

Introduced by Senator Knight

February 22, 2013

An act to amend Sections 35021 and 35021.1 of the Education Code, relating to public school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

SB 565, as introduced, Knight. Public school volunteers.

Existing law authorizes the governing board to permit any person, except a person required to register as a sex offender, to serve as a nonteaching volunteer aide under the immediate supervision and direction of certificated personnel of the district to perform noninstructional work that serves to assist the certificated personnel of the district in their teaching and administrative responsibilities. Existing law authorizes a school district or county office of education to request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of a sex offense.

This bill would also prohibit a person who has been convicted of a serious or violent felony, as defined, or who is on postrelease community supervision from serving as a volunteer aide. The bill would make conforming and other nonsubstantive changes.

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 35021 of the Education Code is amended
- 2 to read:

1 35021. (a) (1) Notwithstanding any other law, any person,
 2 except a person required to register as a sex offender pursuant to
 3 ~~Section 290 of the Penal Code~~ *identified in paragraph (2)*, may
 4 be permitted by the governing board of ~~any~~ a school district to
 5 perform the duties specified in Section 44814 or 44815, or to serve
 6 as a nonteaching volunteer aide under the immediate supervision
 7 and direction of the certificated personnel of the district to perform
 8 noninstructional work which serves to assist the certificated
 9 personnel in performance of teaching and administrative
 10 responsibilities. With respect to this noninstructional work, the
 11 nonteaching volunteer aide shall serve without compensation of
 12 any type or other benefits accorded to employees of the district,
 13 except as provided in Section 3364.5 of the Labor Code.

14 (2) *The following persons shall not be permitted to serve as a*
 15 *volunteer:*

16 (A) *A person required to register as a sex offender pursuant to*
 17 *Section 290 of the Penal Code.*

18 (B) *A person who has been convicted of a violent or serious*
 19 *felony, as defined in Section 45122.1.*

20 (C) *A person who is on postrelease community supervision.*

21 (b) No district may abolish any of its classified positions and
 22 utilize volunteer aides, as authorized herein, in lieu of classified
 23 employees who are laid off as a result of the abolition of a position.
 24 A district shall not refuse to employ a person in a vacant classified
 25 position and use volunteer aides in lieu of filling the classified
 26 position.

27 (c) It is the intent of the Legislature to permit school districts
 28 to use volunteer aides to enhance its educational program but not
 29 to permit displacement of classified employees nor to allow
 30 districts to utilize volunteers in lieu of normal employee
 31 requirements.

32 SEC. 2. Section 35021.1 of the Education Code is amended to
 33 read:

34 35021.1. (a) A school district or county office of education
 35 may request that a local law enforcement agency conduct an
 36 automated records check of a prospective nonteaching volunteer
 37 aide in order to ascertain whether the prospective nonteaching
 38 volunteer aide has been convicted of ~~any~~ a sex offense, as defined
 39 in Section 44010, *has been convicted of a violent or serious felony,*

1 *as defined in Section 45122.1, or is on postrelease community*
2 *supervision.*~~A~~

3 (b) A plea or verdict of guilty, a finding of guilt by a court in a
4 trial without jury, or a conviction following a plea of nolo
5 contendere shall be deemed to be a conviction within the meaning
6 of this section. If the local law enforcement agency agrees to
7 provide that automated records check, the results ~~therefrom~~ shall
8 be returned to the requesting district or county office of education
9 within 72 hours of the written request. A local law enforcement
10 agency may charge a fee to the requesting agency not to exceed
11 the actual expense to the law enforcement agency.

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