

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2020**

---

---

**Introduced by Assembly Member Buchanan**

February 20, 2014

---

---

An act to amend ~~Section 1171 of the Labor Code, relating to employment~~ *Sections 51850 and 51851 of the Education Code, relating to pupil instruction.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2020, as amended, Buchanan. ~~Employees: regulation and supervision.~~ *Pupil instruction: driver training and education: charter schools.*

*Existing law authorizes the governing board of a school district maintaining a high school or high schools, a county superintendent of schools, and the Division of Juvenile Justice, and the State Department of Education in providing programs of high school education, to prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training and prohibits a pupil from being permitted to enroll in automobile driver training unless the pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed the course.*

*This bill would also authorize the governing body of a charter school that serves pupils in grades 9 to 12, inclusive, to prescribe regulations determining who can profit by and who shall receive instruction in automobile training courses, as specified.*

*Existing law requires a course of instruction in automobile driver education to meet specified requirements, including provide the*

*opportunity for pupils to take driver education within the regular schoolday, and within the regular academic year, as defined.*

*This bill would specify that those pupils may include pupils attending charter schools that serve pupils in grades 9 to 12, inclusive. The bill would also delete certain cross-references and make other nonsubstantive changes.*

~~Existing law regulates the wages, hours, and working conditions of employees with specified exceptions:~~

~~This bill would make nonsubstantive changes to these provisions:~~

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

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

1     SECTION 1. Section 51850 of the Education Code is amended  
2 to read:

3     51850. The governing board of a school district maintaining  
4 a high school or high schools, ~~the governing body of a charter~~  
5 ~~school that serves pupils in grades 9 to 12, inclusive,~~ a county  
6 superintendent of schools, and the ~~California Youth Authority~~  
7 ~~Division of Juvenile Justice,~~ and ~~State Department of Education~~  
8 ~~the department~~ in providing programs of high school education,  
9 may prescribe regulations determining who can profit by and who  
10 shall receive instruction in automobile driver training; provided,  
11 however, that no pupil shall be permitted to enroll in automobile  
12 driver training unless ~~such~~ *the* pupil is presently enrolled in a  
13 course of instruction in automobile driver education, or has  
14 satisfactorily completed ~~such~~ *the* course. The regulations shall be  
15 subject to ~~such~~ standards for driver education and driver training  
16 as *that* may be prescribed by the ~~State Board of Education~~ *state*  
17 *board*. Where driver training is provided, ~~such~~ *the* course of  
18 instruction shall be given in one or more of the grades 9, 10, 11,  
19 or 12. Pupils shall be at least 15 years and six months of age at the  
20 time of completion of a driver training course.

21     SEC. 2. Section 51851 of the Education Code is amended to  
22 read:

23     51851. A course of instruction in automobile driver education  
24 shall meet all of the following:

25     (a) Be of at least 2½ semester periods and shall be taught by a  
26 qualified instructor.

1 (b) Provide the opportunity for pupils, *which may include pupils*  
2 *attending charter schools that serve pupils in grades 9 to 12,*  
3 *inclusive,* to take driver education within the regular schoolday,  
4 and within the regular academic year, as defined in Section 37250.  
5 Additional classes may be offered at the discretion of the local  
6 school district governing board, the county superintendent of  
7 schools, ~~California Youth Authority, and the Division of Juvenile~~  
8 ~~Justice, the State Department of Education, department, and the~~  
9 ~~governing body of a charter school that serves pupils in grades 9~~  
10 ~~to 12, inclusive,~~ to accommodate the pupils who have failed or  
11 who cannot otherwise enroll in the regular schoolday program.  
12 For purposes of this section, the regular schoolday shall be that  
13 time during which classes are maintained in the courses of  
14 instruction provided for in Chapter 1 (commencing with Section  
15 51000), Chapter 2 (commencing with Section 51200), ~~Article 1~~  
16 ~~(commencing with Section 51500), Article 2 (commencing with~~  
17 ~~Section 51510), Article 3 (commencing with Section 51520), and~~  
18 ~~Article 4 (commencing with Section 51530) of Chapter 4, and~~  
19 Chapter 5.6 (commencing with Section 51930) of this part, and  
20 Chapter 2 (commencing with Section 58400) of Part 31.

21 (c) Be completed by the pupil within the academic year or  
22 summer session in which it was begun.

23 ~~SECTION 1. Section 1171 of the Labor Code is amended to~~  
24 ~~read:~~

25 ~~1171. The provisions of this chapter shall apply to and include~~  
26 ~~men, women, and minors employed in any occupation, trade, or~~  
27 ~~industry, whether compensation is measured by time, piece, or~~  
28 ~~otherwise, but shall not include an individual employed as an~~  
29 ~~outside salesperson or an individual participating in a national~~  
30 ~~service program carried out using assistance provided under Section~~  
31 ~~12571 of Title 42 of the United States Code.~~

32 ~~An individual participating in a national service program~~  
33 ~~pursuant to Section 12571 of Title 42 of the United States Code~~  
34 ~~shall be informed by the nonprofit, educational institution or other~~  
35 ~~entity using his or her service, prior to the commencement of~~  
36 ~~service of the requirement, if any, to work hours in excess of eight~~  
37 ~~hours per day, or 40 hours per week, or both, and shall have the~~  
38 ~~opportunity to opt out of that national service program at that time.~~  
39 ~~Individuals participating in a national service program pursuant~~  
40 ~~to Section 12571 of Title 42 of the United States Code shall not~~

- 1 ~~be discriminated against or be denied continued participation in~~
- 2 ~~the program for refusing to work overtime for a legitimate reason.~~

O