

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 306 (O'Donnell) – As Introduced January 25, 2021

SUBJECT: School districts and community college districts: employee housing

SUMMARY: Exempts school district and community college district employee housing architectural plans from the requirement to receive approval from the Department of General Services' (DGS) Division of State Architect (DSA). Specifically, **this bill:**

- 1) Specifies that for purposes of provisions in the Education Code relative to school buildings and architectural plan approvals, the definition of "school building" does not include any building used or intended to be used by a school district or community college district as residential housing.
- 2) Specifies, in the Government Code, that a building or facility that is used or intended to be used by a school district or community college district as residential housing is exempt from the requirement for approval of plans and specifications by the DGS.
- 3) Defines, in the Education and Government Codes, "residential housing" as any building used as a personal residence by a teacher or employee of a school district or community college district, with the teacher's or employee's family, if applicable.

EXISTING LAW:

K-12 Sections

- 1) Prohibits the State Allocation Board (SAB) from apportioning funds to any school district that has not received approval from the DSA that the project meets Field Act requirements. (Education Code (EC) Sections 17074.15 and 17072.30)
- 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 (California Building Standards Code). (EC Section 17280)
- 3) Specifies that "school building" means and includes any building used, or designed to be used, for elementary or secondary school purposes and constructed, reconstructed, altered, or added to, by the state or by any city or city and county, or by any political subdivision, or by any school district of any kind within the state, or by any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power, or by the United States government, or any agency thereof. (EC Section 17283)

Community Colleges Sections

- 4) Requires the DGS, 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, if not exempted under Section 81133, to ensure that plans and specifications

comply with specified rules and regulations and building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. (EC Section 81130)

- 5) Defines “school building” as any building any building used, or designed to be used, for community college purposes and constructed by the state, by any city, county, or city and county, by any district of any kind within the state, by any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power, or by the United States government, or any agency thereof. (EC Section 81050)
- 6) Requires each school building constructed, reconstructed, modified, or expanded after July 1, 2006, on a community college campus to be built according to the Field Act, as defined in Section 81130.3, or according to the California Building Standards Code, as adopted by the California Building Standards Commission. (EC Section 81052)
- 7) Prohibits contracts to be awarded for the construction of elementary school, secondary school, or community college buildings and facilities until the DGS has issued written approval stating that the plans and specifications comply with the intent of specified provisions in the Government Code, when funds from the state, county, municipalities, or other political subdivisions are used. (Government Code Section 4454)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, this bill is necessary in order to help school districts and community college districts expedite the availability of housing for teachers and other school staff. The author states, “School buildings are required to be constructed with more stringent requirements under the Field Act in order to protect children during earthquakes. As long as employee housing projects comply with local building codes, it is unnecessary to consider residential projects for adults as “school buildings” and be required to comply with the Field Act. AB 306 will help expedite the development of school district and community college district employee housing projects, which are becoming more important for teacher recruitment and retention.”

Teacher shortage. California is experiencing a shortage of qualified teachers. According to a report from the Learning Policy Institute, this shortage is due largely to a relatively stagnant supply of newly credentialed teachers in the face of rising demands from schools and retirements. In a 2017 survey of districts representing 25% of the State’s enrollment, 80% of school districts reported a shortage in qualified teachers for the 2017-18 school year (Sutcher, 2017).

The COVID-19 pandemic has exacerbated the shortage. The Learning Policy Institute’s March, 2021 report noted the following key findings with regard to the growing teacher shortage during COVID-19:

- Teacher workload and burnout are major concerns. The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have

been a primary contributor to some teachers' decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.

- Growing retirements and resignations further reduce supply. In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate shortages.

School districts located in high cost areas have had particular challenges attracting and retaining teachers and other school staff. Some districts report that teachers commute long distances because they cannot afford to live in the areas where they teach.

Teacher and district employee housing. Over the last several years, school districts have explored and embarked on affordable workforce development housing projects, including partnering with housing developers, using district surplus property or proceeds from the sale of surplus property, taking advantage of tax credits for the development of affordable housing, seeking voter approval for local general obligation bonds, and others. The Legislature has also passed several laws designed to make it easier for school districts to build residential housing for school district teachers and staff, including enactment of the Teacher Housing Act of 2016, which, in part, created a state policy supporting housing for teachers and school district employees.

DSA approval of building plans. Local educational agencies (LEAs) are eligible for state school facilities bond funds administered through the School Facility Program (SFP). The SFP requires an LEA 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 (ADA).

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. When DSA determines that the project plans comply with all the necessary building codes and the Field Act, the school district may proceed to construction of the project.

Existing law also requires the DGS to review California Community Colleges (CCC) building plans to ensure compliance with California Building Standards Code (Title 24).

In a 2019 guidance issued by the DSA, DSA indicated that residential dwelling units that are not located on school sites are not required to receive DSA approval for structural or fire and life safety, but must receive approval for ADA compliance.

Residential housing projects must receive approval from local building departments, which includes ADA compliance. Requiring plans for school employee housing to also be reviewed by DSA is duplicative and delays school districts' efforts to move forward with these projects.

AB 306 clarifies that the definition of "school building" does not include school district and CCC residential housing projects for employees. If enacted, the requirements related to school buildings, including the requirement to seek DSA approval, will not apply to school district and CCC residential housing projects.

Committee amendment. The bill currently exempts CCC projects under the K-12 Education Code sections. **Staff recommends** a technical amendment to incorporate the exemption in the provisions governing the CCC.

Arguments in support. The Los Angeles Unified School District, the sponsor of the bill, states, "The Division of the State Architect (DSA) conducts plan review and approval for construction projects done by school districts for classroom buildings. These projects must be completed under robust building code requirements of the Field Act to protect students in school buildings in the event of an earthquake. By contrast, projects done by school districts for employee residential housing are not required to be built to the standard of the Field Act. Historically, these projects have been built to the standards applied to similar residential housing by the local jurisdiction with authority to enforce building code requirements, typically the local municipality....As school districts explore opportunities to offer housing options to their employees, it is imperative that unnecessary regulatory barriers are eliminated to streamline housing projects, AB 306 aides in achieving this goal."

Related legislation. AB 3324 (O'Donnell), of the 2019-2020 Session, was substantially similar to this bill. The bill was held in this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles Unified School District (sponsor)
Community College League of California

Opposition

None on file

Analysis Prepared by: Sophia Kwong Kim / ED. / (916) 319-2087