

AMENDED IN ASSEMBLY MAY 1, 2001  
AMENDED IN ASSEMBLY APRIL 19, 2001  
AMENDED IN ASSEMBLY APRIL 16, 2001  
AMENDED IN ASSEMBLY MARCH 29, 2001  
AMENDED IN ASSEMBLY MARCH 14, 2001  
CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 9**

**Introduced by Assembly Member Chavez**

December 4, 2000

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An act to add Section 35021.4 to the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 9, as amended, Chavez. School safety: volunteers.

Existing law generally requires a person to be employed at a school in a position not requiring certification qualifications to be fingerprinted for purposes of a criminal history check by the Department of Justice.

Existing law authorizes a school district or county office of education to request records involving criminal offenses committed by a prospective volunteer and to request subsequent arrest notification for volunteers from the Department of Justice. Existing law requires the Department of Justice to process all requests from a school district, an employer, or a human resources agency for criminal history information on a volunteer to be used in a school pursuant to the



provisions that relate to persons employed by a school district that do not require certification qualifications.

This bill would require every school district and every county office of education to require each volunteer in a public school having direct unsupervised contact with minors, *except for guardians or specified relatives of pupils currently enrolled at the school*, to immediately submit, or in the case of a new volunteer, to submit on or before the first day of his or her volunteer service, one set of fingerprints to the Department of Justice. The bill would prohibit a school district or county office of education from allowing a person to provide volunteer service that involves direct unsupervised contact with minors for a school district unless the person complies with the fingerprinting requirements, except as specified.

The bill would require the Department of Justice to furnish a criminal record summary to the school district or county office of education for the volunteer submitting fingerprints, would authorize a reasonable fee to be charged for this purpose, and would require the school district or county office of education to pay the charge or to reimburse the volunteer.

The bill would require the school district and county office of education to maintain the confidential criminal record summary, as specified. The bill would require the school district and a county office of education to request subsequent arrest service for volunteers from the Department of Justice and would require the Department of Justice to comply with those requests. The bill would, notwithstanding any provision of law to the contrary, require a school district or county office of education, at the request of a volunteer, to transfer the criminal record summary, and any subsequent arrest service notifications received, to other school districts or county offices of education at which the volunteer desires to provide volunteer service. The bill would exempt a school district or county office of education receiving the criminal record check and subsequent arrest service notifications transferred from another school district or county office of education from requesting another set of fingerprints from the Department of Justice provided that the information received is sufficiently current. The bill would require the criminal record summary and subsequent arrest service notifications to be transferred in a confidential manner.

The requirements imposed by the bill on local educational agencies would constitute state-mandated local programs.



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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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. Section 35021.4 is added to the Education Code,  
2 to read:  
3 35021.4. (a) The governing board of every school district  
4 and every county office of education shall require each volunteer  
5 having direct unsupervised contact with minors to immediately  
6 submit, or in the case of a new volunteer, to submit on or before  
7 the first day of his or her volunteer service, one set of fingerprints  
8 to the Department of Justice. A school district governing board or  
9 county office of education shall not allow any person to provide  
10 volunteer service that involves direct unsupervised contact with  
11 minors for the school district or county office of education unless  
12 the person complies with the requirements of this section.  
13 (b) The Department of Justice shall furnish a criminal record  
14 summary to the school district or county office of education for the  
15 volunteer submitting fingerprints pursuant to subdivision (a). The  
16 criminal record summary shall contain only arrests resulting in a  
17 conviction and arrests pending final adjudication. The criminal  
18 record summary furnished to the school district or county office  
19 of education is confidential, and shall be maintained by the school  
20 district or county office of education in a locked file separate from  
21 other files, and shall only be accessible to the custodian of records.  
22 The governing board of the school district or county office of  
23 education shall comply with all applicable laws and regulations



1 governing the use and security of criminal offender record  
2 information.

3 (c) Notwithstanding any provision of law to the contrary, at the  
4 request of a volunteer, a school district or county office of  
5 education shall transfer the criminal record summary and any  
6 subsequent arrest service notifications received pursuant to  
7 subdivision (e) to other school districts or county offices of  
8 education at which the volunteer desires to provide volunteer  
9 service. To avoid duplicative fingerprinting and costs, a school  
10 district or county office of education receiving the criminal record  
11 check and subsequent arrest service notifications that are  
12 transferred from another school district or county office of  
13 education pursuant to this subdivision is not required to request  
14 another set of fingerprints from the Department of Justice pursuant  
15 to subdivision (a) provided that the information received is  
16 sufficiently current. The criminal record summary and subsequent  
17 arrest service notifications shall be transferred in a confidential  
18 manner.

19 (d) The Department of Justice may charge each applicant for a  
20 criminal record summary a reasonable fee to cover costs  
21 associated with the processing of the criminal record summary. In  
22 no event shall the fee exceed the actual costs incurred by the  
23 department. The school district or county office of education shall  
24 pay the applicant charge or reimburse ~~to~~ the volunteer.

25 (e) The school district or county office of education shall  
26 request subsequent arrest service from the Department of Justice  
27 as provided under Section 11105.2 of the Penal Code. The  
28 Department of Justice shall comply with all requests for  
29 subsequent arrest service made by a school district or county office  
30 of education pursuant to this section.

31 (f) This section shall not apply to parents, *siblings*,  
32 grandparents, or guardians of pupils currently enrolled in the  
33 school where volunteer services are to be performed.

34 (g) This section shall not apply to a secondary school pupil  
35 employed in a temporary or part-time position by the governing  
36 board of the school district or county office of education having  
37 jurisdiction over the school he or she attends.

38 SEC. 2. Notwithstanding Section 17610 of the Government  
39 Code, if the Commission on State Mandates determines that this  
40 act contains costs mandated by the state, reimbursement to local



1 agencies and school districts for those costs shall be made pursuant  
2 to Part 7 (commencing with Section 17500) of Division 4 of Title  
3 2 of the Government Code. If the statewide cost of the claim for  
4 reimbursement does not exceed one million dollars (\$1,000,000),  
5 reimbursement shall be made from the State Mandates Claims  
6 Fund.

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