

BILL ANALYSIS

AB 346  
Page 1

CONCURRENCE IN SENATE AMENDMENTS  
AB 346 (Conway)  
As Amended June 24, 2010  
2/3 vote. Urgency

ASSEMBLY:	(June 2, 2009)	SENATE:	28-0	(June 28, 2010)
-----------	----------------	---------	------	-----------------

(vote not relevant)

Original Committee Reference: ED.

SUMMARY : An urgency measure that makes changes to the requirements for the Activity Supervisor Clearance Certificate (ASCC).

The Senate amendments delete the Assembly version of this bill and instead:

- 1) Authorize neighboring school districts and county superintendents to designate one entity, among the collective group, to perform criminal background checks for non-certificated individuals who are assuming a paid or volunteer position.
- 2) Clarify that non-certificated individuals assuming a paid or volunteer position to work with pupils in a pupil activity program sponsored by a school district must obtain an ASCC.
- 3) Define a nonteaching volunteer to include parents volunteering in a classroom or on a field trip or a community member providing noninstructional services.
- 4) Specify the ASCC requirement does not apply to individuals who have already cleared a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check through a school district.

EXISTING LAW :

- 1) Allows school districts to agree among themselves to designate a single district, or a county superintendent to agree to act on behalf of participating school districts within the county or contiguous counties, for the purposes of performing

AB 346  
Page 2

specified duties regarding criminal background checks.

- 2) Requires, commencing on July 1, 2010, a non-certificated candidate to obtain an ASCC from the Commission on Teacher Credentialing (CTC) before assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district, as defined; and, exempts volunteer supervisors for breakfast, lunch, or other nutritional periods and nonteaching volunteer aides, as defined, under the immediate supervision and direction of certificated personnel of the district, from this requirement.

AS PASSED BY THE ASSEMBLY , this bill expanded the type of projects and local contribution that are allowed by the Joint-Use Facilities Program.

FISCAL EFFECT : Unknown

COMMENTS : This bill clarifies legislative intent with regard to the passage of AB 1025 (Conway) from 2009. Specifically, this bill authorizes school districts to choose whether to administer a DOJ and FBI criminal background check for non-certificated individuals who are assuming a paid or volunteer position to work with pupils in a pupil activity program sponsored by a school district, or whether to require that the individual obtain an ASCC. Under existing law, these individuals must obtain an ASCC through the CTC. Under this bill, either the district can choose to administer the background check or require the applicant to obtain an ASCC through the CTC. Through either pathway, individuals working with pupils in a pupil activity will be required to undergo a DOJ and FBI background check prior to working with pupils.

This bill also clarifies legislative intent that all individuals who work with pupils in activity programs will be fingerprinted. Existing law references pupil activity supervisors, directors

and coaches, which includes head coaches and head activity directors/supervisors, but may not include assistant coaches and assistant activity directors/supervisors. This bill clarifies that anyone who will work with pupils in an activity program must be fingerprinted, which includes head coaches, assistant coaches, auxiliary coaches, and anyone who will be alone with a student in an official capacity during a pupil activity sponsored by a district.

AB 346  
Page 3

Lastly, this bill clarifies the definition of nonteaching volunteer aides, who are not required to obtain an ASCC, to include parents who volunteer in a classroom or on a field trip and community volunteers providing noninstructional services. This provision clarifies that community members who, for example, visit a school campus to give a speech at a school assembly are not required to obtain an ASCC. Legislative intent is that parents who are volunteering in a classroom or on a field trip, along with community members providing noninstructional services will not be required to obtain an ASCC and will instead fall under local district policy under the definition of a nonteaching volunteer aide.

Previous legislation: AB 1025 (Conway), Chapter 379, Statutes of 2009, requires non-credentialed individuals who volunteer or are paid to supervise, direct, or coach a pupil activity program to be fingerprinted and undergo a criminal background check.

This bill was substantially amended in the Senate and the subject matter was not heard in an Assembly policy committee this legislative session.

Analysis Prepared by : Chelsea Kelley / ED. / (916) 319-2087

FN: 0005066