

**INITIAL EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT (DSA-SS)**

**REGARDING PROPOSED CHANGES TO
California Administrative Code
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 4**

(The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific.)

LEGEND FOR EXPRESS TERMS

1. Proposed new text: All such language appears underlined.
2. Repealed text: All such language appears in ~~strikeout~~.

GROUP 2
SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS: Fire & Life Safety

ARTICLE 1
GENERAL PROVISIONS

4-401. Purpose. These regulations implement Section 14963 of the Government Code to ensure that elementary, secondary or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code of Regulations, Title 24 related to the design aspects of the Fire and Life Safety (FLS) elements, components and systems.

Authority: Government Code Section 14963.

Reference: Government Code Section 14963.

4-402. Scope. Title 24, California Code of Regulations (C.C.R.) parts 2, 3, 4, 5, and 9; known as the California Building Code, designate building regulations that are applicable to the Fire and Life Safety portions of the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81131 of the Education Code. The term "school building" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314. Section 14963, Government Code, authorizes Division of the State Architect (DSA) to carry out the functions and duties related to plan check and inspections of the construction of school buildings.

Authority: Government Code Section 14963

Reference: Government Code Section 14963
Education Code Sections 17283 and 81131

4-403. Authority for enforcement of regulations. All duties and functions that relate to the Fire and Life Safety aspects of school construction plan checking and inspections have been vested by law in the Division of the State Architect.

Authority: Government Code Section 14963

Reference: Government Code Section 14963.

4-404. Alternate materials and methods of construction and modifications. The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA or the State Fire Marshal

DSA may approve any such alternate, provided DSA finds that the proposed design is satisfactory and complies with the provisions of these regulations and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in these regulations in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

DSA shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting acceptance of an alternate shall be recorded and entered in the files of DSA.

When there are practical difficulties involved in carrying out the provisions of these regulations, DSA may grant modifications for individual cases. DSA shall first find that a special individual reason makes the strict letter of these regulations impractical and that the modification is in conformance with the intent and purpose of these regulations and that such modification does not lessen any fire protection requirements, accessibility, or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of DSA.

Authority: Education Code Sections 17310 and 81142.
Government Code Section 14963

Reference: Education Code Sections 17280 and 81130.
Government Code Section 14963

4-405. Application of building standards. Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 9, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards or to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

Authority: Education Code Sections 17310 and 81142.
Government Code Section 14963

Reference: Education Code Sections 17280 and 81130.
Government Code Section 14963

4-406. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any school buildings. Plans and specifications for any new school building or for the reconstruction, rehabilitation, alteration of or addition to school buildings shall be submitted to DSA for approval as required by and in accordance with Sections 4-306 through 4-310. This approval shall include Fire and Life Safety.

Authority: Government Code Section 14963
Education Code Sections 17310 and 81142.

Reference: Government Code Section 14963
Health and Safety Code Section 13143
Education Code Sections 17280, 17295, 81130 and 81133.

ARTICLE 2 DEFINITIONS

4-410. General. The words defined in Sections 4-314 and 4-411 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-400, et. seq, Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142.
Government Code Section 14963

Reference: Education Code Sections 17283, 81130, 81131 and 81529.

4-411. Definitions.

DIVISION OF THE STATE ARCHITECT or DIVISION, or initials DSA, shall mean the Division of the State Architect in the Department of General Services, State of California.

INSPECTOR shall mean any person duly approved by DSA to perform construction inspection for a particular project. (See Sections 4-333 and 4-342.)

Authority: Education Code Sections 17310 and 81142.
Government Code Section 14963

Reference: Education Code Sections 17280, 17283, 17405, 81130, 81131 and 81529.
Health and Safety Code Section 13143

ARTICLE 3 APPROVAL OF DRAWINGS AND SPECIFICATIONS

4-415. Application for approval of drawings and specifications. Before awarding a contract or commencing with construction of a school building project, the school board shall submit an application to the Division of the State Architect and obtain written approval of the plans and specifications as required by and in accordance with Sections 4-315 through 4-319.

Authority: Education Code Sections 17310 and 81142.
Government Code Section 14963

Reference: Education Code Sections 17280 and 81130.
Government Code Section 14963

ARTICLE 4 FEES

4-420. Fees.

(a) The filing fee for projects shall be:

- three-tenths of one percent (0.3%) of the first \$1,000,000 of the estimated project cost; plus
- two-tenths of one percent (0.2%) of the project cost greater than \$1,000,000 up to and including \$5,000,000; plus
- one-tenth of one percent (0.1%) of the project cost greater than \$5,000,000 up to and including \$25,000,000; plus
- five one-hundredths of one percent (0.05%) of the project cost greater than \$25,000,000 up to and including \$100,000,000; plus
- one one-hundredth of one percent (0.01%) of the project cost above \$100,000,000;
- except that the minimum fee in any case shall be \$300.00.

Examples of filing fee to accompany application:

(1)	<u>Estimated project cost = \$40,000</u>		
	<u>0.3% x \$40,000</u>	=	<u>\$ 120.00</u>
	<u>Filing fee is the minimum charge</u>	=	<u>\$ 300.00</u>
(2)	<u>Estimated project cost = \$925,000</u>		
	<u>0.3% x \$925,000</u>	=	<u>\$2,775.00</u>
	<u>Filing fee</u>	=	<u>\$2,775.00</u>
(3)	<u>Estimated project cost = \$3,840,000</u>		
	<u>0.3% x \$1,000,000</u>	=	<u>\$3,000.00</u>
	<u>0.2% x \$2,840,000</u>	=	<u>\$5,680.00</u>
	<u>Filing fee</u>	=	<u>\$8,680.00</u>
(4)	<u>Estimated project cost = \$7,260,000</u>		
	<u>0.3% x \$1,000,000</u>	=	<u>\$3,000.00</u>
	<u>0.2% x \$4,000,000</u>	=	<u>\$8,000.00</u>
	<u>0.1% x \$2,260,000</u>	=	<u>\$2,260.00</u>
	<u>Filing fee</u>	=	<u>\$13,260.00</u>
(5)	<u>Estimated project cost = \$26,500,000</u>		
	<u>0.3% x \$1,000,000</u>	=	<u>\$3,000.00</u>
	<u>0.2% x \$4,000,000</u>	=	<u>\$8,000.00</u>
	<u>0.1% x \$20,000,000</u>	=	<u>\$20,000.00</u>
	<u>0.05% x \$1,500,000</u>	=	<u>\$750.00</u>
	<u>Filing fee</u>	=	<u>\$31,750.00</u>

(b) The fee schedule in effect at the time of filing shall apply throughout the duration of such application.

(c) When the actual project cost exceeds the estimated cost a further fee for such projects shall become due and shall be equal to the difference between the filing fee paid and the amount computed under the schedule above using the actual cost of the project. The actual project cost shall be determined as directed in Section 4-421 and billed according to Section 4-423.

(d) If the applicant requests the cancellation or withdrawal of the application and return of the plans and specifications and filing fee, this shall be granted unless the review has begun. No portion of the filing fee can be returned after the review has started.

(e) Beginning in July 2015, and within every four years thereafter, the State Architect shall review the fee schedule and make a written determination whether the fees are sufficient to fund the programs.

(i) If the State Architect determines that a lesser amount is sufficient to maintain the programs, the fees may be reduced for a period up to four years.

(ii) If the State Architect determines that a greater amount is necessary to maintain the programs utilizing these funds, the State Architect shall propose a fee schedule increase.

Authority: Government Code Section 14963
Health and Safety Code Section 13138.

Reference: Government Code Section 14963
Health and Safety Code Section 13138

4-421. Project cost. For purposes of determining the fees, project costs shall be determined as defined by and in accordance with Section 4-322.

Authority: Government Code Section 14963
Health and Safety Code Section 13138

Reference: Government Code Section 14963.
Education Code Sections 17300(a) and 81133(c)(6)
Health and Safety Code Section 13143

4-422. Revision of plans and specifications.

(a) Revisions are changes to plans or specifications made after DSA approval. Revisions shall be submitted to and approved by DSA.

(b) An hourly fee may be charged to the applicant for the review of revisions to approved plans and specifications.

Authority: Government Code Section 14963
Health and Safety Code Section 13138

Reference: Government Code Section 14963
Health and Safety Code Section 13138

4-423. Billing for further fees. The school district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of \$5.00 or less due to errors in cost reporting or fee computation shall be made within six months from date of billing.

Authority: Government Code Section 14963
Health and Safety Code Section 13138

Reference: Government Code Section 14963
Health and Safety Code Section 13138

4-424. Fees for DSA review prior to application filing. An hourly fee may be charged to the school district for the review of draft drawings and specifications or consultations with DSA during project development, as requested by the school district.

Authority: Government Code Section 14963
Health and Safety Code Section 13138

Reference: Government Code Section 14963
Health and Safety Code Section 13138

ARTICLE 5
CERTIFICATION OF CONSTRUCTION

4-430. General. Certification of construction shall be in accordance Chapter 4 Group 1 Article 5 as follows:

- (a) Time of beginning construction and partial construction: Section 4-330.
- (b) Notice to DSA at start of construction: Section 4-331.
- (c) Notice of suspension of construction: Section 4-331.
- (d) Observation and inspection of construction: Section 4-333.
- (e) Project inspector certification: Section 4-333.1.
- (f) Verified Reports: Section 3-336.
- (g) Semimonthly reports: Section 4-337.
- (h) Addenda and construction changes: Section 4-338
- (i) Final certification of construction: Section 4-339.

Authority: Government Code Section 14963
Reference: Government Code Section 14963
Health and Safety Code Section 13143

4-431. Supervision by the Division of the State Architect. During construction, reconstruction, rehabilitation, repair, alteration of, or addition to any school building, DSA shall make such visits as in its judgment are necessary for proper enforcement of these regulations and the protection of the safety of the pupils, the teachers and the public. If at any time as the work progresses, prior to issuance of the certification of compliance, it is found that modifications or changes are necessary to secure safety or to comply with code requirements, DSA shall notify the responsible architect or responsible structural engineer and the school district of the necessity for such modifications or changes.

Authority: Government Code Section 14963
Reference: Government Code Section 14963
Health and Safety Code Section 13143

4-432. Stop work order.

(a) Whenever DSA finds any work regulated by this code being performed in a manner contrary to the provisions of this code, including the applicable standards, DSA is authorized to issue a stop work order.

(b) The stop work shall be in writing and shall be given to the owner of the property involved, or the owner's agent, or the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working in the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Authority: Government Code Section 14963
Reference: Government Code Section 14963

ARTICLE 6
DUTIES

4-435. General. Duties of the various individuals involved in the design and construction shall be in accordance Chapter 4 Group 1 Article 6 Sections 4-341 through 4-344.

Authority: Government Code Section 14963
Reference: Government Code Section 14963
Health and Safety Code Section 13143