

Assembly Bill No. 1783

Passed the Assembly August 24, 2016

Chief Clerk of the Assembly

Passed the Senate August 17, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, Dodd. School facilities: nonstructural earthquake hazards: 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, on or before January 1, 2020, to complete an inspection of the contents in 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 and to develop corrective actions to bring noncompliant contents into compliance with the published guidelines. The bill would require, within 60 days of completing the inspection 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 bill would make implementation of these provisions contingent upon funding being provided in the annual Budget Act or another statute.

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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Following significant damage to school buildings in the 1933 Long Beach earthquake, the Field Act was enacted to mandate the earthquake-resistant construction of schools.

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

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

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

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

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

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

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

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

CHAPTER 8. NONSTRUCTURAL EARTHQUAKE HAZARDS

17660. (a) (1) On or before January 1, 2020, each school district, county office of education, and charter school shall complete an inspection of the contents, as described in Section 17661, in areas that are accessible to or occupied by pupils, including classrooms, hallways, libraries, gymnasiums, multipurpose rooms, cafeterias, computer rooms, administrative offices, and other similar spaces in each of its school buildings located in an area of higher seismicity to assess whether the contents in each area comply with the guidelines set forth in Chapter 3 (Furniture and Equipment) of the "Guide and Checklist for Nonstructural Earthquake Hazards in California Schools," published by 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 pursuant to Section 8587.7 of the Government Code, and to develop corrective actions to bring noncompliant contents into compliance with the published guidelines.

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

(3) The Department of Conservation, on or before February 1, 2017, shall 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.

(b) (1) Within 60 days of completing the inspection for each area within a school building described in subdivision (a), a checklist of compliant and noncompliant contents shall 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. The report shall include a prioritization of noncompliant items that present an immediate and serious threat to 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.

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

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

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

(d) If a school district, county office of education, or charter school completes an inspection pursuant to subdivision (a) before January 1, 2017, the school district, county office of education, or charter school may report the inspection and any corresponding corrective actions it takes to the governing board of the school

district, the county board of education, or the governing body of the charter school, as applicable, to comply with paragraph (1) of subdivision (b).

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

17662. This chapter shall not be implemented unless funding is provided for its implementation in the annual Budget Act or another statute.

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

Approved _____, 2016

Governor