

Introduced by Senator AndersonFebruary 22, 2013

An act to amend Section 35021 of the Education Code, relating to school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

SB 687, as introduced, Anderson. Schools: volunteers: school facility maintenance or improvement.

Existing law authorizes the governing board of any school district to permit a person, except a person required to register as a sex offender, as specified, to volunteer to supervise pupils during the school lunch period or any breakfast period or nutrition period, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district, as specified. Existing law prohibits a school district from abolishing any of its classified positions and utilizing those volunteers for those services in place of classified employees laid off as a result of the abolition of a position.

This bill would delete this prohibition. The bill would authorize the governing board of a school district, as defined, to permit a person, except a person required to register as a sex offender, as specified, to volunteer time or resources under the supervision of a district employee for the maintenance or improvement of a school facility, as provided. The bill would prohibit a collective bargaining agreement entered into after January 1, 2014, from prohibiting a school district from using volunteers.

Existing law provides that it is the intent of the Legislature to permit a school district to use volunteer aids to enhance its educational program

but not to permit displacement of classified employees nor to allow a district to utilize volunteers in lieu of normal employee requirements.

This bill would instead state that it is the intent of the Legislature to permit a school district to use volunteers to enhance its educational program or facilities but not to encourage displacement of classified employees nor to encourage districts to use volunteers in lieu of normal employee requirements.

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 35021 of the Education Code is amended
2 to read:

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

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

22 *(b) Notwithstanding any other law, any person, except a person*
23 *required to register as a sex offender pursuant to Section 290 of*
24 *the Penal Code, may be permitted by the governing board of a*
25 *school district to volunteer time or resources under the supervision*
26 *of a district employee for the maintenance or improvement of a*
27 *school facility. With respect to this work, the volunteer shall serve*
28 *without compensation of any type or other benefits accorded to*

1 *employees of the district, except as provided in Section 3364.5 of*
2 *the Labor Code.*

3 *(c) Notwithstanding any other law, a collective bargaining*
4 *agreement entered into after January 1, 2014, shall not prohibit*
5 *a school district from using or encouraging volunteers pursuant*
6 *to this section or any other section permitting or encouraging*
7 *volunteers to participate in a school.*

8 *(e)*

9 *(d) It is the intent of the Legislature to permit a school-districts*
10 *district to use ~~volunteer aides~~ volunteers to enhance its educational*
11 *program or facilities but not to ~~permit~~ encourage displacement of*
12 *classified employees nor to ~~allow~~ encourage districts to ~~utilize~~ use*
13 *volunteers in lieu of normal employee requirements.*

14 *(e) For purposes of this section “school district” includes any*
15 *county office of education or charter school.*