

Assembly Bill No. 697

Passed the Assembly August 25, 2000

Chief Clerk of the Assembly

Passed the Senate August 18, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 697, 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, or legislative action related to certificated employee discipline or dismissal or in a credential 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.



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

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

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

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

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

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

(e) Except as proof in an action or prosecution for violation of this section, no evidence obtained as a result of eavesdropping upon or recording a communication in a classroom in violation of this section shall be viewed or relied upon by school officials or used in any judicial, administrative, or legislative action related to certificated employee discipline or dismissal or in a credential proceeding.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million



dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 2000

Governor

