

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1025**

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**Introduced by Assembly Member Conway**

February 27, 2009

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~~An act to amend Section 52372 of the Education Code, relating to career technical education. An act to amend Section 35021 of, and to add Section 49024 to, the Education Code, relating to school employees and volunteers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Conway. ~~Career technical education. Schools: employees and volunteers: crime.~~

*Existing law prohibits any person who has been convicted of a crime, the commission of which requires him or her to register as a sex offender, from being permitted by the governing board of any school district to perform specified duties relating to supervision of pupils, or to serve as a nonteaching volunteer aid, as specified.*

*This bill would also prohibit any person who has been convicted of any specified sex offense, controlled substance offense, or serious or violent felony, from being permitted by a school district to perform these duties. This bill would also prohibit any person who has been convicted of these offenses from being employed by a school district, or serving as a volunteer coach, for any scholastic or interscholastic athletic program. The bill would also authorize a school district or county office of education to make a written request of a local law enforcement agency that it perform a search of state summary criminal history information with respect to a potential coach or volunteer coach in order to ascertain whether he or she has been convicted of any of*

these offenses. The bill would also authorize a local law enforcement agency to charge a fee to the requesting agency not to exceed the actual expense to the law enforcement agency of performing the search. Because this bill would require school districts to perform additional administrative duties, this bill would impose a state-mandated local program.

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.

~~Existing law allows the governing board of any high school district to establish and maintain, in connection with any high school or regional occupational center or program under its jurisdiction, cooperative career technical education programs or community classrooms as part of a career technical education course, as specified.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

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

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

1 SECTION 1. Section 35021 of the Education Code is amended  
2 to read:  
3 35021. (a) Notwithstanding any other law, ~~any person, except~~  
4 a person who is required to register as a sex offender pursuant to  
5 Section 290 of the Penal Code, ~~may~~ or a person who has been  
6 convicted of any offense listed in Section 44010, 44011, or 44424,  
7 shall not be permitted by the governing board of any school district  
8 to perform the duties specified in Section 44814 or 44815, or to  
9 serve as a nonteaching volunteer aide under the immediate  
10 supervision and direction of the certificated personnel of the district  
11 to perform noninstructional work ~~which~~ that serves to assist the  
12 certificated personnel in performance of teaching and  
13 administrative responsibilities. With respect to this noninstructional  
14 work, the nonteaching volunteer aide shall serve without

1 compensation of any type or other benefits accorded to employees  
2 of the district, except as provided in Section 3364.5 of the Labor  
3 Code.

4 (b) No district may abolish any of its classified positions and  
5 utilize volunteer aides, as authorized herein, in lieu of classified  
6 employees who are laid off as a result of the abolition of a position.  
7 A district shall not refuse to employ a person in a vacant classified  
8 position and use volunteer aides in lieu of filling the classified  
9 position.

10 (c) It is the intent of the Legislature to permit school districts  
11 to use volunteer aides to enhance its educational program but not  
12 to permit displacement of classified employees nor to allow  
13 districts to utilize volunteers in lieu of normal employee  
14 requirements.

15 *SEC. 2. Section 49024 is added to the Education Code, to read:*  
16 *49024. (a) A person who has been convicted of any offense*  
17 *listed in Section 44010, 44011, or 44424 shall not be employed by*  
18 *a school district as a coach, or serve as a volunteer coach, for any*  
19 *scholastic or interscholastic athletic program.*

20 *(b) A school district or county office of education may make a*  
21 *written request of a local law enforcement agency that it perform*  
22 *a search of state summary criminal history information with respect*  
23 *to a potential coach or volunteer coach in order to ascertain*  
24 *whether he or she has been convicted of any sex offense, as defined*  
25 *in Section 44010, any controlled substance offense, as defined in*  
26 *Section 44011, or any other serious or violent felony, as defined*  
27 *in Section 44424. A plea or verdict of guilty, a finding of guilt by*  
28 *a court in a trial without a jury, or a conviction following a plea*  
29 *of nolo contendere, shall be deemed to be a conviction within the*  
30 *meaning of this section. If the local law enforcement agency agrees*  
31 *to perform the search, the results shall be returned to the*  
32 *requesting district or county office of education within 72 hours*  
33 *of receipt of the request. A local law enforcement agency may*  
34 *charge a fee to the requesting agency not to exceed the actual*  
35 *expense to the law enforcement agency of performing the search.*

36 *SEC. 3. If the Commission on State Mandates determines that*  
37 *this act contains costs mandated by the state, reimbursement to*  
38 *local agencies and school districts for those costs shall be made*  
39 *pursuant to Part 7 (commencing with Section 17500) of Division*  
40 *4 of Title 2 of the Government Code.*

1 SECTION 1. Section 52372 of the Education Code is amended  
2 to read:  
3 ~~52372. The governing board of any high school district, subject~~  
4 ~~to the provisions of this code relating to courses of study for high~~  
5 ~~schools, the governing board of any joint powers regional~~  
6 ~~occupational center or program, or the county superintendent of~~  
7 ~~schools that conducts any county-operated regional occupational~~  
8 ~~center or program, may establish and maintain, in connection with~~  
9 ~~any high school or regional occupational center or program under~~  
10 ~~its or his or her jurisdiction, cooperative career technical education~~  
11 ~~programs or community classrooms as part of a career technical~~  
12 ~~education course in accordance with rules and regulations~~  
13 ~~prescribed by the Superintendent.~~