

ASSEMBLY BILL

No. 1825

Introduced by Assembly Member Nazarian

February 18, 2014

An act to amend Section 35400 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, as introduced, Nazarian. School districts: Los Angeles Unified School District: inspector general.

(1) Existing law, until January 1, 2015, authorizes the Los Angeles Unified School District's Inspector General of the Office of the Inspector General to conduct audits and investigations, as specified, including administering oaths or affirmations. Existing law makes it a misdemeanor, punishable as specified, for a person, after the administration of an oath or affirmation, to state or affirm as true any material matter that he or she knows to be false. Existing law also requires the inspector general to submit an interim report to the Legislature by July 1, 2000, annual interim reports by July 1 of each succeeding year, and a final cumulative report by December 1, 2014, that includes specified information.

This bill would extend that authority of the inspector general of the Los Angeles Unified School District until January 1, 2025. The bill would also require the final cumulative report to be submitted by the inspector general to the Legislature by December 1, 2024. By extending the operation of a crime, the bill would impose a state-mandated local program.

(2) 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 no reimbursement is required by this act for a specified reason.

(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles Unified School District.

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 35400 of the Education Code is amended
2 to read:

3 35400. (a) The Los Angeles Unified School District’s Inspector
4 General of the Office of the Inspector General is authorized to
5 conduct audits and investigations. The inspector general may
6 subpoena witnesses, administer oaths or affirmations, take
7 testimony, and compel the production of all information,
8 documents, reports, answers, records, accounts, papers, and other
9 data and documentary evidence deemed material and relevant and
10 that reasonably relate to the inquiry or investigation undertaken
11 by the inspector general when he or she has a reasonable suspicion
12 that a law, regulation, rule, or *school* district policy has been
13 violated or is being violated. For purposes of this section,
14 “reasonable suspicion” means that the circumstances known or
15 apparent to the inspector general include specific and articulable
16 facts causing him or her to suspect that a material violation of law,
17 regulation, rule, or *school* district policy has occurred or is
18 occurring, and that the facts would cause a reasonable officer in a
19 like position to suspect that a material violation of a law, regulation,
20 rule, or *school* district ~~bulletin~~ *policy* has occurred or is occurring.

21 (b) Subpoenas shall be served in the manner provided by law
22 for service of summons. Any subpoena issued pursuant to this
23 section may be subject to challenge pursuant to Chapter 2
24 (commencing with Section 1985) of Title 3 of Part 4 of the Code
25 of Civil Procedure.

26 (c) For purposes of this section, Sections 11184, 11185, 11186,
27 11187, 11188, 11189, 11190, and 11191 of the Government Code

1 shall apply to the subpoenaing of witnesses and documents, reports,
2 answers, records, accounts, papers, and other data and documentary
3 evidence as if the investigation was being conducted by a state
4 department head, except that the applicable court for resolving
5 motions to compel or motions to quash shall be the Superior Court
6 for the County of Los Angeles.

7 (d) Notwithstanding any other ~~provision of the law~~, any person
8 who, after the administration of an oath or affirmation pursuant to
9 this section, states or affirms as true any material matter that he or
10 she knows to be false is guilty of a misdemeanor punishable by
11 imprisonment in a county jail not to exceed six months or by a
12 fine not to exceed five thousand dollars (\$5,000), or by both that
13 fine and imprisonment for the first offense. Any subsequent
14 violation shall be punishable by imprisonment in a county jail not
15 to exceed one year or by a fine not to exceed ten thousand dollars
16 (\$10,000), or by both that fine and imprisonment.

17 (e) The inspector general shall submit an interim report to the
18 Legislature by July 1, 2000, annual interim reports by July 1 of
19 each succeeding year, and a final cumulative report by December
20 1, ~~2014~~, 2024, on all of the following:

21 (1) The use and effectiveness of the subpoena power authorized
22 by this section in the successful completion of the inspector
23 general's duties.

24 (2) Any use of the subpoena power in which the issued subpoena
25 was quashed, including the basis for the court's order.

26 (3) Any referral to the local district attorney or the Attorney
27 General where the district attorney or Attorney General declined
28 to investigate the matter further or declined to prosecute.

29 (f) This article shall remain in effect only until January 1, ~~2015~~,
30 2025, and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, ~~2015~~, 2025, deletes or extends
32 that date.

33 SEC. 2. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 SEC. 3. The Legislature finds and declares that a special law
4 is necessary and that a general law cannot be made applicable
5 within the meaning of Section 16 of Article IV of the California
6 Constitution because of the unique circumstances concerning the
7 Los Angeles Unified School District.

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