

Date of Hearing: June 24, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

SB 1083 (Pérez) – As Amended June 15, 2026

SENATE VOTE: 33-0

SUBJECT: Noncertificated public school employees: private school employees: egregious misconduct: statewide data system: Commission on Teacher Credentialing: adverse actions

The committee is informed that this bill is also referred to the Assembly Committee on Education should it advance beyond this committee. As such, this writing only discusses matters that are germane to the jurisdiction of this committee and defers to that committee to discuss matters that are germane to its jurisdiction.

SUMMARY: Modifies existing laws governing the investigation, reporting, and disclosure of egregious misconduct by noncertificated public and private school employees by clarifying hiring disclosure requirements, establishing procedures and due process protections relating to local investigations and, among other provisions, revising the statewide data system (“system”) reporting and notification requirements relating to egregious misconduct claims. Specifically, **this bill:**

- 1) Revises and recasts existing law provisions relating to disclosure of egregious misconduct by these employees by requiring: (i) such disclosures to be related to a substantiated report *instead* of a substantiated investigation; (ii) school districts, county offices of education (COE), charter schools, and state special school and diagnostic centers operated by the State Department of Education (CDE) to provide relevant evidence *instead* of information, as specified; (iii) the aforementioned entities to also provide relevant evidence to the Commission on Teacher Credentialing (CTC) upon inquiry; and, (iv) those entities to preserve evidence relating to a substantial report of egregious misconduct regardless if any proposed or actual agreement, settlement, or stipulation not to provide that evidence.
- 2) Revises and recasts existing law provisions relating to the CTC’s development of system that includes information relating to investigations of egregious misconduct allegations of individuals serving in noncertificated positions and education employers, as specified, and the submittal of certain information to the system by: (i) providing that the system to be developed is specific to investigations of egregious misconduct; (ii) revising the system’s data fields, as specified; (iii) revising the data to be submitted by local education agencies (LEAs) and private schools as well as the process for submitting and updating the data, as specified; and, (iv) specifying the CTC’s, LEAs’ and private schools’ role and responsibilities regarding the system by, among other things: (a) requiring the CTC to develop a secure interface, as provided; (b) requiring LEAs and private schools to: (I) request access to the system through the secure interface by May 1, 2027, (II) provide the CTC with a designated email address for receipt of system notifications and, (III) preserve all evidence related to substantial reports of egregious misconduct that are notated in the system.
- 3) Expressly provides that system data is not subject to disclosure under the California Public Records Act (CPRA); that specific rights under the Information Practices Act of 1977 are not

applicable to personal information maintained in the system for purposes of that act, and makes legislative findings to that effect.

- 4) Requires, upon receiving any credible complaint or other reason to believe that an employee has engaged in egregious misconduct, LEAs and private schools to conduct an investigation to determine whether the employee committed egregious misconduct. Further, requires for LEAs to, among other things: (i) specify investigative timeliness; (ii) the LEA to provide the employee with written notice before commencing the investigation; (iii) within 10 calendar days of the investigation's conclusion, to serve written notice of the investigation's findings to the employee; and, (iv) provide LEA noncertificated employees with the right to a request a hearing on a substantiated report, as provided.
- 5) Requires, by July 1, 2027, each private school to adopt a written employee investigation policy that includes, at minimum, a description of the steps to be followed during those investigations, and the employer's rights and responsibilities relating to those investigations.
- 6) Requires the system to be accessible only to commission employees for specified purposes and LEA employees and private schools that are responsible for employment, employee investigations, or hiring decisions, and all of those employees to keep information contained in the system confidential, as provided.
- 7) Authorizes, among other things, the Committee on Credentials ("Committee") to: (i) commence a formal review upon the receipt of *any entry* in the system of a substantiated report or record of a start of an investigation followed by a change in employment status during the investigation entered into the system; (ii) make inquiries and requests for production of information and records from LEAs and private schools for purposes of investigating substantiated reports of egregious misconduct submitted to the system; (iii) require an entry of a substantiated report of egregious misconduct that does not involve sexual misconduct with a minor or recurring conduct resulting in a pattern of misconduct to be presented to the Committee for initial review within four years; and, (iv) require the production of information, records, reports, and other data for those purposes from private schools.
- 8) Amends existing law relating to specified individuals, including contractors and subcontractors, undergoing a fingerprint-based state and national criminal history background check to, *instead*, require the CDE to require those background checks, as specified, and includes the CDE's agents in those requirements.
- 9) Requires, on or before July 1, 2027, LEAs and the CDE, when entering into a contract with an entity for specified services, except as provided, to ensure that the contract terms and conditions include, among other things: (i) a requirement that the entity provide evidence that all of its employees, agents, subcontractors, or employee of a subcontractor, providing those services undergo a fingerprint-based background check, as specified, and (ii) that a part of qualifying to be a contractor or subcontractor for a LEA or the CDE, the entity's employees, agents, subcontractors, or employee of a subcontractor, who will be providing the services. Further, LEAs and the CDE must check the names and pertinent identifying information provided by a contracting entity against either the system, and, if any credible complaint of egregious misconduct by any contractor or subcontractor performing services is made or received, the LEA or CDE must also make specified notifications.

- 10) Defines several terms for these purposes, and includes pro forma provisions regarding reimbursement by the state to local agencies and school districts for certain state-mandated costs, and incorporates by reference the statutory procedures for making that reimbursement.

EXISTING LAW:

- 1) Establishes that a person may not be deprived of life, liberty, or property without due process of law. (Fifth Amendment, U.S. Const; Section 1, art. XIV, U.S. Const., and Section 7(a), art. I, Cal. Const.)
- 2) Recognizes that public employees have a property interest in continued employment and that a public employer must provide an employee due process consisting of notice, a description of the evidence supporting the charges against them, and an opportunity to respond before terminating their employment. (*Cleveland Board of Education v. Loudermill* (1985) 470 U.S. 532.)
- 3) Establishes that if a California public employee has a protected property interest in their position, then their employer must provide a pre-disciplinary notice and opportunity to respond and be heard prior to imposing discipline. (*Skelly v. State Personnel Bd.* (1975) 15 Cal. 3d 194. Also see *Board of Regents v. Roth* (1972) 408 U.S. 564, and *Goldberg v. Kelly* (1970) 397 U.S. 254 re: property interest.)
- 4) Establishes that employees have a right to union representation during investigatory interviews conducted by the employer and where the employee reasonably believes may result in disciplinary action. (*National Labor Relations Board v. J. Weingarten, Inc.* (1975) 420 U.S. 251.)
- 5) Grants every school employee the right to inspect personnel records, as specified; prohibits entry of derogatory information into an employee's personnel records unless and until the employer gives the employee notice and opportunity to review and comment on the information; and provides the employee with the right to add their own comments to the derogatory information. (Section 44031, Educ. Code.)
- 6) Creates within the Department of General Services, the Office of Administrative Hearings (OAH) and authorizes its director to appoint administrative law judges (ALJs), as specified, to conduct and adjudicate administrative proceedings, and establishes procedures for how administrative hearings are to be conducted. (Sections 11370.2 et seq., and 11500 et seq., Gov. Code.)
- 7) Defines "adjudicative proceeding" to mean an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision (Section 11405.20, Gov. Code), and "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, including an agency created, jointly appointed, or concerted action of the state and one or more local agencies, and provides that the OAH's administrative proceedings do not apply to a local agency except to the extent the provisions are made applicable by statute (Section 11410.30, Gov. Code).

- 8) Provides classified employees the right to request an administrative hearing pursuant to OAH procedures when subject to layoffs and requires the local school employer to act as an agency with all the rights and powers under OAH procedures, as specified. (Sections 45117 and 88017, Educ. Code.)
- 9) 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. (Section 32100, Educ. Code.) In addition, school districts and COEs are required to adopt comprehensive school safety plans that include procedures for child abuse reporting, staff training, and responses to dangerous or unlawful activity. (Sections 32280 through 32282, Educ. Code.) Further, LEAs and private schools must provide annual training on child abuse reporting and prevention and the state must develop related guidance and resources. (Sections 44691 and 51950, Educ. Code.)
- 10) Prohibits agreements that prevent reporting egregious misconduct or expunge related records, except where allegations are determined to be unfounded or unsubstantiated through due process. (Section 44939.5, Educ. Code.)
- 11) Establishes hiring transparency requirements for noncertificated and certificated employees, including requiring: (i) applicants to disclose prior school employment; (ii) hiring entities to contact prior employers regarding credible complaints, substantiated investigations, or discipline for egregious misconduct; and, (iii) prior employers to disclose reports made to the CTC and provide supporting information. (Sections 44051 and 44939.5, Educ. Code.)
- 12) Requires the 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. In addition, LEAs and private schools are required to report hiring, position changes, separations, initiation of investigations, investigation outcomes, and mid-investigation separations within specified timelines. In addition, only substantiated reports of egregious misconduct must be recorded and prohibits retention of records for unfounded or inconclusive investigations (Section 44052, Educ. Code), and 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. (Section 44052, Educ. Code.)
- 13) Authorizes the CTC to initiate a review based on records in the statewide data system, including substantiated reports and cases involving separation during an investigation. (Section 44242.5, Educ. Code.)
- 14) Prohibits a permanent employee from being dismissed, except for one or more expressly enumerated offenses, including immoral conduct (which includes, but is not limited to, egregious misconduct) and conviction of a felony or any crime involving moral turpitude. (Section 44932, Educ. Code.)
- 15) Establishes that adults who contact or communicate with minors with the intent to commit specified sexual offenses face criminal penalties. (Section 288.3, Pen. Code.)

- 16) Prohibits a person who has been convicted of a violent or serious crime from being employed by a school district, and a school district from retaining the employment of classified employee convicted of a violent or serious felony who is a temporary, substitute, or probationary employee and who has not attained permanent status, among other provisions relating to notice regarding applicants, proof of rehabilitation, and suspension and termination procedures (Section 45122.1, Educ. Code). Also prohibits employment of individuals convicted of sex offenses (Section 44237 (e), Educ. Code).
- 17) Defines mandated reporters as individuals whose professions involve regular contact with minors, including teachers, administrators, classified employees, and school district police officers (Section 11165.7, Pen. Code); requires mandate reporters to immediately report suspected child abuse or neglect to appropriate authorities and follow up with a written report within 36 hours (Sections 11165.9 and 11166, Pen. Code).
- 18) Provides for resignations, dismissals, and leaves of absence (including “charged with an optional leave of absence offense,” and “mandatory leave of absence,” as respectively defined) relating to certificated employees and resulting from a complaint, information, charge, or indictment filed in a court of competent jurisdiction relating to specified offenses; the duration of such leaves; and, mandatory reporting by the employer to the CTC. Upon receipt of a copy of the complaint, information, or indictment, the CTC is required to automatically suspend the employee’s teaching or service credential not to exceed 10 days after the date of entry of the judgment in the proceedings. (Section 44940, Educ. Code.)
- 19) Defines “sex offense” and “controlled substance offense” (Sections 44010 and 44011, Educ. Code, respectively); sets forth provisions relating to employment by a school district after conviction of a sex offense or controlled substance offense, including a rehabilitated control substance offender (Section 45123, Educ. Code), and prohibits a person from being employed by a school district who has been determined to be a sexual psychopath, as provided, among other provisions (Section 45124, Educ. Code).
- 20) Requires comprehensive sexual health education provided to pupils to include instruction on sexual harassment, sexual assault, adolescent relationship abuse, and human trafficking prevention. (Sections 51930 et seq., Educ. Code.)
- 21) Requires the governing board of a school district and community college district, respectively, and except as provided, to employ persons not requiring certification qualifications or that are not academic positions to classify these employees and positions known as the “classified service;” (Sections 45100 et seq., and 88000 et seq., Educ. Code) and, classified employees to have two fingerprint cards submitted to the Department of Justice, as provided, among other related provisions (Sections 45125 and 45125.01, Educ. Code).
- 22) Eliminates the statute of limitations for civil actions related to childhood sexual assault occurring on or after January 1, 2024, and previously extended the limitations period for claims occurring before 2024 to 22 years after the victim reaches majority age. (Sections 340.1 and 1002, Code of Civ. Pro.)

23) Exempts, permanently childhood sexual assault claims from the Government Tort Claims Act's presentation requirement, allowing claims to go directly to litigation without prior administrative claims filing. (Sections 905 and 935, Gov. Code.)

FISCAL EFFECT: *According to the analysis of a prior version of this bill by the Senate Committee on Appropriations, the [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 [ALJ's] 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.*

COMMENTS:

Information provided by the author states, “[t]he Safe Learning Environments Act 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. As implementation moves forward, stakeholders have identified areas where additional refinements would help ensure the system operates with consistency, fairness, and covers all individuals working with students. While [that 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 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.

“Finally, while [that act] established an important accountability structure, gaps remain for contracted and non-permanent employees who work directly with students. These individuals may have regular, unsupervised access to children, yet are not always subject to the same level of

accountability. Addressing these issues is essential to prevent inconsistent standards and ensure that all individuals working with students are treated consistently under the law.”

This Bill

Pursuant to Section 44940, *ibid.*, educator misconduct is reported by employing school districts, charter schools, the public, and self-reported on applications for credentials issued by the CTC. The CTC’s Division of Professional Practices investigates allegations of misconduct by credential holders and applicants. The Committee then reviews the allegations and is authorized to recommend that the CTC take adverse action against a credential or application. (Section 44242.5, Educ. Code.)

The CTC maintains a database where a search can be performed for an educator’s credential, certificate and/or permit. The CTC also provides access to credential and discipline information to identify or determine whether disciplinary action has been taken against an individual’s credentials. While only the first and last name of the credential holder must be entered, this limitation results from privacy policies. However, specific information regarding their credential history can be reviewed, and if the individual’s credential has been disciplined, a red flag for “Adverse and Commission Actions Indicator” is displayed next the credential holder’s name, and upon selection, a person can view any disciplinary actions taken against the individual’s credentials, as well as the effective dates of the disciplinary actions.¹

In furtherance of ongoing efforts to protect pupils/students from adult egregious misconduct while under their charge, guidance, or care in the educational setting, this bill follows enactment of Chapter 460, Statutes of 2025 (Senate Bill 848, Perez).² This bill seeks to address a critical need for public and private school employers relating to the employment of classified employees to assist them with making increasingly informed employment-related decisions that may reduce potential legal exposure and financial liability for egregious misconduct claims that also can have negative budgetary effects on them that, in turn, have multiple negative downstream effects that do not benefit the educational setting, environment, and pupils/students. While modifying existing laws for these purposes, this bill also prescribes due process protections for employees similar to those in the respective *Cleveland Board of Education, Skelly, Board of Regents, and National Labor Relations Board* judicial decisions enumerated under “Existing Law.”

Suggestion for Consideration by the Author Should This Bill Advance Beyond This Committee

It is noted that Section 44050.5 (d) defines “employee” to mean a noncertificated employee of a LEA or any employee of a private school, has the same meaning as defined in Section 3351 of the Labor Code, and includes former employees.”

Appreciating that among its provisions, this bill also is intended to track and capture concerning employees who may migrate among education employers while being the subject of an egregious misconduct investigation or substantiated report thereof, and to provide a centralized venue that can inform prospective employers. However, the term “former employee” could be misleading if the concerning employee has terminated employment in the education sector, particularly, if

¹ “Educator Misconduct,” CTC. Visit: <https://www.ctc.ca.gov/educator-discipline>

² See “Prior or Related Legislation,” below.

the employee has no intention to return to that sector; thus, also being a “former employee.” While appreciating that the former employee’s future intent might not be easily or readily ascertained, if ever, regarding their reemployment in this sector, in this instance, the prescribed rights regarding written notice and an opportunity to respond via hearing would involve efforts and costs relating to such employees.

Should this bill advance beyond this committee, the author may wish to address this matter with appropriate amendments in the future.

Conflict Notice to the Author

The author is informed that the Office of Legislative Counsel has issued a conflict notice regarding this bill and Assembly Bill 160 (Committee on Budget).

A conflict exists when two or more bills and/or constitutional amendments amend, add, repeal, or amend and renumber the same section, article, chapter, division, title, or heading. The enactment of these measures in their present form could give rise to a serious legal problem that may be avoided by appropriate amendments.

Author’s Statement

“[This bill] builds on the Safe Learning Environments Act [that established] a statewide data system to track egregious misconduct by school employees...”

Comments by Supporters

The cosponsors of this bill state, “[d]uring the 2025 legislative session, the Governor signed [Senate Bill 848 (Pérez)], which among other things, creates a permanent statewide database to track accusations and convictions of egregious misconduct by classified school employees. [That bill] 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. Current law 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. [That bill] also excludes thousands of contracted workers and non-permanent employees on school campuses.

“[This bill] 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 OAH, 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 [and ensures] that independent contractors working on school campuses are subject to appropriate background check requirements.”

Others express substantially similar statements in support of this bill.

Comments by Opponents

Among other arguments in opposition to this bill, a coalition of LEAs state, “[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 in preventing abuse and misconduct in school settings [,] the intent of [this bill and,] the goal to establish additional parameters for how records are to be created and maintained in the statewide database of employment history for noncertificated public school and all private school employees. Regrettably, [this bill] would conflict with existing laws for long-established practices in personnel investigations, disciplinary hearings, background checks for egregious misconduct, and even some of the recently enacted prevention policies under [Senate Bill 848]. It could also set a dangerous precedent for other personnel investigations to the detriment of other employees and, most of all, students.”

Specifically, they argue that this bill would:

- Limit information disclosure by “[dramatically changing] the information related to egregious misconduct shared with prospective employers for noncertificated positions. Under Section 44051 of the Educ. Code, this bill strikes ‘credible complaints of, investigations into, or discipline for egregious misconduct and replaces it with far more limited ‘substantiated reports of egregious misconduct.’ For certificated positions the more robust employment history remains under Section 44939.5(c)(2) of the Educ. Code [, which] creates two different sets of standards for what information is transmitted to the CTC and what prospective employers will have access to through their own direct inquiries to prior employers, which is critical in making hiring decisions.
-
- Increase liability exposure where “LEAs have paid billions of dollars to resolve claims that allege they have failed to address the risk of harm and protect students in their care from abuse. [...] school districts have reported assessments of \$1 million in a single year for their risk coverage policies due to liability exposure for sexual abuse and misconduct (SAM) claims. These are schools that have received zero SAM claims against their employees.” As to the expansion of potential liability, they argue that this bill: (i) allows a third-party ALJ to block a record from being entered into the database after the employer has determined a claim to be substantiated following their investigation, which would leave gaps in applicants’ employment history when conducting background checks; thereby, making the database incomplete and an unreliable tool; (ii) establishes inconsistent standards of evidence where one standard (preponderance of evidence) is used when an employer may report egregious misconduct to the database, and a lower standard when determining liability for failure to prevent abuse (ref. Section 340.1, Educ. Code), where this misalignment among the standards is unworkable; (iii) delay when a record is created and information is disclosed to inform future employers regarding substantiated investigations that are not challenged and, (iv) the documentation required to be provided by the former school employers to hiring employers replaces ‘information’ with ‘evidence’ and would potentially exclude relevant materials, further limiting disclosures related to egregious misconduct.”

Regarding the ALJ, they contend that the costs for an ALJ hearing in the low tens of thousands of dollars each and depending on the complexity of the case, could exceed \$100,000. As proposed, this bill would “require the LEA to carry the full ALJ hearing costs, equating to Proposition 98 General Fund losses in the hundreds of thousands of dollars annually. Placing the

full cost burden on the LEA for noncertificated employees is a departure from current law applying to certificated employees, where the LEA absorbs the full cost of appeals hearings only if the employee prevails,” among other related concerns.

The Charter Schools Development Center states, “[we] oppose this bill because it imposes public agency obligations on charter schools without providing the legal protections or funding that make those obligations workable. [This bill] defines charter schools as LEAs and subjects them to the bill’s most burdensome compliance track — statutory investigation timelines, OAH hearings, and a preponderance of evidence standard. Yet, charter schools operate with at-will employment structures and lack the [human resources] infrastructure, legal protections, and fiscal resources that make these requirements manageable for school districts. [This bill] extends indemnity to [the] CTC for its role in the process but provides no parallel protection to the schools responsible for investigating employees and conducting quasi-judicial hearings. All hearing costs fall on the [LEA], with estimates reaching \$100,000 per proceeding. Unlike districts, charter schools can be closed for fiscal insolvency.”

Prior or Related Legislation

Assembly Bill 1233 (Hoover, 2025) proposed to establish a statewide information system to track substantiated reports of egregious misconduct by noncertificated school employees. This bill was held in the Assembly Committee on Appropriations.

Chapter 460, Statutes of 2025 (Senate Bill 848, Perez) required the 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.

Chapter 38, Statutes of 2024 (Senate Bill 153, Committee on Budget and Fiscal Review) 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.

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

Chapter 331, Statutes of 2023 (Assembly Bill 472, Wicks) 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.

Senate Bill 433 (Cortese, 2023) proposed to make changes to the K-12 school and community college disciplinary processes 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 for 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 providing an alternative method of appealing disciplinary action. The Governor vetoed the bill stating:

“Under the status quo for certificated employees, the district absorbs the full cost of appeals hearings if the employee prevails. If it is determined that the certificated employee should be dismissed or suspended, the cost is shared equally with the State and the district. This bill for classified employees requires districts to bear the full costs of a disciplinary hearing before an arbitrator, no matter the outcome. This could increase the number of appeals and would create significant costs for the State and must be considered in the annual budget in the context of all state funding priorities. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.”

Chapter 913, Statutes of 2022 (Assembly Bill 2413, Carrillo) 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.

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

Chapter 665, Statutes of 2021 (Assembly Bill 438, Reyes) made changes to existing law relating to layoffs of certain classified employees of school districts and community college districts to require certain processes and procedures when the employee's services are no longer required, among other provisions.

Chapter 861, Statutes of 2019 (Assembly Bill 218, Gonzalez) 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.

Chapter 580, Statutes of 2017 (Assembly Bill 500, Bloom) 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.

Assembly Bill 2621 (Gomez and Bloom, 2016) proposed to require 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 internet website. The bill was vetoed by the Governor stating:

“Employee codes of conduct can be many pages and cover several issues related to the employment of all district or school employees. It's not helpful to send parents more information unless the message being conveyed is clear. While well-intentioned, I am not convinced these documents specifically cover the behavior the author is targeting.”

Chapter 748, Statutes of 2015 (Assembly Bill 1058, Baker) required the CDE to establish guidelines and best practices for child abuse prevention and post links on its internet website to existing training resources; encouraged school districts, COEs 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.

Chapter 59, Statutes of 2015 (Assembly Bill 1452, Hadley) prohibited school districts, COEs, and charter schools from expunging from expunging credible complaints of, substantiated investigations into, or discipline for, egregious misconduct from an employee's personnel file.

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

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees, California (Cosponsor)
 California Federation of Teachers - a Union of Educators and Classified Professionals
 (Cosponsor)
 California School Employees Association (Cosponsor)
 California Federation of Labor Unions, AFL-CIO
 California Teachers Association
 State Council California of Service Employees International Union

Opposition

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 Charter Schools Association
 California County Superintendents
 California School Boards Association
 Charter Schools Development Center
 Dublin Unified School District
 Kern County Superintendent of Schools
 Office of the Riverside County Superintendent of Schools
 San Bernardino County District Advocates for Better Schools
 School Employers Association of California
 Schools Excess Liability Fund
 Small School Districts Association

Analysis Prepared by: Michael Bolden / P. E. & R. / (916) 319-3957