

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1783**

**Introduced by Assembly Member Dodd**  
(Principal coauthor: Senator Wolk)

February 4, 2016

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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~~. *inspection*.

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, *school*, on or before January 1, 2018, 2020, to develop a plan for the *complete an* inspection of the contents in each of its school buildings of areas that are accessible to or occupied by pupils *in each of its school buildings located in an area of higher seismicity, as defined*, to assess whether the contents *in each area* comply with the guidelines set forth in the pamphlet, to identify school building contents that do not comply with the guidelines, *pamphlet* 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: *compliance with the published guidelines*. The bill would require, within 60 days of completing ~~an assessment~~ *the inspections* for each *area within a* 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 bill would require the Department of Conservation, on or before February 1, 2017, to post instructions or a hyperlink on its Internet Web site on how to determine whether a school district, county office of education, or charter school building is located in an area of higher seismicity.*

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.

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

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

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

17 (e) The South Napa earthquake struck in the early morning on  
18 August 24, 2014. Structural damage to schools was minimal.  
19 However, nonstructural damage was significant and could have  
20 been life threatening had the earthquake occurred during school  
21 hours.

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

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

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

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

3  
4 CHAPTER 8. NONSTRUCTURAL EARTHQUAKE HAZARDS

5  
6 17660. (a) (1) ~~By no later than~~ *On or before* January 1, 2018,  
7 2020, each school district, county office of education, and charter  
8 school ~~located in an area of higher seismicity shall develop a plan~~  
9 ~~for the~~ *shall complete an* inspection of the contents, as described  
10 in Section ~~17662, 17661~~, in each of its school buildings of areas  
11 that are accessible to or occupied by pupils, including classrooms,  
12 hallways, libraries, gymnasiums, multipurpose rooms, cafeterias,  
13 computer rooms, administrative offices, and other similar ~~spaces~~.  
14 *spaces in each of its school buildings located in an area of higher*  
15 *seismicity to assess whether the contents in each area comply with*  
16 *the guidelines set forth in Chapter 3 (Furniture and Equipment)*  
17 *of the “Guide and Checklist for Nonstructural Earthquake Hazards*  
18 *in California Schools,” published by the Office of Emergency*  
19 *Services in cooperation with the State Department of Education,*  
20 *the Department of General Services, and the Alfred E. Alquist*  
21 *Seismic Safety Commission pursuant to Section 8587.7 of the*  
22 *Government Code, and to develop corrective actions to bring*  
23 *noncompliant contents into compliance with the published*  
24 *guidelines.*

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

29 (3) The Department of Conservation, on or before February 1,  
30 2017, shall post ~~instruction~~ *instructions* or a hyperlink on its  
31 Internet Web site on how to determine whether a school district,  
32 county office of education, or charter school *building* is located  
33 in an area of higher seismicity.

34 ~~(b) The purpose of the plan shall be to assess whether the~~  
35 ~~contents comply with the guidelines set forth in Chapter 3~~  
36 ~~(Furniture and Equipment) of the “Guide and Checklist for~~  
37 ~~Nonstructural Earthquake Hazards in California Schools,” the~~  
38 ~~educational pamphlet published by the Office of Emergency~~  
39 ~~Services, in cooperation with the State Department of Education,~~  
40 ~~the Department of General Services, and the Alfred E. Alquist~~

1 ~~Seismic Safety Commission pursuant to Section 8587.7 of the~~  
2 ~~Government Code, to identify school building contents that do not~~  
3 ~~comply with the guidelines, and to develop corrective actions to~~  
4 ~~bring nonecompliant contents into compliance.~~

5 ~~(e) The plan shall be developed in consultation with a California~~  
6 ~~licensed civil or structural engineer or a California licensed~~  
7 ~~architect, a representative of a local fire service agency, a school~~  
8 ~~administrator or school business official, a classroom teacher, and~~  
9 ~~a representative of classified school employees.~~

10 ~~(d) The plan shall designate the responsible person or persons~~  
11 ~~in the school district, county office of education, or charter school,~~  
12 ~~as applicable, who will perform the assessment and develop the~~  
13 ~~corrective action plans for noncompliant contents. The plan shall~~  
14 ~~also identify all school buildings that are to be assessed and the~~  
15 ~~order of assessment.~~

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

17 ~~(f) The plan shall be presented to the governing board of the~~  
18 ~~school district, the county board of education, or the governing~~  
19 ~~body of the charter school, as applicable, at a public meeting held~~  
20 ~~pursuant to the Ralph M. Brown Act (Chapter 9 (commencing~~  
21 ~~with Section 54950) of Part 1 of Division 2 of Title 5 of the~~  
22 ~~Government Code), or, in the case of a statewide charter school,~~  
23 ~~the Bagley-Keene Open Meeting Act (Article 9 (commencing with~~  
24 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~  
25 ~~the Government Code).~~

26 *(b) (1) Within 60 days of completing the inspection for each*  
27 *area within school building described in subdivision (a), a checklist*  
28 *of compliant and noncompliant contents shall be reported to the*  
29 *governing board of the school district, the county board of*  
30 *education, or the governing body of the charter school, as*  
31 *applicable. The report shall include a prioritization of*  
32 *noncompliant items that present an immediate and serious threat*  
33 *to the safety of pupils and school personnel and a set of*  
34 *recommended corrective actions to bring high-priority*  
35 *noncompliant contents into compliance with the published*  
36 *guidelines.*

37 *(2) The governing board of the school district, the county board*  
38 *of education, or the governing body of the charter school, as*  
39 *applicable, shall review the report in a public meeting held*  
40 *pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with*

1 Section 54950) of Part 1 of Division 2 of Title 5 of the Government  
 2 Code), or, in the case of a statewide charter school, the  
 3 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), and shall post the report on its Internet  
 6 Web site.

7 (c) (1) The superintendent of a school district, the county  
 8 superintendent of schools, or the chief administrator of a charter  
 9 school, as applicable, shall annually certify in writing to the  
 10 governing board of the school district, the county board of  
 11 education, or the governing body of the charter school, as  
 12 applicable, which corrective actions recommended in the report  
 13 submitted pursuant to paragraph (1) of subdivision (b) have been  
 14 taken and completed.

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

18 (d) If a school district, county office of education, or charter  
 19 school completes an inspection pursuant to subdivision (a) before  
 20 January 1, 2017, the school district, county office of education, or  
 21 charter school may report the inspection and any corresponding  
 22 corrective actions it takes to the governing board of the school  
 23 district, the county board of education, or the governing body of  
 24 the charter school, as applicable, to comply with paragraph (1)  
 25 of subdivision (b).

26 ~~17661. (a) Each school district, county office of education,~~  
 27 ~~and charter school shall complete an assessment pursuant to the~~  
 28 ~~plan developed pursuant to Section 17660 on or before January 1,~~  
 29 ~~2020.~~

30 ~~(b) The person or persons designated pursuant to subdivision~~  
 31 ~~(d) of Section 17660 shall, at minimum, complete the checklist~~  
 32 ~~published in the "Guide and Checklist for Nonstructural Earthquake~~  
 33 ~~Hazards in California Schools" to identify all compliant and~~  
 34 ~~noncompliant contents found pursuant to Chapter 3 of the checklist.~~

35 ~~(c) (1) Within 60 days of completing an assessment for each~~  
 36 ~~school building, the checklist of compliant and noncompliant~~  
 37 ~~contents shall be reported to the governing board of the school~~  
 38 ~~district, the county board of education, or the governing body of~~  
 39 ~~the charter school, as applicable. The report shall include a~~  
 40 ~~prioritization of noncompliant items that present an immediate and~~

1 serious threat to the safety of pupils and school personnel and a  
2 set of recommended corrective actions to bring high-priority  
3 noncompliant contents into compliance with the published  
4 guidelines.

5 (2) ~~The governing board of the school district, the county board  
6 of education, or the governing body of the charter school, as  
7 applicable, shall review the report in a public meeting held pursuant  
8 to the Ralph M. Brown Act (Chapter 9 (commencing with Section  
9 54950) of Part 1 of Division 2 of Title 5 of the Government Code);  
10 or, in the case of a statewide charter school, the Bagley-Keene  
11 Open Meeting Act (Article 9 (commencing with Section 11120)  
12 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
13 Code), and shall post the report on its Internet Web site.~~

14 (d) ~~(1) The superintendent of a school district, the county  
15 superintendent of schools, or the chief administrator of a charter  
16 school, as applicable, shall annually certify in writing to the  
17 governing board of the school district, the county board of  
18 education, or the governing body of the charter school, as  
19 applicable, which corrective actions have been taken and  
20 completed.~~

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

24 (e) ~~If a school district, county office of education, or charter  
25 school completes an assessment pursuant to subdivision (a) before  
26 January 1, 2017, the school district, county office of education, or  
27 charter school may report the assessment and any corresponding  
28 corrective actions it takes to the governing board of the school  
29 district, the county board of education, or the governing body of  
30 the charter school, as applicable, to comply with paragraph (1) of  
31 subdivision (e).~~

32 ~~17662.~~

33 *17661.* For purposes of this chapter, "contents" includes, but  
34 is not limited to, file cabinets, bookcases, desktop and countertop  
35 equipment, equipment on carts, display cases, art objects, potted  
36 plants, aquariums, equipment on wheels or rollers, such as pianos  
37 and chalkboards, office equipment, refrigerators, vending machines,  
38 shop and gym equipment, gas cylinders, gas piping, and storage  
39 racks.

1     SEC. 3. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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