

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1783

Introduced by Assembly Member Dodd

(Principal coauthor: Senator Wolk)

February 4, 2016

An act to add Chapter 8 (commencing with Section 17660) to Part 10.5 of Division 1 of Title 1 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1783, as amended, Dodd. School facilities: nonstructural earthquake hazards: assessment.

Existing law, the Field Act, generally requires the Department of General Services to supervise the design and construction of, the reconstruction or alteration of, or the addition to, a school building to ensure, among other things, that plans and specifications comply with adopted rules and regulations and building standards, including those relating to seismic safety. Existing law requires the Office of Emergency Services, in cooperation with the State Department of Education, the Department of General Services, and the Alfred E. Alquist Seismic Safety Commission, to develop an educational pamphlet for use by school personnel to identify and mitigate the risks posed by nonstructural earthquake hazards.

This bill would require each school district, county office of education, and charter ~~school~~, *school located in an area of higher seismicity, as defined*, on or before January 1, 2018, to develop a plan for the

inspection of the contents in each of its school buildings *of areas that are accessible to or occupied by pupils* to assess whether the contents comply with the guidelines set forth in the pamphlet, to identify school building contents that do not comply with the guidelines, and to develop corrective actions to bring noncompliant contents into compliance. The bill would require, among other things, that the plan be developed in consultation with specified persons, that it designate the responsible person or persons who will perform the assessment and develop the corrective action plans for noncompliant contents, and that it include a cost estimate for the assessment. The bill would require each school district, county office of education, and charter school to complete the assessment on or before January 1, 2020. The bill would require, within 60 days of completing an assessment for each school building, that a checklist of compliant and noncompliant contents be reported to the governing board of the school district, the county board of education, or the governing body of the charter school, as applicable, with a prioritization of noncompliant items that threaten the safety of pupils and school personnel and a set of recommended corrective actions to bring high-priority noncompliant contents into compliance with the published guidelines. By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Following significant damage to school buildings in the 1933
- 4 Long Beach earthquake, the Field Act was enacted to mandate the
- 5 earthquake-resistant construction of schools.

1 (b) The Division of the State Architect (DSA) reviews the
2 design, construction, alteration, addition, and rehabilitation of
3 K–12 public schools and community colleges.

4 (c) The DSA also monitors the safety of nonstructural
5 components installed in school facilities.

6 (d) Implementation of the Field Act, as defined pursuant to
7 Section 17281 of the Education Code, depends upon a complex
8 interrelationship with dispersed responsibilities among state
9 departments and agencies, school districts, local government
10 building departments, educational institutions, and the construction
11 industry.

12 (e) The South Napa earthquake struck in the early morning on
13 August 24, 2014. Structural damage to schools was minimal.
14 However, nonstructural damage was significant and could have
15 been life threatening had the earthquake occurred during school
16 hours.

17 (f) The earthquake highlighted dangers posed by light fixtures,
18 unrestrained bookcases, storage units, furniture, and other similar
19 school contents that are not subject to the Field Act’s requirements.

20 (g) The DSA has issued guidelines for nonstructural earthquake
21 hazards in California schools, which include furniture and
22 equipment. However, there are no requirements in state law similar
23 to the requirements of the Field Act that require the DSA, local
24 fire agencies, or school districts to inspect schools to ensure that
25 school contents comply with the DSA nonstructural component
26 guidelines.

27 (h) School classrooms should be examined to ensure that
28 furnishings and equipment are properly located, anchored and
29 braced to prevent harm to pupils and school personnel, and to
30 ensure egress from any room after an earthquake.

31 SEC. 2. Chapter 8 (commencing with Section 17660) is added
32 to Part 10.5 of Division 1 of Title 1 of the Education Code, to read:

33
34 CHAPTER 8. NONSTRUCTURAL EARTHQUAKE HAZARDS

35
36 17660. (a) (1) By no later than January 1, 2018, each school
37 district, county office of education, and charter school *located in*
38 *an area of higher seismicity* shall develop a plan for the inspection
39 of the contents, as described in Section 17662, in each of its school
40 ~~buildings~~: *buildings of areas that are accessible to or occupied by*

1 *pupils, including classrooms, hallways, libraries, gymnasiums,*
2 *multipurpose rooms, cafeterias, computer rooms, administrative*
3 *offices, and other similar spaces.*

4 (2) *For purposes of this section, “higher seismicity” means an*
5 *area with the result of .30g or greater on the California Geological*
6 *Survey’s Ground Motion Interpolator found on the Department of*
7 *Conservation Internet Web site.*

8 (3) *The Department of Conservation, on or before February 1,*
9 *2017, shall post instruction or a hyperlink on its Internet Web site*
10 *on how to determine whether a school district, county office of*
11 *education, or charter school is located in an area of higher*
12 *seismicity.*

13 (b) The purpose of the plan shall be to assess whether the
14 contents comply with the guidelines set forth in Chapter 3
15 (Furniture and Equipment) of the “Guide and Checklist for
16 Nonstructural Earthquake Hazards in California Schools,” the
17 educational pamphlet published by the Office of Emergency
18 Services, in cooperation with the State Department of Education,
19 the Department of General Services, and the Alfred E. Alquist
20 Seismic Safety Commission pursuant to Section 8587.7 of the
21 Government Code, to identify school building contents that do not
22 comply with the guidelines, and to develop corrective actions to
23 bring noncompliant contents into compliance.

24 (c) The plan shall be developed in consultation with a California
25 licensed civil or structural engineer or a California licensed
26 architect, a representative of ~~the~~ a local fire service ~~agency of each~~
27 ~~school building,~~ agency, a school administrator or school business
28 official, a classroom teacher, and a representative of classified
29 school employees.

30 (d) The plan shall designate the responsible person or persons
31 in the school district, county office of education, or charter school,
32 as applicable, who will perform the assessment and develop the
33 corrective action plans for noncompliant contents. The plan shall
34 also identify all school buildings that are to be assessed and the
35 order of assessment.

36 (e) The plan shall include a cost estimate for the assessment.

37 (f) The plan shall be presented to the governing board of the
38 school district, the county board of education, or the governing
39 body of the charter school, as applicable, at a public meeting held
40 pursuant to the Ralph M. Brown Act (Chapter 9 (commencing

1 with Section 54950) of Part 1 of Division 2 of Title 5 of the
2 Government Code), or, in the case of a statewide charter school,
3 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
4 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
5 the Government Code).

6 17661. (a) Each school district, county office of education,
7 and charter school shall complete an assessment pursuant to the
8 plan developed pursuant to Section 17660 on or before January 1,
9 2020.

10 (b) The person or persons designated pursuant to subdivision
11 (d) of Section 17660 shall, at minimum, complete the checklist
12 published in the “Guide and Checklist for Nonstructural Earthquake
13 Hazards in California Schools” to identify all compliant and
14 noncompliant contents found pursuant to *Chapter 3* of the checklist.

15 (c) (1) Within 60 days of completing an assessment for each
16 school building, the checklist of compliant and noncompliant
17 contents shall be reported to the governing board of the school
18 district, the county board of education, or the governing body of
19 the charter school, as applicable. The report shall include a
20 prioritization of noncompliant items that present an immediate and
21 serious threat to the safety of pupils and school personnel and a
22 set of recommended corrective actions to bring high-priority
23 noncompliant contents into compliance with the published
24 guidelines.

25 (2) The governing board of the school district, the county board
26 of education, or the governing body of the charter school, as
27 applicable, shall review the report in a public meeting held pursuant
28 to the Ralph M. Brown Act (Chapter 9 (commencing with Section
29 54950) of Part 1 of Division 2 of Title 5 of the Government Code),
30 or, in the case of a statewide charter school, the Bagley-Keene
31 Open Meeting Act (Article 9 (commencing with Section 11120)
32 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
33 Code), and shall post the report on its Internet Web site.

34 ~~(d) (1) If corrective actions for noncompliant contents in each~~
35 ~~school building in the school district, the county office of~~
36 ~~education, or charter school are completed, the~~

37 (d) (1) The superintendent of ~~the a~~ school district, the county
38 superintendent of schools, or the chief administrator of ~~the a~~ charter
39 school, as applicable, shall *annually* certify in writing to the
40 governing board of the school district, the county board of

1 education, or the governing body of the charter school, as
2 applicable, which corrective actions have been taken and
3 completed.

4 (2) The certifications for each school building shall be posted
5 to the school district's, county office of education's, or charter
6 school's Internet Web site, as applicable.

7 17662. For purposes of this chapter, "contents" includes, but
8 is not limited to, file cabinets, bookcases, desktop and countertop
9 equipment, equipment on carts, display cases, art objects, potted
10 plants, aquariums, equipment on wheels or rollers, such as pianos
11 and chalkboards, office equipment, refrigerators, vending machines,
12 shop and gym equipment, gas cylinders, gas piping, *and* storage
13 racks, ~~electrical equipment, mechanical equipment, plumbing~~
14 ~~equipment, and kitchen equipment.~~ *racks.*

15 SEC. 3. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.