

THIRD READING

Bill No: SB 1083
Author: Pérez (D)
Amended: 3/25/26
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 4/15/26
AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Reyes

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/22/26
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Noncertificated public school employees: private school employees:
egregious misconduct: statewide data system

SOURCE: AFSCME
California Federation of Teachers
California School Employees Association

DIGEST: This bill (1) modifies state law governing the investigation, reporting, and disclosure of egregious misconduct by noncertificated and private school employees; (2) clarifies hiring disclosure requirements, establishes procedures and due process protections for local investigations, and revises statewide data system reporting and notification requirements.

ANALYSIS:

Existing law:

- 1) 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 (EC) § 32100)

- 2) 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. (EC §§ 32280–32282)
- 3) 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. (EC § 44691, 51950)
- 4) Prohibits agreements that prevent reporting egregious misconduct or expunge related records, except where allegations are determined to be unfounded or unsubstantiated through due process. (EC § 44939.5)
- 5) 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 the Commission on Teacher Credentialing (CTC) and provide supporting information. (EC §§ 44051, 44939.5)
- 6) Requires the CTC, contingent on appropriation, to develop a statewide data system tracking investigations and substantiated reports of egregious misconduct, including employee identifiers, employment history, and investigation data. (EC § 44052)
- 7) Requires LEAs and private schools to report hiring, position changes, separations, initiation of investigations, investigation outcomes, and mid-investigation separations within specified timelines. (EC § 44052)
- 8) Requires that only substantiated reports of egregious misconduct be recorded and prohibits retention of records for unfounded or inconclusive investigations. (EC § 44052)
- 9) 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. (EC § 44052)

- 10) Authorizes the CTC's Committee of Credentials to initiate a review based on records in the statewide data system, including substantiated reports and cases involving separation during an investigation. (EC § 44242.5)

This bill:

- 1) Requires prior employers, when responding to hiring inquiries, to disclose whether an applicant was the subject of a substantiated report of egregious misconduct, rather than a substantiated investigation, and to continue providing all relevant information previously reported to the CTC.
- 2) Requires LEAs and private schools, upon receiving a credible complaint or other reason to believe egregious misconduct occurred, to conduct an investigation and provide the employee with written notice before commencing the investigation.
- 3) Requires LEAs and private schools to complete an investigation regardless of whether the employee separates from employment, and requires LEAs, within 10 calendar days of concluding the investigation, to provide the employee with written notice of the findings (substantiated, unsubstantiated, or inconclusive).
- 4) Authorizes LEA noncertificated employees to request a hearing on a substantiated report of egregious misconduct with an administrative law judge (ALJ), and requires the LEA to report the outcome of the ALJ's decision to the CTC within 10 calendar days for inclusion in the statewide data system.
- 5) Deletes the requirement that all investigations be reflected as "pending" in the statewide data system upon initiation.
- 6) Requires LEAs and private schools, only when an employee leaves employment before an investigation is completed, to:
 - a) Report the employee's change in employment status to the statewide data system;
 - b) Submit a preliminary notice that an investigation was initiated based on a credible complaint;
 - c) Complete the investigation and determine whether the report is substantiated, unsubstantiated, or inconclusive; and
 - d) Submit final notice of the investigation outcome to the statewide data system.

- 7) Requires the statewide data system, for employees who separate before the completion of an investigation, to notify the employee's current employer immediately upon receipt of the preliminary notice and every 30 days thereafter until a final report is submitted.
- 8) Restricts access to the statewide data system to employees of LEAs and private schools who are responsible for hiring, employment decisions, or employee investigations.
- 9) Requires individuals with access to the statewide data system to maintain the confidentiality of information contained in the system.
- 10) Expresses the intent of the Legislature 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.

Comments

- 1) *Need for this bill.* According to the author, "SB 1083 builds on the Safe Learning Environments Act (SB 848), which was enacted into law last year and established a statewide data system to track egregious misconduct by school employees. That law was an important step forward in improving transparency, strengthening accountability, and helping ensure that individuals with serious allegations cannot quietly move between school sites without scrutiny.

But as implementation has moved forward, additional refinements are needed to ensure the system operates with consistency, fairness, and fully protects students. First, classified employees do not currently have a clearly defined, impartial review process comparable to what is provided to certificated employees. Existing law ensures that teachers receive due process, including a hearing and the ability to appeal to an Administrative Law Judge through the Office of Administrative Hearings. Without equivalent due process protections, investigations against them involving egregious misconduct can result in professional and personal consequences. SB 1083 addresses this by requiring an Administrative Law Judge to determine whether a classified employee should be added to the statewide data system. The bill also requires the statewide system to immediately notify a current employer when an employee leaves a local educational agency or private school before or during an investigation. This notice would inform the employer that a preliminary report has been filed, and an investigation is pending, to ensure that future employers are aware of any unresolved concerns.

Second, while the existing framework established accountability for permanent employees, gaps remain for independent contractors and non-permanent individuals who interact directly with students. These individuals may have regular, unsupervised access to children, yet are not always subject to the same standards. SB 1083 ensures that appropriate vetting measures apply to them as well. Together, these improvements strengthen the system, promote fairness, and ensure that all individuals working with students are held to consistent standards, because student safety remains our highest priority.”

- 2) *From system creation to system calibration.* Recent legislation from this author, SB 848 (Perez, Chapter 460, Statutes of 2025), established a new statewide framework for identifying, reporting, and preventing egregious misconduct by school employees, particularly those in noncertificated positions. This bill represents a second phase of that work, focused less on creating new requirements and more on refining how the system operates in practice. In particular, this bill revisits key implementation questions related to (1) when and how employees are reported to the statewide data system, (2) what procedural protections are afforded during local investigations, and (3) how hiring entities interpret and act on available information. As such, this bill centers on calibrating the balance between timely information-sharing and fairness to employees.
- 3) *Shift from universal “pending” status to conditional notification.* Under existing law, the initiation of any investigation results in a “pending” status in the statewide data system until the investigation is resolved. This bill eliminates that universal approach and instead requires reporting and employer notification only in cases where an employee separates from employment before an investigation is completed.

This represents a meaningful policy shift. On one hand, it reduces the likelihood that employees are flagged in the system based solely on unproven allegations. On the other hand, it narrows the set of circumstances in which hiring entities are alerted to ongoing investigations. This change focuses the system on higher-risk scenarios, such as mid-investigation departures, but may also limit visibility into unresolved cases where an employee remains employed.

- 4) *Codifying local investigation procedures and due process protections.* This bill establishes more explicit procedural requirements for how LEAs and private schools conduct investigations of egregious misconduct, including advance written notice to the employee, required completion of investigations regardless of employment status, and written notice of findings. This bill also provides

noncertificated employees the right to request a hearing before an ALJ to challenge a substantiated report.

These provisions appear responsive to concerns raised by stakeholders regarding consistency, transparency, and due process in local investigations. At the same time, they introduce new administrative expectations, including adherence to timelines, coordination of hearings, and potential legal costs, which may be more challenging for smaller LEAs with limited capacity.

- 5) *Tension between due process and real-time hiring information.* A central policy tension reflected in this bill is the balance between protecting students and ensuring fair treatment of employees. The statewide data system is intended to prevent individuals with substantiated misconduct histories from moving undetected between employers. At the same time, premature or overly broad reporting, particularly at the allegation stage, may raise concerns about reputational harm and employment consequences absent a completed investigation.

By limiting notifications primarily to cases where an employee separates during an investigation and by providing a hearing process for substantiated reports, this bill shifts the framework toward additional due process protections. This approach may better align reporting with verified findings, but it also places greater weight on local investigation timelines and outcomes in determining what information is available to hiring entities.

- 6) *Requirement to complete investigations after employee separation.* This bill requires LEAs and private schools to complete investigations even if the employee resigns or otherwise leaves employment. This provision directly addresses a well-documented gap in prior practice, where investigations were sometimes discontinued upon separation, limiting accountability and reducing the availability of information for future employers.

While this requirement strengthens the integrity of the reporting system, it may also present practical challenges, including access to witnesses or evidence after separation and questions regarding the scope of employer authority over former employees. Consistent implementation may depend on additional guidance and local capacity.

- 7) *Ongoing notification to current employers.* In cases where an employee leaves during an investigation, this bill requires the statewide data system to notify the employee's current employer immediately and every 30 days thereafter until the

investigation is resolved. This creates a mechanism for ongoing awareness of unresolved investigations.

While this approach increases transparency in higher-risk scenarios, it also raises questions about how employers should interpret and act on preliminary information that has not yet resulted in a substantiated finding. The absence of a final determination may complicate employment decisions and risk management practices.

- 8) *Confidentiality and access to sensitive information.* This bill limits access to the statewide data system to individuals responsible for hiring, investigations, or employment decisions and requires that information be kept confidential. These provisions are intended to safeguard sensitive personnel information while still allowing appropriate access for decision-making.

Given the nature of the information involved, effective implementation will depend on clear protocols, training, and oversight to ensure that access is appropriately limited and that information is not misused or improperly disclosed.

- 9) *Independent contractors: intent language signals an unresolved policy question.* This bill expresses the intent of the Legislature to ensure that independent contractors who interact with pupils are subject to appropriate vetting to protect student safety, but does not yet establish specific requirements or mechanisms to implement that intent.

This reflects a recognized gap in existing law. While employees are subject to background checks, reporting requirements, and inclusion in the statewide data system, independent contractors, such as coaches, vendors, and service providers, may operate under less consistent standards depending on the nature of their engagement with schools. How this intent is ultimately operationalized will shape the scope of the state's student safety framework and the responsibilities placed on LEAs.

- 10) *Implementation status and capacity at the CTC.* This bill builds on a newly established statewide framework that places significant administrative responsibility on the CTC as the operator of the statewide data system. The Governor's proposed 2026-27 budget includes \$1.4 million General Fund and 10 positions for CTC to implement these responsibilities.

However, CTC has indicated that its total workload and staffing needs remain uncertain and are closely tied to the final scope of statutory requirements. In

communications with the author's office and committee staff, CTC has proposed statutory amendments to clarify definitions, reporting timelines, data elements, and alignment with existing educator discipline processes, as well as to address data privacy and evidentiary considerations.

CTC has also signaled to the Senate Budget Subcommittee on Education that additional legal staff, including attorney positions, may be necessary, particularly given the anticipated increase in investigatory workload and the integration of data system records into credential discipline proceedings. As the bill continues to refine reporting triggers and procedural requirements, these changes may further affect both the volume and complexity of cases processed by the CTC.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- The Commission on Teacher Credentialing (CTC) indicates that this bill could leave it vulnerable to significant litigation risk for many reasons, including the requirement to publicize pending investigations of egregious misconduct. This could create unknown but significant General Fund costs, potentially in the millions of dollars each year.
- This bill could result in additional Proposition 98 General Fund costs to local educational agencies (LEAs) for increased hearings related to egregious misconduct at the Office of Administrative Hearings (OAH). The extent of these costs is unknown but could be significant, depending on the number and scope of proceedings each year. The cost associated with each hearing can average approximately \$7,000 but can be much higher for more complicated cases. The cost of the administrative law judges' time related to these hearings would typically be billed by the OAH to the involved LEAs.
- This bill could result in additional Proposition 98 General Fund costs for schools to conduct investigations upon the receipt of credible complaints. The bill includes a requirement for schools to finish the investigations even if the employee resigns or leaves employment. The extent of these costs would depend on the number and scope of the investigations.
- To the extent that the bill's provisions lead to a reduction in egregious misconduct by employees in schools, it could lead to long-term savings for school districts by reducing the financial liabilities that could result from these cases.

SUPPORT: (Verified 5/14/26)

AFSCME (co-source)

California Federation of Teachers (co-source)

California School Employees Association (co-source)

California Labor Federation

California State Council of Service Employees International Union

OPPOSITION: (Verified 5/14/26)

Alameda County Office of Education

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

California County Superintendents

California School Boards Association

Kern County Superintendent of Schools Office

Office of the Riverside County Superintendent of Schools

Riverside County Office of Education

School Employers Association of California

Schools Excess Liability Fund

Small School Districts' Association

Prepared by: Ian Johnson / ED. / (916) 651-4105

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