

Date of Hearing: April 25, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 3058 (O'Donnell) – As Amended April 2, 2018

SUBJECT: School facilities: inspections: examination and evaluation

SUMMARY: Revises the requirements for the evaluation and reevaluation of school construction project inspectors. Specifically, **this bill:**

- 1) Requires the Department of General Services (DGS) to revise the examination for school construction project inspectors no later than 36 months after the last revision.
- 2) Requires the reevaluation of inspectors no later than 48 months and removes the prohibition to reevaluate no earlier than 36 months.
- 3) Strikes the requirement for the inspector to pass the initial exam for reevaluation, and instead requires the evaluation and reevaluation to include meeting education and training requirements determined by the DGS.
- 4) Makes minor, nonsubstantive technical changes.

EXISTING LAW:

- 1) Prohibits the State Allocation Board from apportioning school bond funds to any school district that has not received approval from the Division of State Architect (DSA) that the project meets Field Act requirements.
- 2) Requires the DSA, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building to ensure that plans and specifications comply with existing law and Title 24 regulations.
- 3) Requires the DGS to make such inspection of the school buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of existing law and the protection of the safety of the pupils, the teachers, and the public.
- 4) Specifies that in order to ensure the competency and adequacy of the inspectors, the DGS shall do all of the following:
 - a) Revise the examination used to determine the competency of those who provide inspections. The revision of the examination shall include techniques of inspection, construction, plan reading, required submittal documents, and knowledge of statutes and regulations that apply to school construction. The revision of the examination shall be done not later than 48 months after the last revision and not earlier than 36 months after the last revision.
 - b) Provide training on an ongoing basis to all individuals who provide the inspections required under this article. The training shall be designed to ensure that all individuals

who provide the continuous inspection of school building construction or alteration are sufficiently knowledgeable of the rules, regulations, and standards.

- c) Require evaluation of the competency of those who provide inspections. After an initial evaluation a reevaluation shall occur not later than 48 months after the last evaluation or reevaluation and not earlier than 36 months after the last evaluation or reevaluation. An evaluation or reevaluation shall include passage of the examination used to determine competence and attendance at training.

5) Authorizes the DGS to charge a fee for the evaluation and reevaluation.

FISCAL EFFECT: Unknown

COMMENTS: Local educational agencies (LEAs) are eligible for state school facilities bond funds administered through the School Facility Program (SFP). The SFP requires a local educational agency to receive approval from the California Department of Education, to ensure that the selected site and school specifications are safe and meet the school's education plan; and the DSA, to ensure that the architectural design plans meet fire, life and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act.

The Field Act, named after the author of the bill establishing the Act, Assemblymember C. Don Field, was enacted in 1933 after an earthquake in Long Beach. The Act authorized the State Architect to develop a statewide building code to make all buildings, especially school buildings, safe from earthquakes. The Act has been strengthened since then and California's public schools are commonly considered to be the safest public buildings in the state. The school district may proceed to construction of a project only when DSA determines that the project plans comply with all the necessary building codes and the Field Act.

As part of the DSA approval process, LEAs are required to hire inspectors who are certified by the DSA for continuous inspection throughout the construction or alteration of a school facility project.

Current law requires an inspector to take an initial exam, receive ongoing training, and be reevaluated. The exam includes techniques of inspection, construction, plan reading, required submittal documents, and knowledge of statutes and regulations that apply to school construction. Regulations adopted under Title 24 of the California Code of Regulations specify the qualifications of project inspectors and establish four levels of certification based on experience and qualifications. Certifications are valid for four years.

According to the author, the statutes requiring a project inspector were enacted in 1997 and needs to be updated. Current law prohibits the exam from being revised any earlier than 36 months after the last revision. According to the DGS, the sponsor of this bill, this prevents the DSA from updating the exam to keep up with changes in building codes and construction materials and methods.

The DSA, which is part of the DGS, may not reevaluate an inspector *any earlier* than 36 months and no later than 48 months. This prohibits the DSA from ensuring that inspectors are aware of and inspecting construction projects based on the latest advancements to the building code and the construction industry. The reevaluation includes a requirement to pass the initial exam for

certification. The purpose for recertification should be to ensure that inspectors are aware of changes and new requirements since they took the exam. It is unnecessary to require inspectors to retake and pass the initial exam.

This bill updates the law by requiring the DSA to revise the exam *no later* than 36 months, instead of *no earlier* than 36 months, and removes the prohibition for recertification earlier than 36 months. The bill also strikes the requirement for inspectors to pass the initial exam for certification and instead requires compliance with education and training requirements determined by the DGS.

One of the goals of the bill, according to the DGS, is to increase the number of inspectors. In 2007, there were 1443 certified inspectors overseeing an average of two to three projects at the same time. Today, there are 979 certified inspectors managing an average of three to four projects at the same time. With the recent passage of Proposition 51 in November 2016 providing \$9 billion for K-12 and community college facilities, increasing the number of inspectors is needed to prevent delays in the completion of projects and avoid increased costs to LEAs.

The American Construction Inspectors Association (ACIA) supports the bill and states, “ACIA believes the proposed amendments to Education Code 17311 will provide a positive direction for the Field Act by affording DSA the latitude required to incorporate new technology, along with updated industry and code standards to its process of certifying and re-certifying of DSA Project Inspectors.” ACIA believes the changes will increase the number of DSA Certified Project Inspectors and reduce attrition rate of experienced DSA Certified Project Inspectors.

REGISTERED SUPPORT / OPPOSITION:

Support

American Construction Inspectors Association
Coalition for Adequate School Housing

Opposition

None received

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