

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 160

Introduced by Senators Lara and De León

February 1, 2013

An act to amend Section 44010 of, and to add Section 45304.5 to, the Education Code, relating to classified school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 160, as amended, Lara. Classified school employees: ~~child abuse investigations~~ *misconduct against a child*: statewide tracking.

Existing law requires the governing board of a school district to place a classified employee on a compulsory leave of absence in specified circumstances, including, among other circumstances, if the employee is charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of a sex offense, as defined.

This bill would require a school district *or charter school* to notify ~~the state board~~ *State Department of Education* when a classified employee of the school district ~~separates from employment with the district during the course of an investigation for child abuse, as defined in Section 11165.6 of the Penal Code, in which no arrest or conviction has been made~~ *or charter school is dismissed, resigns, is suspended, retires, or is terminated from employment as a result of misconduct against a child, as specified*, thereby imposing a state-mandated local program. The bill would require ~~the state board to keep a centralized list of these notifications and make the list available to all school districts~~ *department, upon request by a school district or charter school, to provide that information for purposes of verifying previous employment of a classified employee. The bill would make a conforming change and nonsubstantive changes.*

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.

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 44010 of the Education Code is amended
 2 to read:
 3 44010. “Sex offense,” as used in Sections 44020, 44237, 44346,
 4 44425, 44436, 44836, ~~and~~ 45123, ~~and~~ 45304.5, means any ~~one or~~
 5 ~~more~~ of the offenses listed below:
 6 (a) ~~Any~~ An offense defined in Section 220, 261, 261.5, 262,
 7 264.1, 266, 266j, 267, 285, 286, 288, 288a, 288.5, 289, 311.1,
 8 311.2, 311.3, 311.4, 311.10, 311.11, 313.1, 647b, 647.6, or former
 9 Section 647a, subdivision (a), (b), (c), or (d) of Section 243.4, or
 10 subdivision (a) or (d) of Section 647 of the Penal Code.
 11 (b) ~~Any~~ An offense defined in former subdivision (5) of former
 12 Section 647 of the Penal Code repealed by Chapter 560 of the
 13 Statutes of 1961, or ~~any~~ an offense defined in former subdivision
 14 (2) of former Section 311 of the Penal Code repealed by Chapter
 15 2147 of the Statutes of 1961, if the offense defined in those sections
 16 was committed ~~prior to~~ *before* September 15, 1961, to the same
 17 extent that an offense committed ~~prior to~~ *before* that date was a
 18 sex offense for the purposes of this section ~~prior to~~ *before*
 19 September 15, 1961.
 20 (c) ~~Any~~ An offense defined in Section 314 of the Penal Code
 21 committed on or after September 15, 1961.
 22 (d) ~~Any~~ An offense defined in former subdivision (1) of former
 23 Section 311 of the Penal Code repealed by Chapter 2147 of the
 24 Statutes of 1961 committed on or after September 7, 1955, and
 25 ~~prior to~~ *before* September 15, 1961.
 26 (e) ~~Any~~ An offense involving lewd and lascivious conduct under
 27 Section 272 of the Penal Code committed on or after September
 28 15, 1961.

1 (f) ~~Any~~An offense involving lewd and lascivious conduct under
 2 former Section 702 of the Welfare and Institutions Code repealed
 3 by Chapter 1616 of the Statutes of 1961, if that offense was
 4 committed ~~prior to before~~ September 15, 1961, to the same extent
 5 that an offense committed ~~prior to before~~ that date was a sex
 6 offense for the purposes of this section ~~prior to before~~ September
 7 15, 1961.

8 (g) ~~Any~~An offense defined in Section 286 or 288a of the Penal
 9 Code ~~prior to before~~ the effective date of the amendment of either
 10 section enacted at the 1975–76 Regular Session of the Legislature
 11 committed ~~prior to before~~ the effective date of the amendment.

12 (h) ~~Any~~An attempt to commit any of the offenses specified in
 13 this section.

14 (i) ~~Any~~An offense committed or attempted in ~~any other~~ another
 15 state or against the laws of the United States ~~which~~ that, if
 16 committed or attempted in this state, would have been punishable
 17 as one or more of the offenses specified in this section.

18 (j) ~~Any~~A conviction for an offense resulting in the requirement
 19 to register as a sex offender pursuant to Section 290 of the Penal
 20 Code.

21 (k) Commitment as a mentally disordered sex offender under
 22 former Article 1 (commencing with Section 6300) of Chapter 2
 23 of Part 2 of the Welfare and Institutions Code, as repealed by
 24 Chapter 928 of the Statutes of 1981.

25 SECTION 1.

26 SEC. 2. Section 45304.5 is added to the Education Code, to
 27 read:

28 45304.5. (a) A school district *or charter school, within 30*
 29 *days of one of the following actions*, shall notify the ~~state board~~
 30 *department* when a classified employee of the school district
 31 ~~separates from employment with the district during the course of~~
 32 ~~an investigation for child abuse, as defined in Section 11165.6 of~~
 33 ~~the Penal Code, in which no arrest or conviction has been made~~
 34 *or charter school is dismissed, resigns, is suspended, retires, or*
 35 *is terminated from employment as a result of misconduct against*
 36 *a child.*

37 (b) ~~The state board department shall keep a centralized list of~~
 38 ~~the notifications the information~~ provided pursuant to subdivision
 39 (a) ~~and make the list available to all school districts and, upon~~
 40 *request by a school district or charter school, provide that*

1 *information for purposes of verifying previous employment for a*
2 *classified employee.*

3 *(c) For purposes of this section, “misconduct against a child”*
4 *means any of the following:*

5 *(1) A sex offense, as specified in Section 44010.*

6 *(2) Aiding or abetting the unlawful sale to, use by, or exchange*
7 *to, minors of a controlled substance included in Schedule I, II, or*
8 *III, as listed in Section 11054, 11055, or 11056 of the Health and*
9 *Safety Code, respectively.*

10 *(3) An offense specified in Sections 11165.2 to 11165.6,*
11 *inclusive, of the Penal Code.*

12 ~~SEC. 2.~~

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.