

AMENDED IN SENATE JUNE 13, 2000
AMENDED IN SENATE APRIL 12, 2000
AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 697

Introduced by Assembly Member Gallegos

February 24, 1999

An act to amend Section 51512 of the Education Code, relating to classroom instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 697, as amended, Gallegos. Classroom instruction: listening or recording devices: prohibition of use.

Existing law prohibits the use of any electronic listening or recording device in any classroom of the elementary and secondary schools without the prior consent of the teacher and principal.

This bill would prohibit any evidence obtained as a result of eavesdropping upon or recording a communication in a classroom in violation of that provision of law from being viewed, listened to, or relied upon by school officials or used in any judicial, administrative, legislative, or other proceeding.

The bill would provide that if a teacher or principal denies a request from a pupil to electronically listen or record in a classroom, a record of the denial would be required to be

made and kept at the school, thereby imposing a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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: ~~no~~ yes.

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

1 SECTION 1. Section 51512 of the Education Code is
2 amended to read:

3 51512. (a) The Legislature finds that the use by any
4 person, including a pupil, of any electronic listening or
5 recording device in any classroom of the elementary and
6 secondary schools without the prior consent of the
7 teacher and the principal of the school given to promote
8 an educational purpose disrupts and impairs the teaching
9 process and discipline in the elementary and secondary
10 schools, and such use is prohibited. Any person, other
11 than a pupil, who willfully violates this section shall be
12 guilty of a misdemeanor.

13 (b) Any pupil violating this section shall be subject to
14 appropriate disciplinary action.

15 (c) *If a teacher or principal denies a request from a*
16 *pupil to electronically listen or record in a classroom, a*
17 *record of the denial, including the date of the denial and*
18 *reason for the denial, shall be made and kept at the school.*

19 (d) This section shall not be construed as affecting the
20 powers, rights, and liabilities arising from the use of
21 electronic listening or recording devices as provided for
22 by any other provision of law.



1 ~~(d)~~

2 (e) Except as proof in an action or prosecution for
3 violation of this section, no evidence obtained as a result
4 of eavesdropping upon or recording a communication in
5 a classroom in violation of this section shall be viewed or
6 relied upon by school officials or used in any judicial,
7 administrative, legislative, or other proceeding.

8 *SEC. 2. Notwithstanding Section 17610 of the*
9 *Government Code, if the Commission on State Mandates*
10 *determines that this act contains costs mandated by the*
11 *state, reimbursement to local agencies and school*
12 *districts for those costs shall be made pursuant to Part 7*
13 *(commencing with Section 17500) of Division 4 of Title*
14 *2 of the Government Code. If the statewide cost of the*
15 *claim for reimbursement does not exceed one million*
16 *dollars (\$1,000,000), reimbursement shall be made from*
17 *the State Mandates Claims Fund.*

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