

- 7) Defines “adjudicative proceeding” to mean an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision. (Government Code § 11405.20)
- 8) Defines “local agency” to mean a county, city, district, public authority, public agency, or other political subdivision or public corporation in the state other than the state and provides that OAH’ administrative proceedings do not apply to a local agency except to the extent the provisions are made applicable by statute. (Government Code § 11410.30)
- 9) Provides classified employees the right to request an administrative hearing pursuant to OAH’ procedures when subject to layoffs and provides that the local school employer shall act as an agency with all the rights and powers under OAH’ procedures, as specified. (Education Code § 45117 and § 88017)
- 10) Expresses legislative intent that schools be safe environments free from violence, sexual offenses, and misconduct by school employees, volunteers, and contractors, and requires adoption of policies addressing professional boundaries and safe environments. (Education Code (ED) § 32100)
- 11) Requires school districts and county offices of education to adopt comprehensive school safety plans that include procedures for child abuse reporting, staff training, and responses to dangerous or unlawful activity. (ED §§ 32280–32282)
- 12) Requires local educational agencies (LEAs) and private schools to provide annual training on child abuse reporting and prevention and directs the state to develop related guidance and resources. (ED § 44691 and § 51950)
- 13) Prohibits agreements that prevent reporting egregious misconduct or expunge related records, except where allegations are determined to be unfounded or unsubstantiated through due process. (ED § 44939.5)
- 14) Establishes hiring transparency requirements for noncertificated and certificated employees, including:
 - a) Requiring applicants to disclose prior school employment;
 - b) Requiring hiring entities to contact prior employers regarding credible complaints, substantiated investigations, or discipline for egregious misconduct; and
 - c) Requiring prior employers to disclose reports made to CTC and provide supporting information. (ED §§ 44051, 44939.5)
- 15) Requires CTC, contingent upon appropriation, to develop a statewide data system to track investigations and substantiated reports of egregious misconduct, including employee identifiers, employment history, and investigation data. (ED § 44052)
- 16) Requires LEAs and private schools to report hiring, position changes, separations, initiation of investigations, investigation outcomes, and mid-investigation separations within specified timelines. (ED § 44052)

- 17) Categorizes a report resulting from an investigation of a credible claim of child abuse or neglect into three categories: “unfounded”; “substantiated”; and “inconclusive” (Penal Code § 1165.12)
- 18) Defines “Unfounded report” to mean a report that the investigator determines is false, inherently improbable, involving an accidental injury, or not constituting child abuse or neglect. (Penal Code § 1165.12 (a))
- 19) Defines “Substantiated report” to mean a report that the investigator determines constitutes child abuse or neglect based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred; and prohibits a substantiated report from including a report where the investigator found the report false, inherently improbable, involving an accidental injury, or not constituting child abuse or neglect. (Penal Code § 1165.12 (b))
- 20) Defines “Inconclusive report” to mean a report determined by the investigator not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, occurred. (Penal Code § 1165.12 (c))
- 21) Requires that only substantiated reports of egregious misconduct be recorded and prohibits retention of records for unfounded or inconclusive investigations. (ED § 44052)
- 22) Requires LEAs and private schools to review the statewide data system prior to hiring to determine whether an applicant has a substantiated report of egregious misconduct. (ED § 44052)
- 23) Authorizes CTC to initiate a review based on records in the statewide data system, including substantiated reports and cases involving separation during an investigation. (ED § 44242.5)

This bill:

- 1) Requires school employers, when responding to other school employers’ inquiries regarding prior employees who are applicants to noncertificated positions, to disclose whether the applicant was the subject of a substantiated report of egregious misconduct and to provide a copy of all relevant information within its possession that was used to support a substantiated report of egregious misconduct.
- 2) Requires CTC to include a noncertificated school employee’s employment status as part of the information collected in its statewide data system of all noncertificated school employees.
- 3) Makes CTC’s statewide noncertificated data system accessible only to employees of school employers that are responsible for employment, employee investigations, or hiring decisions, and requires those employees to keep information contained in the statewide data system confidential.
- 4) Requires a school employer to do the following if an employee leaves employment before the employer completes an investigation of egregious misconduct:
 - a) Report the change in the employee’s employment status to CTC’s statewide data system;

- b) Submit a preliminary notice that the employer initiated an investigation based on a credible complaint of egregious misconduct;
 - c) Complete the investigation and issue a report within 90 calendar days of its commencement, unless extended for good cause, that determines whether the credible complaint is substantiated, unsubstantiated, or inconclusive.
 - d) Submit notice to CTC's statewide data system of the employer's final report or the ALJ's decision on the report, as applicable, within 10 calendar days of the school employer's report completion or ALJ's decision.
- 5) Requires CTC to do the following immediately upon notice from a school employer that the employer commenced an investigation of an employee based on a credible complaint of egregious misconduct:
- a) Indicate a pending status for the investigation report in the employee's record until the employer updates the investigation's status.
 - b) Immediately notify the employee's current employer that the employee's prior employer has submitted a preliminary notice to CTC and that an investigation is pending.
 - c) Continue notifying the employee's current employer every 30 days until the prior employer updates the investigation's status.
- 6) Requires the school employer to submit notice to CTC stating the result of its substantiated report within 10 calendar days of the final report or an ALJ decision on the report, as applicable.
- 7) Requires CTC to create a record in its statewide database of a substantiated report if the school employer concurs with the report or an ALJ's decision is consistent with the report.
- 8) Prohibits CTC from maintaining a record of the investigation in its data system if the school employer does not concur with or an ALJ's decision is inconsistent with the report.
- 9) Requires the school employer to notify CTC within 10 calendar days if a previously substantiated report is later found to be unfounded or inconclusive and requires CTC to remove the report and any record of an investigation from its statewide data system.
- 10) Requires a school employer, upon receiving a credible complaint or other reason to believe the employee committed egregious misconduct, to begin an investigation within 10 days, provide the employee with written notice with specific allegations before commencing the investigation, and conclude the investigation within 90 days, unless extended for good cause. The notice to the employee shall include a statement that the employer must submit a preliminary notice of the investigation and any change of employment status to the CTC if the employee leaves employment before the investigation is concluded.
- 11) Requires the school employer to provide the employee a reasonable opportunity to provide to the investigator an in-person or written statement of evidence, or both, at the employee's option.

- 12) Prohibits the school employer from entering investigation-related records into the employee's personnel file unless the employer provided the required notice of the investigation and an opportunity for the employee to review and comment on the records. However, the employer shall not make available investigative records to the employee until the investigation's conclusion.
- 13) Requires the school employer to complete the investigation regardless of whether the employee ends the employment relationship.
- 14) Requires the school employer to provide the employee with written notice of its finding (substantiated, unsubstantiated, or inconclusive) and a summary of its basis for its finding within 10 calendar days of the investigation's conclusion.
- 15) Requires the notice to include a statement of the employee's rights to contest the substantiated report's finding by requesting a hearing no less than 15 or greater than 30 calendar days after the employer gives the employee notice, as specified.
- 16) Provides that the substantiated report's finding and employment decision shall stand if the employee doesn't request a hearing, requires the employer to notify CTC of the record, and requires CTC to make a record of the finding in its data system.
- 17) Requires, if the employee timely requests a hearing, the employer to conduct the proceedings pursuant to OAH' administrative proceedings, as specified.
- 18) Places the burden on the employer to prove with a preponderance of the evidence that the employee committed the alleged egregious misconduct.
- 19) Gives precedence to the ALJ's findings and conclusions over those of the employer's substantial report if they are in conflict. This reverses OAH's normal administrative process whereby an agency may refuse to accept the ALJ's decision and impose its decision.
- 20) Grants the employee the right to be represented at the hearing by an attorney, a non-attorney representative, or a non-attorney representative of the employee organization designated as the employee's exclusive representative, if any.
- 21) Requires the employer to notify CTC within 10 calendar days if the ALJ finds the employer did not prove by a preponderance of the evidence that the employee committed the egregious misconduct and that the employer's substantiated report is therefore unfounded or inconclusive.
- 22) Requires CTC to update its statewide database to remove any indication of the pending investigation if the ALJ determined that the employer's substantiated report was unfounded or inconclusive.
- 23) Requires CTC to update its statewide database to change the investigation's pending status and notify the employee's current employer, if applicable, if the ALJ finds that the employer's egregious misconduct allegations are substantiated.
- 24) Requires the employer to timely deliver a copy of any ALJ decision or finding to the employee.

- 25) Defines “employee” to mean a noncertificated employee of a local educational agency or any employee of a private school.
- 26) Defines “local educational agency” to mean a school district, county office of education, charter school, educational joint powers authority, or state special school or diagnostic center operated by the California Department of Education.
- 27) Declares the Legislature’s intent to ensure that independent contractors who interact with pupils are vetted through appropriate measures to protect student safety, with specific requirements to be developed in subsequent provisions to be included in this act.
- 28) Provides for state-mandated costs, if any, as specified.

COMMENTS

1. Background

This bill represents the author’s commitment to work with various stakeholders to address concerns raised with the author’s SB 848 (Chapter 460, Statutes of 2025) legislation from last year. Those concerns centered on potential due process violations for accused classified school employees whose name and information could be entered into CTC’s statewide data system at the beginning of an investigation and shared statewide with no notice or opportunity for the accused to respond, essential elements of due process.

SB 848 was itself, in part, a response to recommendations made by the Fiscal Crisis and Management Assistance Team (FCMAT) in its January 31, 2025, report, *Childhood Sexual Assault: Fiscal Implications for California Public Agencies*. FSCAT, pursuant to budget act trailer bill language, was responding to concerns over substantial monetary claims against California school employers resulting from previous legislation that eliminated barriers for victims to bring claims for sexual assault and abuse. Its report noted that the fiscal impact of those claims “is and will continue to be significant and will affect programs and services. The best estimate of the dollar value of claims brought to date because of AB 218 is \$2-\$3 billion for local educational agencies. Other local public agencies’ costs will exceed that value by a multiplier, with one county government alone estimating their claim value at \$3 billion. The dollar estimate increases further for total childhood sexual assault claims when considering claims outside of the time frame covered by AB 218.”

One recommendation from FCMAT’s report was “to require the development and maintenance of a statewide data repository, including mandating cooperation and information sharing by public agencies.” SB 848 sought to implement that key recommendation.

This bill’s sponsors have raised concerns that, if implemented as is, SB 848 would violate their members’ due process rights and have sought various amendments to SB 848 to ensure that an accused employee gets notice of an investigation; has the opportunity to present their version of events regarding an accusation; gets a right to an administrative hearing by an objective third-party ALJ; that data submitted to CTC be only from substantiated reports; that only key employees have access to the CTC data; that the CTC database “pending” status designation for an investigation not be made available to employers except under specified

circumstances, including when an employee has ended employment with the prior school employer; and that CTC update the data and regularly report those updates to employers.

The bill's opponents express concerns that the right to the specified ALJ hearings creates new due process rights for classified employees that don't exist currently and that could seep into all disciplinary actions against classified school employees, significantly weakening school employers' ability to remove employees who may endanger school children. Such an outcome would defeat, in their view, the purpose of SB 848 in establishing the CTC data system to protect children from sexual abuse and also address school liability related claims going forward. They also express concern regarding the financial and administrative burden on school resources since they believe that likely every investigation would generate an employee demand for an OAH administrative hearing with an ALJ.

Opponents also specifically cited concerns regarding provisions that require school employers to provide notice to a classified employee before the employer can commence an investigation into a claim of egregious misconduct. They argue this alerts the suspected employee who can dispose of evidence, intimidate or influence potential witnesses, and otherwise interfere with an investigation before it even starts.

However, where due process rights apply, they necessarily force the government to openly confront an accused and provide the accused with the opportunity to defend themselves against the accusations. A system, as in SB 848, that starts an investigation, immediately reports it to a statewide database that shares it with prospective employers, and essentially blacklists the accused before any hearing or judgement seems highly suspect.

Thus, the sponsors may have a strong case that the current statute infringes on their due process rights. However, even constitutionally protected fundamental rights are not absolute and may bend to compelling state interests. Protecting children from sexual abuse in California schools is probably high on that list, if not number one.

The author has the Solomonic task of determining who has the greater interest in supporting state policy to eliminate child sexual abuse in California schools while respecting the rights of accused but innocent school employees.

2. Need for this bill?

According to the author:

“The Safe Learning Environments Act (SB 848, Chapter 460, Statutes of 2025) created a statewide data system to track egregious misconduct investigations involving school employees to improve transparency and prevent individuals with serious allegations from moving between school sites without proper review.”

“While the Safe Learning Environments Act marked an important step toward creating safer school environments, two key issues have emerged through its implementation.”

First, classified employees do not have a clearly defined, impartial review process comparable to certificated employees (teachers). Existing law requires that teachers receive due process before being placed in a misconduct-related data system, which includes a hearing and the ability to appeal the decision to an ALJ through the Office of Administrative

Hearings (OAH). Without equivalent due process protections, investigations against classified employees involving egregious misconduct can result in professional and personal consequences.”

“Second, in some cases, employees may resign or leave their position before an investigation into alleged misconduct is completed, which limits information available to future employers. Without clear requirements to complete investigations and document these circumstances, the process leaves important safety concerns unaddressed.”

3. Proponent Arguments

According to the co-sponsors CSEA, AFSCME, and CFT:

“During the 2025 legislative session, the Governor signed SB 848 (Pérez), which among other things, creates a permanent statewide database to track accusations and convictions of egregious misconduct by classified school employees. SB 848 is an important step towards guaranteeing our schools are safe places for children.”

“We have worked closely with the author to address concerns regarding due process and equity. In its current form, SB 848 allows classified school employees to be placed into an egregious misconduct database based on an allegation, without due process. Not only is this inconsistent with the level of protection provided to teachers, but it also raises concerns about potential unintended consequences for the careers and reputations of innocent classified employees. SB 848 also excludes thousands of contracted workers and non-permanent employees on school campuses.”

“SB 1083 reflects a thoughtful and collaborative effort to refine the law by establishing a fair and consistent process. The bill would require an ALJ, through the Office of Administrative Hearings, to determine if a classified employee in a TK-12 district should be placed into the egregious misconduct database. The ALJ would be selected jointly by the district and labor union or exclusive representative. This bill would provide parity because classified employees should not be denied due process rights granted to teachers.”

“Additionally, SB 1083 would ensure that independent contractors working on school campuses are subject to appropriate background check requirements.”

4. Opponent Arguments:

According to a coalition of school employer representatives, including the Association of School Administrators:

“We are deeply appreciative of the efforts to pass Senate Bill 848 (Chapter 460, Statutes of 2026) that established numerous practices uplifting recommendations from the Fiscal Crisis and Management Assistance Team (FCMAT) report on childhood sexual assault and misconduct with the goal of prevention. We recognize the shared responsibility to stop these incidents from occurring, once and for all, and believe a statewide database for employee misconduct has the potential to play a key role to make significant strides in preventing abuse and misconduct in school settings. With that in mind, we are opposed to SB 1083, as we believe it will inadvertently undermine the efforts to prioritize students’ safety and well-being, which we all seek to achieve.”

“We understand the intent of SB 1083 and the goal to establish additional parameters for how records are to be created and maintained in the proposed statewide database of employment history for noncertificated public school and all private school employees. Regrettably, SB 1083 would conflict with existing laws for long-established practices in personnel investigations and disciplinary hearings, background checks for egregious misconduct, and also some of the recently enacted changes under SB 848. It could also set precedent for all other personnel investigations unrelated to egregious misconduct to the detriment of other employees and, most of all, students.”

5. Dual Referral: The Senate Rules Committee referred this bill to the Senate Education Committee (1) and to the Senate Labor, Public Employment and Retirement Committee (2).

6. Prior Legislation:

SB 848 (Pérez, Chapter 460, Statutes of 2025) required CTC to establish and manage a statewide data system by July 1, 2027, to track substantiated investigations of employee misconduct accessible to all LEAs and private schools for employment screening.

Senate Bill 153 (Committee on Budget and Fiscal Review, Chapter 38, Statutes of 2024) required the Fiscal Crisis and Management Assistance Team to provide recommendations to the appropriate fiscal and policy committees of the Legislature and the Department of Finance regarding new, existing, or strengthened funding and financing mechanisms to finance judgments or settlements arising from claims of childhood sexual assault against local agencies.

AB 452 (Addis, Chapter 655, Statutes of 2023) eliminated the statute of limitations for civil actions for damages as a result of childhood sexual assault.

AB 472 (Wicks, Chapter 331, Statutes of 2023) required non-merit school and community college districts to pay a classified employee their full compensation upon returning to service for the district from a period of involuntary leave of absence following a finding in favor of the employee for charges of a criminal offense, a criminal investigation or job-related administrative determinations.

AB 2413 (Carrillo, Chapter 913, Statutes of 2022) prohibited school and community college districts from suspending, demoting, or dismissing without pay a permanent, classified employee who timely requests a hearing on the charges against the employee before a decision is rendered on the matter.

AB 438 (Reyes, Chapter 665, Statutes of 2021) required classified employees to receive notice when subject to layoffs and provided due process administrative hearing rights, as specified.

SB 433 (Cortese, 2021) would have makes changes to the K-12 school and community college (CCC) disciplinary process for classified employees to allow a school or community college employee, excluding a peace officer, facing discipline from the employer to appeal that disciplinary action to an impartial third-party hearing officer paid by the employer and jointly selected by the employer and the employee or the employee’s union unless the union

and the employer have entered into a memorandum of understanding (MOU) providing an alternative method of appealing disciplinary action. The Governor vetoed the bill.

AB 218 (Gonzalez, Chapter 861, Statutes of 2019) extended the time for commencement of actions for childhood sexual assault to 40 years of age or five years from discovery of the injury; provided enhanced damages for a cover up, as defined, of the assault; and provided a three-year window in which expired claims are revived.

AB 500 (Bloom, Chapter 580, Statutes of 2017) required LEAs or private schools that include a section on employee interactions with pupils in their employee codes of conduct to provide a written copy of that section to the parents of each child enrolled at the beginning of the school year.

AB 2621 (Gomez and Bloom, 2016) would have required a LEA or an entity providing private school instruction that maintains an employee code of conduct to provide a written copy of that document to the parent or guardian of each enrolled student at the beginning of each school year and also post it on its Web site. The bill was vetoed by the Governor.

AB 1058 (Baker, Chapter 748, Statutes of 2015) required the CDE to establish guidelines and best practices for child abuse prevention and post on its Web site links to existing training resources. Additionally, the bill encouraged school districts, county offices of education and charter schools to participate in child abuse prevention training and provide all school employees with training in child abuse prevention at least every three years.

AB 1432 (Gatto, Chapter 797, Statutes of 2014) required school districts to annually train employees on mandated reporting requirements when they suspect child abuse and neglect.

SUPPORT

American Federation of State, County and Municipal Employees, California (Co-sponsor)
California Federation of Teachers (Co-sponsor)
California School Employees Association (Co-sponsor)

OPPOSITION

Association of California School Administrators
California Association of Joint Powers Authorities
California Association of School Business Officials
California Association of Suburban School Districts
California Association of Suburban Schools
Office of the Riverside County Superintendent of Schools
Riverside County Office of Education
School Employers Association of California
Schools Excess Liability Fund