This is a significant decision that should greatly enhance the safety of persons with disabilities in the post-September 11th world,” said Elaine Gardner, Director of the Disability Rights Project at the Washington Lawyers’ Committee for Civil Rights and Urban Affairs. “The ADA always has been understood to help get people with disabilities into places of public accommodation. Now, for the first time, it also has been found to require that public places try to get those same people *out* in the event of a fire, terrorist attack, or other emergency.”

The court’s significant decision arises out of a lawsuit that was filed in spring 2003 by Katie Savage, a Washington, D.C. resident who became trapped during an emergency evacuation in a local shopping mall that had no accessible exits for persons with disabilities. Ms. Savage, who uses a wheelchair, was shopping at a Marshalls store in Silver Spring, Maryland’s City Place Mall on September 3, 2002, when the store and the mall were evacuated. After Marshalls required her to exit into an area of the mall that is below ground level, Ms. Savage found that she was trapped there and unable to evacuate, because the elevators were shut down and all the exits had stairs. Abandoned by store employees and trapped, Ms. Savage resolved to use her terrifying ordeal as a vehicle for ensuring that fellow citizens with disabilities would not be similarly victimized in emergency evacuation situations. Ms. Savage joined the Disability Rights Council of Greater Washington (the DRC) in filing a lawsuit against Marshalls and City Place Mall that alleged violations of the ADA in both the mall’s emergency evacuation plan and Marshalls’ corporate-wide evacuation policies.

In briefs filed with the court last fall, Marshalls took the position that the ADA does not require places of public accommodation to modify evacuation plans in order to accommodate the needs of people with disabilities. The court, however, rejected Marshalls’ view and held that “a store’s nationwide evacuation procedures would certainly constitute a public accommodation’s ‘policies.’” Therefore, the court wrote, “it is certain that Title III of the ADA does apply to this situation.”

“I am delighted by the court’s decision and hope that it has a lasting impact on improving safety for people with disabilities,” said Ms. Savage. “Regrettably, Marshalls and other major retailers have seen fit to evacuate non-disabled persons, while leaving people with disabilities to fend for themselves in an emergency. That is not only a poor business decision. It is also now against the law.”



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One of Ms. Savage's attorneys, Steve Hollman, agreed. "We've all heard stories about people with disabilities being trapped and left to die on September 11th and in other emergency situations," said Mr. Hollman, a partner with Hogan & Hartson L.L.P. in Washington, D.C. "Hopefully, this decision will serve as a wake-up call to public accommodations across the country that they must start considering the needs of people with disabilities in their evacuation plans."

The opinion of the court also was significant for refusing to allow a tenant to abdicate its responsibility to patrons with disabilities by merely placing them outside a store's entrance in an emergency evacuation situation and leaving actual evacuation to a shopping mall's owners. Additionally, the opinion recognized Ms. Savage's standing to bring her ADA claims against Marshalls. Despite the fact that Ms. Savage had not visited the Marshalls fitting room at City Place Mall, she was found to be able to seek barrier removal there, as "a Plaintiff need not encounter every barrier in a store to bring a claim for all the store's ADA violations." Moreover, the court found that Ms. Savage had standing to remedy Marshalls' corporate-wide emergency evacuation policy—which is in effect at more than 672 Marshalls stores—because "where the harm alleged is directly traceable to a written policy . . . there is an implicit likelihood of its repetition in the immediate future." The Disability Rights Council of Greater Washington also was found to have standing to proceed. As a result, the case will now proceed to trial to determine whether Marshalls and City Place Mall are in violation of the requirements of the ADA. The trial date will be set at a hearing on January 14.

Ms. Savage is represented by the law firm of Hogan & Hartson L.L.P. and the Washington Lawyers' Committee for Civil Rights and Urban Affairs. An important Amicus Curiae brief was submitted to the Court by the law firm of Howrey, Simon, Arnold & White, on behalf of the American Association of People with Disabilities and several other organizations of people with disabilities.

Contact: This *Tool* was prepared by NFPA staff. Contact Allan B. Fraser, Senior Building Code Specialist, with comments and suggestions at afraser@nfpa.org or 617-984 7411.



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