

California Public Schools (Kindergarten–14)

Fire and Life Safety

Frequently Asked Questions

The purpose of this publication from the Office of the State Fire Marshal and Division of the State Architect is to provide information and clarification to members of local fire authority (LFA) and school agencies regarding the issues for which our two state agencies have received frequent inquiries.

BACKGROUND

DSA's involvement with Fire and Life Safety review of public schools derives from Government Code Section 14963, enacted in 1992, which states, "*The duties and functions formerly conducted by the State Fire Marshal that relate to construction, school, plan checking, and construction inspection are hereby transferred to the Office of the State Architect.*"

The qualifications for the personnel reviewing fire and life safety aspects of school construction projects at DSA are the same as the qualification required by the SFM staff.

JURISDICTION QUESTIONS

1. Question: Are local ordinances applicable to K–12 public schools and community colleges?

Answer: No. Per Title 19 California Code of Regulations, Division 1, Chapter 1, Subchapter 1, Section 1.07 and court decision, *Hall vs. City of Taft*, local building ordinances, with the exception of certain zoning provisions, do not apply to K–12 public school facilities and community colleges.

2. Question: Are public schools subject to zoning ordinances?

Answer: Yes. Per Government Code Section 53091-53097 school districts shall comply with city or county zoning ordinances for drainage improvement, road improvement or grading ordinances or from conditions relating to the provision of onsite improvements when such ordinance makes provision for the location of public schools, and the city or county has adopted a general plan. **However**, the governing board of the school district may render a city or county zoning ordinance inapplicable to proposed classroom facilities by vote of 2/3 of its members.

3. Question: Are charter schools subject to local ordinances?

Answer: Yes, but only if the school is located outside the geographical jurisdiction of the school district. Per Government Code Section 53097.3, "No school district may render a city or county ordinance inapplicable to a charter school facility pursuant to this article, unless the facility is physically located within the geographical jurisdiction of that school district."

PLAN REVIEW QUESTIONS

4. Question: What involvement does the LFA have during plan review?

Answer: LFA review and sign-off is required for projects described in Question #5 below. As of January 1, 2013, use of form DSA-810 is required as part of the initial project submittal for applicable school projects under DSA jurisdiction (see DSA [Bulletin 12-02](#)) or the project will be deemed incomplete.

5. Question: When is the LFA involvement required?

Answer: The LFA is requested to review the following DSA-810 information on the site or civil plan for any construction project under DSA Jurisdiction that adds a new building, or adds square footage to an existing building, or affects any of the following:

- Elevators that do not have cabs sized per CBC for emergency operations.
- Fire Department access roads, fire lane markings, pavers, and gate entrances.
- Fire Flow, including hydrant locations and distribution.
- Water requirements for fire flow and alternate means (see [DSA Policy 09-01](#))
- Automatic Fire Sprinkler Systems, locations of post indicator valves and fire department connections.
- Fire hazard severity zone identification.

6. Question: How does DSA resolve code application issues?

Answer: DSA's Fire and Life Safety Statewide Team, comprised of the fire and life safety leads from each DSA Regional Office and Headquarters, will exercise reasonable judgment in accordance with State Regulations. There is an internal DSA code appeal process that is identified on the DSA web site (see [DSA Procedure 09-01](#)).

The State Fire Marshal or International Code Council is contacted for further clarification of code applications. If a code interpretation is needed of state regulations, DSA would make the request for interpretation per the State Fire Marshal.

7. Question: What does the DSA "Approval Stamp" look like?

Answer: An example of an initialed and dated signature stamp is shown below. This stamp must appear on all plans. Initials of appropriate DSA reviewers indicate approval.

INDENTIFICATION STAMP DIVISION OF THE STATE ARCHITECT	
02-100678	
AC	<u>M.D.</u> FLS <u>J.M.</u> SS <u>R.C.</u>
DATE	<u>02-09-09</u>

AC = Access Plan Reviewer Initials
FLS = Fire and Life Safety Reviewer's Initials
SS = Structural Engineer Review Initials

CONSTRUCTION OVERSIGHT

8. Question: Who has the authority to oversee installation and removal of underground storage tanks for hazardous materials on school property?

Answer: The LFA shall regulate and issue permits for all underground tanks. (Health & Safety Code Section 25280-225284)

9. Question: What are some of the responsibilities of the Architect of Record (AOR) during project construction?

Answer:

- Obtain DSA approval for *all* changes *prior* to implementation
- Interview and approve the project inspector
- Provide general direction to the project inspector, interpret construction documents.
- Visit the project, observe the construction
- Manage closeout process

10. Question: What type of inspection is required on school construction projects?

Answer: The DSA Certified Project Inspector as identified in Part 1, Title 24, C.C.R., *Section 4-333, (b)*.

11. Question: Who hires the project inspector?

Answer: The school district hires the project inspector from a DSA list of qualified inspectors after interview and approval by the project AOR. The project inspector is not a state employee.

12. Question: What are some of the duties and responsibilities of a Project Inspector?

Answer:

- A Project Inspector provides personal, continuous inspection of a construction project
- Monitors testing and special inspections
- Notifies contractor, architect, and DSA of deviations from the approved plans and adopted codes and standards.
- Is required to provide Semi-Monthly reports to DSA
- Certify construction by submitting a verified report.

13. Question: What are some of the duties and responsibilities of Testing Facilities and Special Inspectors?

Answer:

- Directly employed by the school district
- Non-compliant building materials or construction must be reported immediately to the school district, contractor, Project Inspector, Architect, and DSA.
- Laboratory Engineer must file a Final Verified Report for all testing
- Each Special Inspector must file a Final Verified Report for their work

14. Question: During construction of a project, may the LFA visit the project site?

Answer: Yes. As the First Responder, the LFA provides fire suppression, rescue, and other emergency services to public schools

If the LFA would like to develop a “pre-fire plan,” and wants to visit in order to get familiar with the site and building configuration and fire safety features, it needs to get permission from the general contractor in charge of the project. This would be to verify that insurance would cover any accident on the job site that might involve the LFA. Typically, at the entry gate to the job site, a contact phone number is posted for site access. LFA personnel may be required to wear helmets, ear protection or other protective gear during the visit.

15. Question: During construction of a project may the LFA visit the project site to witness testing of equipment?

Answer: The project inspector is instructed by DSA to notify and invite, pending school district approval, the LFA to witness the testing of the fire alarm and fire sprinkler system, and other items that may affect the LFA in the future.

Local fire officials do not have authority to stop work unless there is an immediate threat to life safety present. Where there is an imminent threat to life safety, the local fire official should immediately contact the general contractor, the design professional in general responsible charge, the building superintendant, or the school district.

16. Question: What should be done if, during the LFA “pre-fire planning” site visit, a possible failure to comply with the minimum code requirements is observed in the work in progress?

Answer: The LFA should submit its question(s) in writing along with relevant information, including code or standard references, exact location, and photographs, if possible, to the architect for the project and a copy to the DSA Regional Manager.

17. Question: Are fire apparatus access roads for new school buildings or school sites required to be paved before construction commences?

Answer: No. A paved road need not be provided before construction of a school project commences. Graded, compacted roadway beds at school construction sites used by concrete mixers, semi-truck and trailers and other heavy vehicles with gross vehicle weight and loads equivalent to that of fire apparatus, should provide adequate access for fire and emergency equipment during construction.

AFTER PROJECT CONSTRUCTION

18. Question: Why are there portable classroom buildings on a new campus that do not have a fire sprinkler system?

Answer: If the school district has identified a portable building as “temporary” with a placement on campus with a maximum of 3 years and received state funding through the *Leroy F. Greene School Facilities Act of 1998*, the building code exempts them from the requirement to provide fire sprinklers.

19. Question: What is the authority of the LFA after plan approval, certification of construction and occupancy?

Answer: Once a public school building is occupied, fire and life safety oversight becomes the responsibility of the LFA. Local fire officials are responsible for the ongoing, annual inspection of public school facilities (Health & Safety Code 13146.3)

20. Question: During annual fire safety inspection, can an LFA require the schools to upgrade the fire alarm system?

Answer: As long as the fire alarm system is in working condition and performing the functions for which it was designed, the LFA cannot require the system to be upgraded. If the system has deteriorated, is not functioning as designed, and repairs are no longer feasible, the LFA can work with the school district and DSA toward replacing the system as part of a modernization project.

21. Question: During annual fire safety inspection when an LFA notices that there has been an addition to an existing building that had not gone through the DSA plan approval or construction oversight, what is the course of action?

Answer: All additions to a building are required to receive DSA review and approval. The LFA should contact the DSA Regional Office with the address of the project, rough drawing of the site plan with project location, and any photos which may have been taken of the addition. DSA has a standard letter that would be sent to the school district notifying them of the violation.

22. Question: Which entity grants approval for special events such as temporary Halloween Haunted Houses, or Graduation Night activities?

Answer: The LFA.

23. Question: Which entity receives the 5-year fire sprinkler inspection reports, hood suppression system maintenance reports, or other testing and maintenance reports?

Answer: The LFA.

24. Question: When there are code violation complaints from the public regarding a fire hazard, which entity has the authority to investigate and issue corrective action notices?

Answer: The LFA with assistance from DSA and SFM, as needed.

25. Question: Once the local fire authority, (LFA) has assumed the responsibility for inspection of schools, this becomes an unfunded mandate on the LFA. Can the LFA charge an inspection fee to recover costs for this unfunded mandate?

Answer: Unfortunately Section 17921 of the H & S Code does not cover schools. After research, the State Fire Marshall (SFM) felt that the statute was not clear on this issue and advised that the Alliance of Schools for Cooperative Insurance Programs (ASCIP) seek out a legal opinion through the State Attorney General's Office or through the Commission on State Mandates. The SFM may also seek an opinion in the near future since this issue has statewide impact on them as well.

26. Question: Who inspects community colleges after DSA projects are completed?

Answer: The local fire authority conducts inspections of a community college unless it is located in an unincorporated area of the state. In unincorporated areas, the State Fire Marshal has inspection authority.

27. Question: What is the role of the SFM concerning schools that are built without DSA approved plans?

Answer: When such buildings are noted by the Local Fire Authority (LFA), and the issue that cannot be resolved, DSA, the LFA or the School District may contact the SFM for assistance when all attempts at a resolution have failed.

28. Question: How does the SFM assist the local fire authority concerning issues with annual school inspections?

Answer: The SFM is available for code interpretations as described on the State Fire Marshal web site. Also, the SFM works with DSA as needed to resolve fire and life safety issues. A local fire authority (LFA) can make a request for a local inspection assist directly to the SFM or through the SFM Division Chief. Once the request is approved, the SFM will make contact with the LFA and typically take over enforcement responsibility.

GENERAL QUESTIONS

29. Question: How do I get in touch with DSA?

Answer: Use DSA Website at the following location,
<http://www.dgs.ca.gov/dsa/AboutUs/contact.aspx>

30. Question: How do I get in touch with the SFM?

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Answer: SMF Sacramento Headquarters (916) 445-8200 or Southern California SFM Monrovia Office (626) 305-1908

31. Question: What is the fire clearance process for licensed child care facilities located on public school sites?

Answer: The licensing agency is responsible for requesting a fire clearance from the LFA.

RESOURCES

DSA Fire and Life Safety Web Page with policies and other helpful resources:

<http://www.dgs.ca.gov/dsa/Programs/progProject/planreview/fls.aspx>

State Fire Marshal Interpretations:

<http://www.osfm.fire.ca.gov/codeinterpretation/codeinterpretation.php>

DSA Academy Class - Plan Review - Fire & Life Safety Process & Procedures:

<http://www.dsaacademy.dgs.ca.gov/registration/class.asp?id=6>