

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON EDUCATION

Darshana R. Patel, 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

SUMMARY: Establishes procedures and due process protections for non-certificated employee investigations, and revises statewide data system reporting and notification requirements for non-certificated school employees. Specifically, **this bill:**

- 1) Requires public and private school employers, when responding to hiring inquiries, to disclose whether an applicant was the subject of a substantiated report of egregious misconduct, rather than a credible complaint and investigation, and to continue providing all relevant information previously reported to the Commission on Teacher Credentialing (CTC).
- 2) Requires local educational agencies (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 based on the preponderance of the evidence 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), requires the ALJ's decision to be binding, 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, and instead only requires investigations to be reflected as "pending" when an employee leaves employment during an investigation.
- 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) Requires entities contracting with schools to notify LEAs regarding whether any of the contracted employees have ever been employed by a school, and if notified of previous school employment, requires LEAs to check the statewide employee misconduct database for those contracted employees.
 - 11) Requires LEAs to fingerprint contractors who provide direct services to students.
 - 12) Requires the California Department of Education (CDE) to fingerprint employees, agents, volunteers, contractors and subcontractors at the CDE and at the state special schools and diagnostic centers.
 - 13) Authorizes the CTC's Committee on Credentials to investigate reports of egregious misconduct reported in the statewide data system.

EXISTING LAW:

- 1) Requires, at the conclusion of an investigation by the CTC for misconduct of a credential holder, the Committee on Credentials must make recommendations to the CTC and include its findings as to probable cause, and if probable cause exists, its recommendations as to the appropriate adverse action. (Education Code (EC) 44242.5)
- 2) Authorizes, within 100 days of receipt by the CTC of an ALJ's proposed decision, the CTC to do any of the following:
 - a) Adopt the proposed decision in its entirety;
 - b) Reduce or otherwise mitigate the proposed penalty and adopt the balance of the proposed decision;
 - c) Make technical or other minor changes in the proposed decision and adopt it as the decision;
 - d) Reject the proposed decision and refer the case to the same ALJ if reasonably available, otherwise to another ALJ, to take additional evidence; and

- e) Reject the proposed decision, and decide the case upon the record, including the transcript, or upon an agreed statement of the parties, with or without taking additional evidence. (Government Code (GOV) 11517)
- 3) Requires annual training for mandated reporters working in LEAs on recognizing and reporting child abuse and neglect. (EC 44691)
- 4) Permits LEAs to offer instruction on sexual abuse and sexual assault prevention, including information on available resources for victims and methods of reporting such incidents. (EC 51950)
- 5) Prohibits LEAs from entering into agreements that suppress mandatory reporting of egregious misconduct by school employees, including sexual misconduct. (EC 44939.5)
- 6) 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 CTC and provide supporting information. (EC 44051, 44939.5)
- 7) 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)
- 8) 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)
- 9) Requires that only substantiated reports of egregious misconduct be recorded and prohibits retention of records for unfounded or inconclusive investigations. (EC 44052)
- 10) 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)
- 11) 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)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 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 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:

Need for the 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."

What does this bill do? SB 848 (Perez), Chapter 460, Statutes of 2025, establishes a new statewide database for identifying, reporting, and preventing future egregious misconduct by

school employees in noncertificated positions. This bill is a follow up to SB 848 (Perez) and implements a hearing process for employees before they are included in the database permanently.

What is egregious misconduct? Existing law prohibits school districts, county offices of education (COEs), and charter schools from expunging complaints or entering into an agreement that would authorize the expungement of complaints of egregious misconduct from a personnel file. Egregious misconduct is conduct that is the basis for an offense of specified sex offenses, controlled substance offenses, and child abuse and neglect offenses.

AB 215 (Buchanan), Chapter 55, Statutes of 2014, established the definition of egregious misconduct and the prohibition on expunging these records, in response to the fact that some school districts historically had collective bargaining agreements that contained language requiring the removal of all complaints from an employee's personnel file, regardless of the nature, after a specified amount of time. Further, AB 215 (Buchanan) established an expedited dismissal hearing process for egregious misconduct. It was the Legislative intent, through AB 215 (Buchanan), that employees who interact with pupils inappropriately, even when those actions do not cross the line to become a criminal offense, have complaints about misconduct remain in their personnel file and have an expedited dismissal process.

Limiting information shared between schools during reference checks. This bill changes the information that is shared between schools during an employment reference check. Under existing law, school employers are required to share “any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct, that were used to support a substantiated investigation” when contacted by a potential future school employer. Under this bill, school employers will only be required to share “any substantiated reports of egregious misconduct,” which is a smaller subset of information and will not include the complete history of misconduct by that employee.

This bill establishes due process procedures which authorize an ALJ to make the final determination whether a substantiated report remains listed in the database. This means that district substantiated reports could be overturned by an ALJ, removed from the database, and no longer shared with other school employers during a reference check, unlike current law where those same reports are required to be shared. Further, existing law requires the same information to be shared with employers for certificated employees and classified employees, and this bill will require a more limited list of information to be shared with employers for classified employees only. ***The Committee may wish to consider*** whether there is a policy rationale for sharing different investigation reports with future employers for certificated employees and classified employees.

Local investigation procedures and employee due process. This bill establishes 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. The bill also provides noncertificated employees the right to request a hearing before an ALJ to challenge an employer's substantiated report.

These provisions appear responsive to concerns raised by stakeholders during discussions of SB 848 (Perez) regarding due process in local investigations. At the same time, they introduce new

administrative expectations, including adherence to tight timelines, coordination of hearings, and potential legal costs, which may be more challenging for smaller LEAs with limited capacity.

ALJ final decision in SB 1083 is not consistent with certificated employees. The ALJ decision established by this bill is inconsistent with the current ALJ decision-making process for certificated employees. If a credential holder requests a hearing with an ALJ after the CTC takes adverse action on their credential, the ALJ’s decision is not binding and is delineated in the Administrative Procedures Act (APA). Under the APA, the CTC may accept the ALJ’s decision, modify the ALJ’s decision, or reject the ALJ’s decision. This means the CTC has the final decision-making authority regarding adverse action taken on a credential.

This bill makes the ALJ’s decision binding for noncertificated employees who request a hearing after a school has investigated and found that the misconduct was substantiated. This means that the ALJ, not the school, has final decision-making authority regarding listing a noncertificated employee in the employee misconduct database established by SB 848 (Perez). ***The Committee may wish to consider*** whether there is a policy rationale for different groups of school employees to have different standards with regard to whether an appeal decision issued by an ALJ is binding. Please see the following chart.

	<u>Dismissal</u> Appeals for Egregious Misconduct Decisions	<u>Credential/Database</u> Appeal Decisions
<u>Certificated Staff</u>	<ul style="list-style-type: none"> ALJ decision is binding (EC 44944.1) Evidence standard: Preponderance of the evidence 	<ul style="list-style-type: none"> ALJ decision is not binding. CTC may accept, amend or reject ALJ decision. CTC has final decision authority. (GOV 11517) Evidence Standard: General cases: Preponderance of the Evidence. Licensure cases: Clear & Convincing.
<u>Classified Staff</u>	<ul style="list-style-type: none"> ALJ decision is binding (EC 45113) Evidence standard: Preponderance of the evidence 	SB 1083 <ul style="list-style-type: none"> ALJ decision is binding Evidence Standard: Preponderance of the evidence

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. ***The Committee may wish to consider*** whether this policy shift creates a loophole, where an employee who is under investigation and still employed by the school could seek employment at another school and be hired without the new school having knowledge of the ongoing investigation, and whether the new employer may dismiss the employee when they learn of a substantiated report at previous employer.

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. This notification begins to address the loophole mentioned above, should an employee accept a position at a new school while still being employed by an employer under which they are under investigation. ***The Committee may wish to consider*** whether it is important for the new employer to have authority to dismiss the employee if they learn of a substantiated report after the hiring decision is made.

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.

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. ***The Committee may wish to consider*** further defining which private schools have access to the database, and include those schools with 6 or more students that have submitted an affidavit to the department.

Populating the statewide data system. This bill requires LEAs and private schools to include substantiated reports of egregious misconduct completed after July 1, 2027 in the statewide data system. Nothing in this bill prohibits an LEA or private school from populating the data system with substantiated reports completed prior to this date. SB 848 (Perez) requires LEAs and private schools to share information regarding any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct, that were used to support a substantiated investigation, when contacted by a potential future school employer beginning January 1, 2026.

In order to align with SB 848, *the Committee may wish to consider whether* to require LEAs and private schools to populate the statewide data system with substantiated reports completed after January 1, 2026 in addition to populating the data system with substantiated reports shared with potential future employers that were completed before January 1, 2026. This will assist in populating the data system faster, thus making it functional for LEAs and private schools to rely on the information more quickly.

School contractors. This bill requires entities contracting with schools to notify LEAs regarding whether any of the contracted employees have ever been employed by a school. If notified of previous school employment, this bill requires LEAs, but not private schools, to check the statewide employee misconduct database for those contracted employees. *The Committee may wish to consider* whether to include private schools in this requirement.

Further, this bill establishes new requirements for fingerprinting contractors who provide direct services to students, however, it is drafted differently than existing law requiring fingerprinting of contractors who have contact with students. This bill expands existing fingerprinting requirements for contractors, however, it establishes these new requirements in a different code section than existing law. *The Committee may wish to consider* whether the bill should be amended to relocate the new fingerprinting requirements into existing law so the requirements for fingerprinting contractors are in one code section.

Arguments in support. The California School Employees Association states, “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.”

Arguments in opposition. The Association of California School Administrators states, “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 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, disciplinary hearings, background checks for egregious misconduct, and even some of the recently enacted prevention policies under SB 848. It could also set a dangerous precedent for other personnel investigations to the detriment of other employees and, most of all, students.

SB 1083 would expand potential liability through...allowing a third-party Administrative Law Judge (ALJ) to block a record from being entered into the database after the employer has determined a claim to be substantiated following their investigation. As a result, any subsequent employer would have a gap in applicants’ employment history when conducting the background checks for egregious misconduct via the database, making the database incomplete and therefore an unreliable tool to fulfill employers’ duties. As noted above, under current law substantiated investigations and related information is required to be shared pursuant to Education Code Section 44051, where prospective employers must contact every prior school employee provided by an applicant for a noncertificated position.”

Committee amendments. Staff recommends the bill be amended to:

- 1) Make conforming changes to the definitions of substantiated report, inconclusive report, and unfounded report consistent with the penal code, and define private schools as those schools with 6 or more students that have filed an affidavit with the CDE.
- 2) Reinstate the requirement in existing law for schools to disclose credible complaints of, investigations into, or discipline for egregious misconduct in Section 44051. Specify that, notwithstanding any other law, information and evidence related to credible complaints, investigations, and substantiated reports of egregious misconduct reported to the CTC shall be preserved by schools.
- 3) Clarify that a noncertificated employee may be subject to dismissal for failing to comply with disclosure requirements in their employment application, or if a current employer becomes aware of a substantiated report the employer was not aware of during the hiring process.
- 4) Require LEAs to populate the statewide data system with substantiated reports completed after January 1, 2026 and substantiated reports that are shared in the future with school employers that were completed before January 1, 2026.
- 5) Delete the process for a non-certificated school employee to request an ALJ appeal hearing of a substantiated report of egregious misconduct before the employee is listed in the statewide data system.
- 6) Require LEAs and private schools established after May 1, 2027, to request access to the statewide data system through a secure interface designed by the CTC within 30 days of being established and before any hiring decisions commence.
- 7) Relocate the fingerprinting requirements for contractors who provide direct services to students in Section 45125.15 into Section 45125.1 and make conforming changes so the fingerprinting requirements for contractors are in one code section.
- 8) Require private schools to check the statewide data system for the names of contractors that previously worked in a school, in the same manner as LEAs.
- 9) Clarify that the process for updating the statewide data system includes all school districts, including merit districts.

Related legislation. SB 848 (Perez), Chapter 460, Statutes of 2025, establishes new requirements to improve pupil safety by addressing school employee misconduct, clarifying professional boundaries, enhancing comprehensive school safety plans, expanding child abuse prevention training requirements, requiring instructional programming on abuse prevention, and creating a statewide system for tracking employee misconduct investigations. Expands the definition and reporting responsibilities of mandated reporters.

SB 577 (Laird) of the 2025-26 Session would make a series of changes to relevant law to mitigate the fiscal impact of childhood sexual assault claims against public entities, including limitations on refiling actions and shortening relevant statutes of limitations, reforms to the

remittitur process, recovery of defense costs, and flexibility in paying judgments and issuing financing bonds.

AB 1233 (Hoover) of the 2025-26 Session requires the California School Information Services (CSIS), by July 1, 2027, to develop a non-certificated position statewide data system for tracking hiring data for such positions, including any egregious employee misconduct investigations resulting in a substantiated report by an LEA and requires an LEA review the data system before hiring an individual for a non-certificated position. This bill was held in the Assembly Appropriations Committee.

SB 832 (Allen) of the 2025-26 Session amends existing civil liability statutes related to childhood sexual assault and establishes that plaintiffs may recover treble damages in cases where childhood sexual assault is found to have been intentionally concealed by an entity responsible for the victim's care or oversight. The bill also introduces procedural safeguards requiring plaintiffs aged 40 or older at the time of filing to submit certificates of merit to ensure the credibility and factual basis of their claims.

AB 2534 (Flora), Chapter 570, Statutes of 2024, requires teachers applying for jobs at a new school district, COE, charter school, or state special school to disclose where the applicant has previously been employed; and requires the school district, COE, charter school, or state special school to inquire with all previous employing agencies whether the applicant had credible complaints, investigations, or discipline for egregious misconduct that were required to be reported to the CTC.

AB 2708 (Wicks) of the 2021-22 Session would have prohibited, on or after January 1, 2023, an LEA, and any officer or employee of a LEA, from entering into, extending or renewing, a confidentiality agreement with an employee under investigation for complaints of misconduct related to harassment or assault of a pupil or who has had complaints of misconduct related to harassment or assault of a pupil substantiated against them by an investigation. Further the measure would have prohibited a LEA from providing a favorable recommendation for, or otherwise facilitating or promoting, the employment of an employee with another LEA who is under investigation for complaints of misconduct related to harassment or assault of a pupil, or who has had complaints of misconduct related to harassment or assault of a pupil substantiated against them by an investigation. This bill was held in the Assembly Education Committee.

AB 1456 (Morrell) of the 2017-18 Session would have established the Sexual Abuse-Free Education Act, which would have: 1) prohibited public and private school entities from hiring individuals who would have direct contact with children if they were previously convicted of child abuse or sexual misconduct with a child, 2) required applicants for school entity positions that would have direct contact with children to provide specified information about whether the applicant had ever been the subject of an investigation concerning child abuse or sexual misconduct with a child, and 3) required school entities to conduct reviews of the information provided by the applicants, including obtaining specified information from the current and each former employer. This bill was held in the Senate Judiciary Committee.

AB 709 (Morrell) of the 2019-20 Session would have established the Sexual Abuse-Free Education Act, which would have: 1) prohibited public and private school entities from hiring individuals who would have direct contact with children if they were previously convicted of child abuse or sexual misconduct with a child, 2) required applicants for school entity positions

that would have direct contact with children to provide specified information about whether the applicant had ever been the subject of an investigation concerning child abuse or sexual misconduct with a child, and 3) required school entities to conduct reviews of the information provided by the applicants, including obtaining specified information from the current and each former employer. This bill was held in the Senate Education Committee.

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

AB 215 (Buchanan), Chapter 55, Statutes of 2014, makes various changes to the dismissal process for certificated employees and establishes the definition of egregious misconduct.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees, California
 California Federation of Labor Unions, Afl-cio
 California Federation of Teachers - a Union of Educators and Classified Professionals
 California School Employees Association
 California Teachers Association
 Seiu California

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
 Career Technical Education Joint Powers Authority Coalition
 Carocp - the Association of Career and College Readiness Organizations
 Charter Schools Development Center
 Dublin Unified School District
 Kern County Superintendent of Schools
 Los Angeles Unified School District
 Office of the Riverside County Superintendent of Schools
 San Bernardino County District Advocates for Better Schools (SANDABS)
 School Employers Association of California
 Schools Excess Liability Fund (SELF)
 Small School Districts' Association

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