

California Public Schools (Grades K-12 and Community College)

Fire and Life Safety

Frequently Asked Questions

The purpose of this publication from the Office of the State Fire Marshal (OSFM) and the Division of the State Architect (DSA) is to provide information and clarification to members of local fire authorities (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 OSFM 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 fire hazard severity zones established by the LFA applicable to public schools and community colleges?

Answer: Yes. The Government Code and Public Resources Code permit the LFA to amend the CAL FIRE fire hazard maps by establishing local fire hazard severity zones. Such an amendment must be submitted to, and approved by, the CAL FIRE director.

4. Question: When a local fire hazard severity zone is established by the LFA and approved by the CAL FIRE Director, are more restrictive local building code amendments applicable to public schools and community colleges?

Answer: No, unlike the provisions permitting the LFA to establish local fire hazard severity zones, per *Hall v City of Taft* local ordinances are not applicable to public schools (See C.C.R. Title 19, Section 1.07). Public school and community college construction within a designated fire hazard severity zone are only required to comply with Chapter 7A of the California Building Code (CBC).

5. 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

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

Answer: The design professional (DP) is responsible for determining if a project location is within a designated hazardous fire area, and compliance with C.C.R. Title 19 and Title 24 requirements associated with water supply (fire flow) and fire department emergency access. The DP must contact the LFA to obtain information pertaining to hazardous fire area location, and water supply availability. When fire department access and water supply requirements cannot be achieved, the design professional must submit proposed design alternates to the local fire authority (LFA) for review and acceptance.

7. Question: When is LFA involvement required.

Answer: The LFA is requested to review proposed design alternates for:

- Fire department access roads, fire lane markings, pavers, and gate entrances.
- Fire hydrant locations and distribution.
- Water supply requirements for fire flow (see [DSA Policy 09-01](#))
- Automatic fire sprinkler systems, locations of post indicator valves and fire department connections.

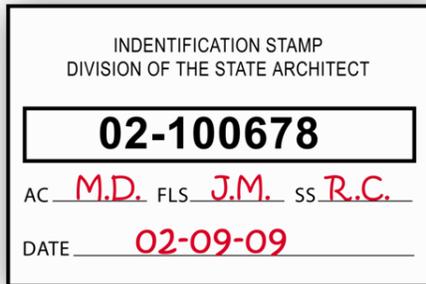
8. Question: How does DSA resolve code application issues?

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 website (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 State Fire Marshal.

9. Question: What does the DSA “Approval Stamp” look like?

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



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

CONSTRUCTION OVERSIGHT

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

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

11. 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

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

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

13. 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 an employee of DSA.

14. 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.

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

Answer:

- Special Inspectors are 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.

16. 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, building configuration and fire safety features, it needs to obtain 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, hearing protection or other protective gear during the visit.

17. 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 automatic fire alarm systems, automatic fire sprinkler systems, and other features 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.

18. 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 observations and question(s) in writing along with any relevant information, including code or standard references, exact location, and photographs, if possible, to the project inspector with a copy to the architect-of-record for the project.

19. 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

20. 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 placement on campus for 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.

21. 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)

22. 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.

23. 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: An addition to a building is required to receive DSA review and approval. The LFA should contact the DSA Regional Office with the address of the project, rough

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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.

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

Answer: The LFA.

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

Answer: The LFA and school district.

26. 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 OSFM, as needed.

27. Question: Once the LFA assumes 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: No. Section 17921 of the Health & Safety Code does not apply to schools. OSFM has advised the Alliance of Schools for Cooperative Insurance Programs (ASCIP) to seek a legal opinion by the State Attorney General or by the Commission on State Mandates to resolve this issue. No formal determination has yet been made.

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

Answer: The local fire authority conducts inspections of community colleges unless it is located in an unincorporated area of the state. In unincorporated areas, the OSFM has inspection authority.

29. 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 cannot be resolved, DSA, the LFA or the school district may contact the OSFM for assistance when all attempts at a resolution have failed.

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

Answer: The OSFM is available for code interpretations as described on their web site. Also, the OSFM 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 OSFM or through the OSFM Division Chief. Once the request is approved, the OSFM will make contact with the LFA and typically take over enforcement responsibility.

GENERAL QUESTIONS

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

Answer: Use DSA website at the following location, <https://www.dgs.ca.gov/DSA/Contact>

32. Question: How do I get in touch with the OSFM?

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

33. 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 Webpage with policies and other helpful resources:

<https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Fire-and-Life-Safety-Plan-Review-Service-Resources>

State Fire Marshal Interpretations:

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

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

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