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**SFPD Advisory 99-02**

To: County and District Superintendents

From: Duwayne Brooks, Director  
School Facilities Planning Division

**Subject: School Building, *Health and Sanitation Code*  
Requirements - Code Compliance Responsibility**

The California Department of Education (CDE) frequently receives questions from the public concerning the number and condition of toilets and other health and safety issues at California public schools. The following information has been put together in order to identify who is responsible for the enforcement of building codes and other codes that apply to health, sanitation, and safety on school sites.

*California Building Code, Title 24 California Code of Regulations* (CBC) requirements for health, sanitation and safety apply to school districts.

*The Uniform Building Code (UBC)* is incorporated as part of the *California Building Code*.

*The Uniform Plumbing Code (UPC)*, including Appendix C is incorporated as part of the *California Building Code*.

The enforcement process for school projects is considerably different from the process required for private sector projects, however this does **not** mean that *California Building Code* Requirements are options, just that they are enforced by several agencies, primarily the local school board.

**THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE)  
RESPONSIBILITY:**

CDE reviews and approves school sites and facility plans for educational adequacy and child safety. However, enforcement of the building code requirements and other regulations that deal with these topics is the responsibility of the local school board. CDE has no regulatory responsibility in the maintenance of facilities. Maintenance

also is the responsibility of the local school board.

**DEPARTMENT OF GENERAL SERVICES, DIVISION OF THE  
STATE ARCHITECT (DSA) RESPONSIBILITY:**

DSA reviews projects only for structural compliance with the *California Building Code*, for compliance with the requirements of the Americans with Disabilities Act, and for general fire and life safety requirements of the codes in cooperation with the State Fire Marshall. DSA does not conduct a building department like review of plumbing, mechanical, electrical and other systems except as they apply to fire and life safety.

**LOCAL AGENCY RESPONSIBILITY:**

LOCAL BUILDING DEPARTMENTS have enforcement powers over site access, street locations, grading and drainage issues.

THE LOCAL FIRE DEPARTMENT (MARSHAL OR CHIEF) has enforcement powers on school sites for fire flows, fire lanes, and building fire safety inspections.

LOCAL PLANNING AGENCIES have enforcement powers in use of school property that is not directly involved in educational activities.

LOCAL HEALTH DEPARTMENTS have enforcement in areas as noted below in this memo.

**LOCAL SCHOOL BOARD RESPONSIBILITY:**

LOCAL SCHOOL BOARDS have the responsibility for compliance with building codes, local ordinances, and federal and state environmental regulations. This responsibility includes providing and maintaining facilities to meet the codes. The code provisions most often questioned by the public include the following:

1. **CLEANLINESS AND REPAIR:** There are no state statutes that govern cleanliness or repair of school facilities. These standards are common sense and common decency policy, set by and enforced by the local school board. Local health authorities may intervene in a limited way under the *Health and Safety Code*, Section 16500.
2. **HOT WATER AND PAPER SUPPLIES:** There are no state statutes that govern provision of hot water and paper supplies in rest rooms. These standards are policy, set by and enforced

by the local school board. The only exception is that toilets attached to food service locations come under the provisions of the *California Uniform Retail Food Facilities Law*, administered by the local health department.

3. SEPTIC SYSTEMS AND WATER SUPPLIES (WELLS):  
Local health departments have jurisdiction over the design of such systems. These systems are generally tested periodically for safety, according to local ordinance and federal and state environmental protection regulations.
4. DRINKING WATER: **Prior to 1994**, Section 805 of the *Uniform Building Code* specified one drinking fountain for every floor of a school, obviously an inadequate requirement. Most school districts set a more realistic number as board policy. **After 1994**, *Title 5 of the California Code of Regulations* requires the provision of one drinking fountain for every 75 people. Title 5 is in the process of revision and will incorporate UPC Appendix C, 1998. The new code decreases the number of drinking fountains to 1 per 150 people, obviously inadequate for the needs of school children. Districts should set a more realistic number as board policy. There are no code requirements for refrigeration of drinking water.
5. TOILET FACILITIES: The questions posed to CDE by the public are about the number of fixtures available to students, especially girls; the condition of the toilets (cleanliness and repair) and provision of hot water and paper supplies.

The number of fixtures required for student use in schools constructed **before 1994** is specified in the *Uniform Building Code* (part of the *California Building Code*), Section 805. The *Uniform Plumbing Code*, (also part of the *California Building Code*), Appendix C applies to schools constructed **after 1994**. Both codes are based on **student population. Any construction or additions that add population, including portable structures, should add toilets to meet the code.** Both codes, in the opinion of the School Facilities Planning Division of the CDE, provide too few toilets for girls, if the number of toilets and urinals provided for boys is correct. Most responsible architects provide the same number of fixtures for each sex. The 1998 code requires equal fixtures for girls. Title 5 is incorporating this change. Minimum fixtures required are as follows: (A summary chart is attached for your reference)

**Prior to 1994**, *Uniform Building Code*, Section 805

- Elementary School: One urinal for every 30 boys + one toilet for every 100 boys; one toilet for every 35 girls.
- Secondary School: One urinal for every 30 boys + one toilet for every 100 boys; one toilet for every 45 girls.
- Kindergarten: Determined by local school board.
- Staff: Determined by local school board.

After 1994, per Title 5, *Uniform Plumbing Code*, Appendix C (*Title 5 of the California Code of Regulations* provides that fixtures are provided based on actual student population, not the capacity population defined in UPC). *Uniform Plumbing Code*, Appendix C, recommends toilet fixtures as follows:

- Elementary School: One urinal for every 75 boys + one toilet for every 30 boys; one toilet for every 25 girls. 1998 code (UPC) requires an equal number of fixtures for girls.
- Secondary School: One urinal for every 35 boys + one toilet for every 40 boys; one toilet for every 30 girls. 1998 code (UPC) requires an equal number of fixtures for girls.
- Kindergarten: For girls, one toilet serves 1 - 20 people; two toilets serve 21 - 50 people; over 50, add one toilet for each additional 50 persons. For boys, the requirements are the same. Toilets for kindergartners are to be provided within the classroom or within the kindergarten complex (see Title 5, Section 14030g2). CDE, School Facilities Planning Division interprets the code to require separate facilities for kindergarten boys and girls.
- Staff: For women, one toilet serves 1 - 15 people; two toilets serve 16 - 35 people; three toilets serve 36 - 55 people; over 55, add one toilet for each additional 40 persons. For men, the requirements are the same as the women's, except add one urinal for every 50 persons. 1998 Code (UPC) requires an equal number of fixtures for women.

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The information in this memo is not binding on local educational agencies or other entities. Except for the statutes, regulations, or court decisions that are referenced herein, the memo is exemplary and compliance with it is not mandatory (See *Education Code* Section 33308.5).

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