

AMENDED IN SENATE JULY 24, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1025

Introduced by Assembly Member Conway

February 27, 2009

An act to amend Section 44258.7 of, and to add ~~Section~~ *Sections 44346.5 and 49024* to, the Education Code, relating to school employees and volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Conway. Schools: employees and volunteers: Activity Supervisor Clearance Certificate.

Existing law permits qualified credential holders to coach in a competitive sport upon authorization by action of the local governing board, as specified.

This bill would require a noncertificated candidate, commencing on July 1, 2010, prior to assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district, to obtain from the Commission on Teacher Credentialing an Activity Supervisor Clearance Certificate issued by the commission upon verification of the candidate's personal identification and verification that he or she meets specified requirements. The bill would require that each certificate be issued initially for a period of 5 years and provide that it may be renewed. The

bill would also authorize the commission to establish a fee for the certificate.

Existing law authorizes the commission to deny an application for the issuance or renewal of a teaching credential under certain circumstances, including if the applicant has committed an act involving moral turpitude or has been convicted of specified criminal offenses prior to September 7, 1955. Existing law requires the commission to deny an application for the issuance or renewal of a credential made by an applicant who has been convicted of specified offenses, including a violent or serious felony, as defined, or any sex offense or controlled substance offense, as specified.

This bill would ~~also~~ provide that if the denial of a ~~license~~ *the application* is due, at least in part, to the individual’s state or federal criminal history record, the commission shall provide to the individual a copy of that criminal history record search response, in a manner that protects *the* confidentiality and privacy, ~~upon a written request to the commission for a copy, as specified of the individual’s criminal history record.~~ The bill would also provide that the criminal history record search response shall not be made available ~~by the commission~~ to any school district or county office of education ~~but that the commission shall retain a copy of the request for a copy of the criminal history record and a copy of the response sent which shall be.~~ *The bill would require the commission to retain a record of the action taken, and to make that record available to the Department of Justice and the Federal Bureau of Investigation, upon written request of either agency.*

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

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

1 SECTION 1. Section 44258.7 of the Education Code is
2 amended to read:
3 44258.7. (a) The holder of a standard secondary credential
4 who, prior to September 1, 1989, has taught successfully in a
5 subject within the department of his or her academic major or
6 minor for a minimum of three years, as verified by the employing
7 school district, may receive a supplementary authorization in that
8 subject upon application, payment of a fee, which shall not exceed
9 one-half of the regular credential fee, and evidence that one of the
10 following has been accomplished:

1 (1) Successful completion, by September 1, 1989, of a minimum
2 of 12 semester units, or six upper division or graduate units, of
3 coursework at an accredited institution in the subject.

4 (2) The securing of a passing score on an examination in the
5 subject approved by the Commission on Teacher Credentialing.

6 (3) Verification of competence in the subject matter by a subject
7 area specialist not associated with the employing school district.

8 (b) A person who holds a teaching credential in a subject or
9 subjects other than physical education may be authorized by action
10 of the local governing board to coach one period per day in a
11 competitive sport for which students receive physical education
12 credit, provided that he or she is a full-time employee of the school
13 district and has completed a minimum of 20 hours of first aid
14 instruction appropriate for the specific sport.

15 (c) A teacher employed on a full-time basis who teaches
16 kindergarten or any of grades 1 to 12, inclusive, and who has
17 special skills and preparation outside of his or her credential
18 authorization may, with his or her consent, be assigned to teach
19 an elective course in the area of the special skills or preparation ,
20 provided that the assignment is first approved by a committee on
21 assignments. For purposes of this subdivision an “elective course”
22 is a course other than English, mathematics, science, or social
23 studies. The membership of the committee on assignments shall
24 include an equal number of teachers, selected by teachers, and
25 school administrators, selected by school administrators.

26 (d) Assignments approved by the committee on assignments
27 shall be for a maximum of one school year, but may be extended
28 by action of the committee upon application by the schoolsite
29 administrator and the affected teacher. All initial assignments or
30 extensions shall be approved prior to the assignment or extension.
31 Districts making assignments under this subdivision shall submit
32 a plan to the county superintendent of schools which shall include,
33 but need not be limited to, the following:

34 (1) Statements signed by the district superintendent and the
35 president or chairperson of the district governing board, approving
36 the establishment of the committee.

37 (2) Procedures for selection of the committee membership.

38 (3) Terms of office for committee members.

39 (4) Criteria for determining teachers’ qualifications for these
40 assignments.

1 (e) The Commission on Teacher Credentialing may develop
2 and recommend general criteria that may be used by local
3 committees on assignment in assessing a candidate's qualifications.

4 (f) ~~(1)~~The commission shall issue an Activity Supervisor
5 Clearance Certificate to candidates serving in a position pursuant
6 to subdivision (a) of Section 49024 upon verification of the
7 candidate's personal identification and verification that the
8 candidate meets all professional requirements pursuant to Sections
9 44339, 44340, and 44341. Each certificate shall be issued initially
10 for a five-year period and may be renewed. The commission shall
11 establish a fee for the Activity Supervisor Clearance Certificate.

12 ~~(2) If the denial of a license is due, at least in part, to the~~
13 ~~individual's state or federal criminal history record, the commission~~
14 ~~shall provide to the individual a copy of his or her criminal history~~
15 ~~record search response if he or she makes a written request to the~~
16 ~~commission for a copy, specifying an address to which it is to be~~
17 ~~sent.~~

18 ~~(A) The state or federal criminal history record search response~~
19 ~~shall not be modified or altered in its form or content as provided~~
20 ~~to the commission by the Department of Justice, unless required~~
21 ~~by subparagraph (B).~~

22 ~~(B) The criminal history record search response shall be~~
23 ~~provided to the individual in a manner that protects the~~
24 ~~confidentiality and privacy of the individual's criminal history~~
25 ~~record and the criminal history record search response shall not~~
26 ~~be made available by the commission to any school district or~~
27 ~~county office of education.~~

28 ~~(C) The commission shall retain a copy of the individual's~~
29 ~~written request for a copy of his or her criminal history record and~~
30 ~~a copy of the response sent, which shall include the date and the~~
31 ~~address to which the response was sent. The commission shall also~~
32 ~~make the information available to the Department of Justice and~~
33 ~~the Federal Bureau of Investigation, upon request of either agency.~~

34 *SEC. 2. Section 44346.5 is added to the Education Code, to*
35 *read:*

36 *44346.5. (a) If an application is denied pursuant to Section*
37 *44345, 44346, or 44346.1 and the denial is due at least in part to*
38 *the individual's state or federal criminal history record, the*
39 *commission shall provide the individual a copy of his or her*
40 *criminal history record search with the notice of the denial.*

1 (b) *The state or federal criminal history record search response*
2 *shall not be altered from its form or content as provided by the*
3 *Department of Justice.*

4 (c) *The criminal history record search response shall be*
5 *provided in a manner that protects the confidentiality and privacy*
6 *of the individual's criminal history record and the criminal history*
7 *record search response shall not be made available by the*
8 *commission to any school district or county office of education.*

9 (d) *The commission shall retain a record of the action taken*
10 *pursuant to this section in the file maintained on the individual.*
11 *The commission shall make this record available upon written*
12 *request by the Department of Justice or the Federal Bureau of*
13 *Investigation.*

14 ~~SEC. 2.~~

15 *SEC. 3.* Section 49024 is added to the Education Code, to read:

16 49024. (a) Prior to assuming a paid or volunteer position to
17 supervise, direct, or coach a pupil activity program sponsored by,
18 or affiliated with, a school district, all noncertificated candidates
19 shall obtain an Activity Supervisor Clearance Certificate from the
20 Commission on Teacher Credentialing pursuant to subdivision (f)
21 of Section 44258.7.

22 (b) A pupil activity program sponsored by, or affiliated with, a
23 school district includes, but is not limited to, scholastic programs,
24 interscholastic programs, and extra curricular activities sponsored
25 by a school district or school booster club, including, but not
26 limited to, cheer team, drill team, dance team, and marching band.

27 (c) Volunteer supervisors for breakfast, lunch, or other
28 nutritional periods pursuant to Sections 44814 and 44815, and
29 nonteaching volunteer aides under the immediate supervision and
30 direction of certificated personnel of the district pursuant to Section
31 35021, shall not be required to obtain an Activity Supervisor
32 Clearance Certificate.

33 (d) Candidates may be issued a temporary certificate in
34 accordance with Sections 44332 and 44332.5 while the application
35 is being processed.

36 (e) This section shall become operative on July 1, 2010.

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