

AMENDED IN SENATE AUGUST 25, 1997

AMENDED IN SENATE JULY 22, 1997

AMENDED IN SENATE JULY 11, 1997

AMENDED IN SENATE JUNE 24, 1997

AMENDED IN ASSEMBLY MAY 27, 1997

AMENDED IN ASSEMBLY MAY 15, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 865

**Introduced by Assembly Member Pringle
(Principal coauthor: Assembly Member Campbell)
(Coauthor: Assembly Member Scott)**

February 27, 1997

An act to amend Section 17285 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 865, as amended, Pringle. School facilities.

Under existing law a leased building that does not meet the specified safety requirements of the Field Act may not be used as a school building after September 1, 1990. *Existing law imposes on members of the governing board of a school district and the school district liability for injury to persons and property resulting from the fact a building is used as a school, and the building has not been built to meet the requirements*

of the Field Act. Existing law also makes it a felony for any person to violate designated provisions of the Field Act.

This bill would provide that a school district may lease a commercial building, that does not meet the requirements of the Field Act, for use as a school building, as defined, if the governing board of the school district finds that the building was constructed in accordance with seismic safety standards for commercial buildings constructed within an earthquake zone, the building permit for the initial construction of the building was issued on or after January 1, 1990, a structural engineer inspected the building and submitted a report, as specified, to the governing board of the school district, and the governing board submitted the report to the Division of the State Architect to determine if the building is in substantial compliance with the Field Act, as specified. *This bill would also limit the personal liability, as specified, of school employees and members of governing boards of school districts when the commercial building does not meet the requirements of the Field Act, as specified. This bill would specify that the limitation of personal liability for school employees and members of governing boards of school districts is not intended to limit the liability of the school district or to limit the liability of the school district for the actions of the governing board members and district employees. This bill would specify that the provision making it a felony to violate the Field Act does not apply to a building leased or used, as specified.*

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

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

1 SECTION 1. Section 17285 of the Education Code is
2 amended to read:
3 17285. (a) Notwithstanding any provision of law
4 except Sections 17286, 17287, 17405, and this section, a
5 leased building that does not meet the requirements of
6 Section 17280 may not be used as a school building, as
7 defined in Section 17283, after September 1, 1990.



1 (b) A school district may lease a commercial building,
2 that does not meet the requirements of Section 17280, for
3 use as a school building, as defined in Section 17283, if the
4 governing board of the district finds that all of the
5 following conditions have been met:

6 (1) The building was constructed in accordance with
7 seismic safety standards for commercial buildings
8 constructed within an earthquake zone.

9 (2) The building permit for the initial construction of
10 the building was issued on or after January 1, 1990.

11 (3) A structural engineer has inspected the building
12 and submitted a report to the governing board of the
13 school district that certifies that the building is in
14 substantial compliance with the requirements of the
15 Field Act. This certification requirement is satisfied if the
16 structural engineer affixes his or her seal of approval to
17 the report and he or she attests in that report that to the
18 best of his or her knowledge:

19 (A) He or she has reviewed the design calculations,
20 construction documents, and the local government
21 construction inspection records of the building to the
22 extent available.

23 (B) He or she has authorized testing and has observed
24 or reviewed the test results and the inspections of an
25 adequate sample of the structure's welds, anchor bolts,
26 and other structural elements.

27 (C) He or she has observed that the overhead
28 nonstructural elements, including, but not limited to,
29 light fixtures, heating, and air-conditioning diffusers are
30 adequately braced or anchored.

31 The governing board of the school district shall submit
32 the report to the Division of the State Architect for its
33 review. The Division of the State Architect has one month
34 to review the report for compliance with the above
35 requirements, and to provide feedback to the structural
36 engineer regarding any insufficiencies with the report,
37 and whether or not the building is in substantial
38 compliance with the requirements of the Field Act. If the
39 Division of the State Architect does not respond within
40 one month of the final and complete report being



1 submitted, the Division of the State Architect will be
2 deemed to have concurred with the structural engineer's
3 report. A final decision by the governing board of the
4 school district to occupy the building for school purposes
5 shall not occur until the governing board has reviewed
6 and considered the feedback of the Division of the State
7 Architect, or the one month review period has passed.

8 *No member of the governing board of a school district,*
9 *nor any employee of a school district, shall be held*
10 *personally liable for injury to persons or damage to*
11 *property resulting from the fact that the governing board*
12 *of the school district used a commercial building pursuant*
13 *to this subdivision for a school and the building was not*
14 *constructed under the requirements of Section 17280.*
15 *This exemption from personal liability for members of the*
16 *governing board and employees of a school district is not*
17 *intended to limit the liability of the school district for*
18 *injury to persons or damage to property resulting from*
19 *the fact that the governing board or any employee of the*
20 *school district used a commercial building pursuant to*
21 *this subdivision for a school and the building was not*
22 *constructed under the requirements of Section 17280.*
23 *This exemption from personal liability for members of the*
24 *governing board and employees of a school district is not*
25 *intended to limit the liability of the school district, the*
26 *governing board or the district's employees pursuant to*
27 *Section 835 of the Government Code. Section 17312 is not*
28 *applicable to a person who, pursuant to this section, leases*
29 *or uses a building for a school building that meets the*
30 *requirements of this section but does not meet the*
31 *requirements of Section 17280. Approval and use of a*
32 *building pursuant to subdivision (b) of Section 17285 does*
33 *not constitute a violation of the Field Act.*

34 (c) A building leased pursuant to Section 17280 may
35 be used after September 1, 1991, as a regional
36 occupational center or program that does not meet the
37 requirements of Section 17280, provided the building
38 satisfies all of the following conditions:

39 (1) The facility is one of the following:

40 (A) A single-story, wood-framed structure.



1 (B) A single-story, light steel frame structure.

2 (C) A structure for which a structural engineer has
3 submitted a report that certifies that substantial
4 structural hazards do not exist, as to that structure. The
5 governing board of the regional occupational center or
6 program, as provided for under Section 52310.5, shall
7 review the report prior to approval of the lease and may
8 reject the report if there is any evidence of fraud
9 regarding the facts in the report.

10 (2) The building or structure complies with all
11 applicable local building standards and all applicable local
12 health and safety standards in the community in which it
13 is located.

14 (3) The governing board of the regional occupational
15 center or program, as provided for under Section 52310.5,
16 certifies to the State Allocation Board that reasonable
17 efforts have been made to locate the regional
18 occupational center or program in facilities that conform
19 to the seismic safety standards set forth in Part 2
20 (commencing with Section 2-101), Part 3 (commencing
21 with Section 3-089-1), Part 4 (commencing with Section
22 4-403), and Part 5 (commencing with Section 5-102), of
23 Title 24 of the California Code of Regulations.

24 (d) On or before September 1, 1994, and every three
25 years thereafter, each governing board of a regional
26 occupational center or program shall report to the State
27 Allocation Board on the facilities utilized for the
28 operation of that center or program and on efforts to
29 place the center or program in facilities that conform to
30 the seismic safety standards described in paragraph (3)
31 of subdivision (b).

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