

AMENDED IN ASSEMBLY MAY 27, 2016

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 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~~
29 *anchored*, and braced to prevent harm to pupils and school
30 personnel, and to 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 of areas that are accessible to or occupied by pupils,

1 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 a local fire service agency, a school
27 administrator or school business official, a classroom teacher, and
28 a representative of classified school employees.

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

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

36 (f) The plan shall be presented to the governing board of the
37 school district, the county board of education, or the governing
38 body of the charter school, as applicable, at a public meeting held
39 pursuant to the Ralph M. Brown Act (Chapter 9 (commencing
40 with Section 54950) of Part 1 of Division 2 of Title 5 of the

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

5 17661. (a) Each school district, county office of education,
6 and charter school shall complete an assessment pursuant to the
7 plan developed pursuant to Section 17660 on or before January 1,
8 2020.

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

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

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

33 (d) (1) The superintendent of a school district, the county
34 superintendent of schools, or the chief administrator of a charter
35 school, as applicable, shall annually certify in writing to the
36 governing board of the school district, the county board of
37 education, or the governing body of the charter school, as
38 applicable, which corrective actions have been taken and
39 completed.

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

4 (e) *If a school district, county office of education, or charter*
5 *school completes an assessment pursuant to subdivision (a) before*
6 *January 1, 2017, the school district, county office of education, or*
7 *charter school may report the assessment and any corresponding*
8 *corrective actions it takes to the governing board of the school*
9 *district, the county board of education, or the governing body of*
10 *the charter school, as applicable, to comply with paragraph (1)*
11 *of subdivision (c).*

12 17662. For purposes of this chapter, “contents” includes, but
13 is not limited to, file cabinets, bookcases, desktop and countertop
14 equipment, equipment on carts, display cases, art objects, potted
15 plants, aquariums, equipment on wheels or rollers, such as pianos
16 and chalkboards, office equipment, refrigerators, vending machines,
17 shop and gym equipment, gas cylinders, gas piping, and storage
18 racks.

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.