

Date of Hearing: July 15, 2025

Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 848 (Pérez) – As Amended July 7, 2025

**SUMMARY:** Expands the list of persons defined as mandated reporters and creates a statewide data system for tracking substantiated school employee misconduct. Specifically, **this bill**:

- 1) Revises the mandated reporter definition in existing law as follows:
  - a) Strike out “teacher,” and instead include “an employee, volunteer, or governing board or body member of a school district, county office of education, charter school, or private school.
  - b) Strike out “a teacher’s aide or teacher’s assistant employed by a public or private school,” and instead include “an employee, volunteer, or board member of a public or private contractor to a school district, county office of education, charter school, state special school or diagnostic center operated by the State Department of Education (DOE), or private school whose duties require contact or supervision of pupils at that school district, county office of education, charter school, state special school or diagnostic center operated by DOE, or private school.”
  - c) Strike out “a classified employee of a public school,” and instead include “an employee or volunteer assigned to a state special school or diagnostic center operated by DOE.”
  - d) States that for purposes of the revised paragraphs, a volunteer is a person who is over 18 years of age and who interacts with pupils outside of the immediate supervision and control of the pupil’s parent or guardian or a school employee.
  - e) Makes conforming changes.
- 2) Expands the annual training on the duties of mandated reporters requirement that currently applies to school districts, county offices of education, state special schools and diagnostic centers operated by DOE and charter schools, to also apply to private schools commencing July 1, 2026, and to apply to volunteers that are mandated reporters in the education field as specified.
- 3) Requires, on or before July 1, 2026, each governing board of a school district, county board of education, and governing body of a charter school or private school, and DOE, for purposes of state special schools and diagnostic centers operated by the department, to do both of the following:
  - a) Adopt written policies that promote safe environments for pupil learning and engagement, consistent with the specified legislative intent, and that explicitly address

professional boundaries and establish appropriate limits on contact during or outside the school day; and,

- b) Adopt written policies, plans, or specifications regarding school facilities, and the furnishing of school facilities, that address classroom and nonclassroom environments to promote safe environments for learning and engagement that are easily supervised.
- 4) States that school districts, county offices of education, and charter schools are encouraged to work with their public entity risk pool joint powers authority or insurance provider to identify and adopt best practices known to prevent violent crimes, injury, sex offenses, and egregious misconduct.
- 5) Specifies that “sex offense” has the same meaning as defined in Education Code section 44010.
- 6) Defines “violent crime” to mean any of the following:
  - a) An act defined in paragraphs (2) to (4), inclusive, of subdivision (i) of Education Code Section 67381.
  - b) An act for which a pupil could or would be expelled.
  - c) A “violent” felony as defined in subdivision (c) of Penal Code section 667.5.
  - d) A “serious” felony as defined in subdivision (c) of Penal Code section 1192.7.
- 7) Provides that “law enforcement agencies” includes local police departments, county sheriffs’ offices, school district police or security departments, probation departments, and district attorneys’ offices.
- 8) Defines “safety plan” to mean “a plan to develop strategies aimed at the prevention of, response to, and education about, potential incidents involving medical emergencies, including sudden cardiac arrest, and crime and violence on the school campus.”
- 9) Requires the comprehensive school safety plan to include, no later than July 1, 2026, procedures specifically designed to address the supervision and protection of children from child abuse or sex abuse.
- 10) Adds to the definition of “sex offense” within the Education Code the act of communicating with intent to commit a sexual offense, the act of arranging a meeting with a minor with intent to commit a sexual offense, and the act of annoying or molesting a child under 18 after having a previous felony conviction of specified sex offenses involving a minor.
- 11) Requires a person applying for a noncertificated position at a school district, county office of education, charter school, or state special school or diagnostic center operated by DOE, or applying for any position at a private school to provide that prospective employer with a complete list of every school district, county office of education, charter school, state special school and diagnostic center operated by DOE, and private school that the applicant has previously been an employee of.

- 12) Requires school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by DOE considering an applicant for a noncertificated position, and private schools considering an applicant for any position, to inquire of the previous employers disclosed by the application as to whether the applicant, during their employment, was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct, as defined, that were required to be reported to the Commission on Teacher Credentialing (CTC).
- 13) Requires school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by DOE, and private schools that have made a report of an employee's egregious misconduct to CTC to disclose this fact upon inquiry and, notwithstanding any other law, provide a copy of all relevant information that was reported to the CTC, within its possession.
- 14) States that for purposes of this section, noncertificated employees include noncertificated temporary employees regardless of the length of their employment.
- 15) Requires CTC, on or before July 1, 2027, contingent upon an appropriation for these purposes, to develop a statewide data system that includes all of the following information for individuals serving a noncertificated position for a local educational agency or in any position for a private school employer:
  - a) The name, date of birth, and a unique identification number of the employee;
  - b) The name of the school employer;
  - c) The starting date, ending date, if applicable, and title for each school position held by the employee;
  - d) The name of any local educational agency or private school employer that conducted an employee investigation for egregious misconduct that resulted in evidence for a substantiated report, as defined in Section 11165.12 of the Penal Code, on or after July 1, 2027;
  - e) The date an investigation described in paragraph (d) was commenced; and,
  - f) The date a substantiated report described in paragraph (d) was filed.
- 16) Requires those local educational agencies and private school organizations that are responsible for employment, employee investigations, or hiring decisions, before hiring an individual for a noncertificated position at a local educational agency or any position at a private school employer, to review the statewide data system established by this bill to determine whether an investigation resulted in a substantiated report.
- 17) Requires the local educational agency employer or private school employer to provide to the statewide data system established by this bill the name and start date of the individual and the title of the position within 30 calendar days of hiring of the noncertificated position at a local educational agency or for any position at a private school employer.

- 18) Requires the local educational agency employer or private school employer to provide to the statewide data system established by this bill the name and start date of the individual and the title of the new or additional position within 30 calendar days of an individual changing into, or adding, a noncertificated position with the same local educational agency employer or any position at a private school organization.
- 19) Requires the local educational agency employer or private school employer to provide to the statewide data system established by this bill the final date of employment or final date in the position within 10 calendar days of an employee leaving a position.
- 20) Requires the local educational agency employer or private school employer to submit notice that an investigation was commenced to the statewide data system established by this bill within 10 calendar days of the start of an investigation of egregious misconduct.
- 21) Requires the statewide data system records to indicate a pending status from the receipt of the notice until the local educational agency employer or private school employer submits a subsequent notice to the statewide data system.
- 22) Requires the local educational agency employer or private school employer to submit notice stating the result of the investigation to the statewide data system within 10 calendar days of the completion of an investigation of egregious misconduct.
- 23) States that if an investigation of egregious misconduct results in a substantiated report, a record of the investigation result shall be created in the statewide data system; if an investigation result in an unfounded or inconclusive report, no record of an investigation shall be created in the statewide data system.
- 24) Provides that if a noncertificated employee leaves a local educational agency employer or any employee leaves a private school employer before the completion of an investigation of egregious misconduct, the employer shall submit notice of the change in employment status mid-investigation to the statewide data system to be included in the employee's record.
- 25) States that if a previously substantiated report is later determined by the governing board or body of the local educational agency or private school to be unfounded or inconclusive, the local educational agency or private school shall notify the CTC within 10 days. Upon receiving the notification, CTC shall remove the report from the statewide system.
- 26) States that CTC shall serve only as the data administrator for records submitted to the statewide data system. CTC shall ensure the secure operation and technical accuracy of the statewide data system, but shall not be responsible for verifying the truthfulness or legal sufficiency of the information submitted by local educational agency employers or private school employers.
- 27) Defines "local educational agency" to mean a school district, county office of education, charter school, or state special school or diagnostic center operated by DOE.
- 28) Provides jurisdiction to the Committee of Credentials (COC) to review a record of substantiated report and a record of a start of an investigation followed by a change in

employment status during the investigations entered into the statewide data system established by this bill and follow existing specified procedures for allegations affecting rights to credential.

29) Requires, starting July 1, 2026, the Superintendent, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services (DSS), to do all of the following:

- a) Develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the DOE, private schools, and charter schools, and their school personnel and volunteers in California, regarding the detection and reporting of child abuse and assault, and post on the department's internet website links to existing training resources.
- b) Provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with the Child Abuse and Neglect Reporting Act (CANRA). This guidance shall include, but not necessarily be limited to, both of the following:
  - i) Information on the identification of child abuse and neglect and child sexual abuse and assault; and,
  - ii) Reporting requirements for child abuse and neglect and child sexual abuse and assault.

30) Requires, starting July 1, 2026, the Superintendent to develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the DOE, private schools, and charter schools, and their school personnel and volunteers in California, regarding the prevention of abuse, including sexual abuse and assault, of children on school grounds, by school personnel and volunteers, or in school-sponsored programs.

31) Requires DOE, starting July 1, 2026, to develop appropriate means of instructing school personnel regarding the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.

32) Requires school districts, county offices of education, state special schools and diagnostic centers operated by DOE, private schools, and charter schools, starting July 1, 2026, to do the following:

- a) Provide annual training, using the online training module provided by DSS to their employees, volunteers, and person working on their behalf who are mandated reporters on the mandated reporter requirements. This training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor.
- b) Provide annual training on the prevention of abuse, including sexual abuse and assault, of children on school grounds, by school personnel and volunteers, or in school-sponsored programs.

- c) The training shall be provided to school personnel hired during the course of the school year and to volunteers upon commencing volunteer services.
- 33) States that school districts, county offices of education, state special schools and diagnostic centers operated by DOE, private schools, and charter schools that do not use the online training module provided by DSS shall use an equivalent training module developed specifically to meet the requirements of this section and report that training to the Superintendent.
- 34) Requires the alternative training module to be approved by the public entity risk pool joint powers authority or liability insurance provider used by the school district, county office of education, state special school or diagnostic center operated by DOE, private school, or charter school.
- 35) States that a volunteer is a person over 18 years of age and who interacts with pupils outside of the immediate supervision and control of the pupil's parent or guardian or a school employee.
- 36) Provides that a person who has completed the mandated reporter training provided by the DSS and received a certificate of completion within the previous 12 months shall be deemed to satisfy the training requirements specified above.
- 37) Applies the existing prohibition on hiring a person who has been convicted of a violent or serious felony by a school district in a position requiring certification qualifications or supervising positions requiring certification qualifications to sex offenses listed in Education Code section 44010, except as specified.
- 38) Applies the existing parent and legal guardian notification procedures that apply when a principal or their designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the school site at which they are the principal to also apply to sex offenses.
- 39) Requires DOE, in consultation with the Office of Child Abuse Prevention in the DSS, local educational agencies, and public entity risk pool joint powers authorities that provide risk management services to California schools, to do all of the following:
- a) On or before July 1, 2026, develop, disseminate to all school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by the department, and private schools, and post on DOE's internet website, resources and information regarding all of the following:
    - i) Building awareness and understanding of appropriate boundaries regarding adult-to-pupil interactions and relationships.
    - ii) Building awareness and understanding of appropriate professional boundaries between pupils and school personnel and volunteers.
    - iii) Building awareness and understanding of appropriate pupil-to-pupil interactions and relationships.

- iv) Building awareness and understanding of the detection and indicators of inappropriate behaviors in adults and pupils, and strategies to reduce risk and establish healthy boundaries.
  - v) Options to report child abuse and assault, and inappropriate interactions and relationships, and to safely seek assistance.
- b) On or before July 1, 2026, develop guidance on the appropriate means of instructing pupils regarding the prevention of abuse, including sexual abuse and assault, of pupils, consistent with all of the following:
- i) The instruction shall be age appropriate and differentiated by grade and instructional setting.
  - ii) The instruction shall include the prevention of abuse, including sexual abuse and assault, of children at home, in the community, on school grounds, by school personnel, other pupils, and school volunteers, or in school-sponsored programs.
  - iii) The instruction shall be delivered by certificated personnel who do not otherwise have regular contact with the pupils receiving the instruction and who have received training.
- 40) Includes Legislative intent regarding school safety and training.

**EXISTING LAW:**

- 1) Establishes CANRA with the intent and purpose of protecting children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim. (Pen. Code, § 11164.)
- 2) Defines “child” under CANRA to mean a person under the age of 18 years. (Pen. Code, § 11165.)
- 3) Defines “child abuse or neglect” under CANRA to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child as defined, and unlawful corporal punishment or injury. (Pen. Code, § 11165.6.)
- 4) Defines “mandated reporter” under CANRA as specific child-care custodians, health practitioners, law enforcement officers, and other medical and professional persons. (Pen. Code, § 11165.7.)
- 5) Requires school districts, county offices of education, state special schools and diagnostic centers operated by DOE, and charter schools to annually train their employees and persons working on their behalf specified as a mandated reporter in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be

limited to, training in child abuse and neglect identification and child abuse and neglect reporting. (Pen. Code, § 11165.7, subd. (d).)

- 6) Requires any mandated reporter who has knowledge of or observes a child, their professional capacity or within the scope of their employment whom they know or reasonably suspect has been the victim of child abuse or neglect, to report it as specified, to any police or sheriff's department, a county probation department if designated by the county to receive mandated reports, or the county welfare department. (Pen. Code, §§ 11166, subd. (a) & 11165.9.)
- 7) Defines "reasonable suspicion" under CANRA as meaning that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Pen. Code, § 11166, subd. (a)(1).)
- 8) Requires specified government agencies to forward to the DOJ a report of every case of suspected child abuse or neglect that it investigates and determines to be substantiated; and if a previously filed report proves to be not substantiated, the DOJ shall be notified in writing, and shall not retain that report. (Pen. Code, § 11169, subd. (a).)
- 9) Defines "substantiated report" as a report that is determined by the investigator to constitute child abuse or neglect based on some evidence that makes it more likely than not that child abuse or neglect occurred. (Pen. Code, § 11165.12, subd. (b).)
- 10) Provides that any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of \$1,000 or by both. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until a specified agency discovers the offense. (Pen. Code, § 11166, subd. (c).)
- 11) States that it is the intent of the Legislature that all California public schools teaching kindergarten or any of grades 1 to 12, inclusive, operated by a school district, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, classified employees, local emergency medical services personnel, and other persons who may be interested in the health and safety of pupils and the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. (Ed. Code, § 32280.)
- 12) States that each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any grades 1 to 12, inclusive. (Ed. Code, § 32281, subd. (a).)
- 13) States that when a principal or their designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the school site of an elementary or secondary school at which they are the principal, the principal may send to

each pupil's parent or legal guardian and each school employees a written notice of the occurrence and general nature of the crime. (Ed. Code, § 32281, subd. (e).)

- 14) Requires a comprehensive school safety plan to include, but not be limited to, all of the following:
  - a) Assessing the current status of crime committed on school campuses and at school-related functions.
  - b) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, as specified.
  - c) Beginning July 1, 2025, an instructional continuity plan to establish communication with pupils and their families and provide instruction to pupils when in-person instruction is disrupted due to an emergency. (Ed. Code, § 32282, subd. (a).)
- 15) States that the comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public. (Ed. Code, § 32282, subd. (d).)
- 16) Defines specific offenses as "sex offenses" triggering mandatory reporting and disciplinary action, including suspension and revocation of teaching credentials. (Ed. Code, § 44010.)
- 17) Prohibits employment of individuals convicted of sex offenses, requiring local education agencies to request California Department of Justice (DOJ) to conduct background checks through fingerprinting and criminal history records. (Ed. Code, §§ 44237, 45125.)
- 18) Establishes procedures for local education agencies to dismiss certificated employees for immoral conduct, unprofessional conduct, or crimes involving moral turpitude. (Ed. Code, §§ 44932, 44933.)
- 19) Requires local education agencies to maintain personnel records, including documentation of complaints, investigations, and discipline involving misconduct allegations. (Ed. Code, § 44031.)
- 20) Requires DOE, in consultation with the Office of Child Abuse Prevention in DSS, to develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by DOE, and charter schools, and their school personnel in California, regarding the detection and reporting of child abuse, and post on DOE's internet website links to existing training resource, and provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with CANRA. (Ed. Code, § 44691, subd. (a)(1)-(2).)
- 21) Requires annual training for mandated reporters working in local education agencies on recognizing and reporting child abuse and neglect. (Ed. Code, § 44691, subd. (c).)

- 22) Prohibits, in addition to any other prohibition or provision, a person who has been convicted of a violent or serious felony from being hired by a school district in a position requiring certification qualifications or supervising positions requiring certification qualifications. A school district shall not retain in employment a current certificated employee who has been convicted of a violent or serious felony and who is a temporary employee, a substitute employee or probationary employee, unless the conviction is reversed and the person is acquitted of the offense, or the charges are dismissed. (Ed. Code, § 44830.1, subd. (a).)
- 23) States, notwithstanding the above prohibition, a person shall not be denied employment or terminated from employment based on the conviction if the person has obtained a certificate of rehabilitation and pardon. (Ed. Code, § 44830.1, subd. (f).)
- 24) Requires an employer to request subsequent arrest service from DOJ. (Ed. Code, § 44830.1, subd. (i).)
- 25) Prohibits school districts, county offices of education, charter schools, and state special schools from expunging from an employee's personnel file complaints of, substantiated investigations into, or discipline for, egregious misconduct, except as specified. (Ed. Code, § 44939.5, subd. (b).)
- 26) Requires a person applying for a certificated position at a school district, county office of education, charter school, or state special school to provide that prospective employer with a complete list of employers that employed the applicant and requires the prospective employer to inquire as to, and the previous employer to disclose, whether the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the CTC. (Ed. Code, § 44939.5, subd. (c).)
- 27) Requires the previous employing school district, county office of education, charter school, or state special school to provide the inquiring local educational agency with a copy of all relevant information that was reported to the CTC within its possession. (Ed. Code, § 44939.5, subd. (c)(3).)
- 28) Permits local education agencies to offer instruction on sexual abuse and sexual assault prevention, including information on available resources for victims and methods of reporting such incidents. (Ed. Code, § 51950.)
- 29) States that a parent or guardian of a pupil shall have the right to excuse their child from all or part of the abuse, including sexual abuse, and human trafficking prevention education, and assessments related to that education. (Ed. Code, § 51950, subd. (c).)
- 30) States that a school district is encouraged to collaborate with its county's child welfare probation, mental health, public health, and sheriff's departments, juvenile court, and office of education on intervention programs for pupils and other minors. (Ed. Code, § 51950, subd. (e).)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "More than 75% of states have enacted laws to prevent educator sexual misconduct. California has taken significant steps in this area by implementing policy changes to safeguard both students and employees, and enhance transparency. However, several high profile cases continue to highlight systemic failures and underscore the urgent need for stronger preventive measures and mandates to protect children.

"A series of articles published in 2023 and 2024, an investigative reporter uncovered a 40-year history of sexual misconduct at a single California high school, where dozens of educators engaged in behavior ranging from inappropriate comments to sexual relationships with students. This is not an isolated incident. According to the Fiscal Crisis and Management Assistance Team (FCMAT), a 2023 report found that claims originated in 48 of 58 California's counties with the majority of offences (50%) occurred in classrooms, with 68% taking place during general education, 14% in athletics, and 6% in before- or after-school programs. While severe forms of sexual misconduct account for less than 1%, according to a 2022 survey reflecting national trends, this still translates to hundreds of thousands of cases, exposing systemic deficiencies that contribute to educator sexual misconduct.

"SB 848 implements stronger preventative measures, as recommended by FCMAT, to fully protect children by establishing professional boundaries, improving work history verification, and creating an electronic database of school employee misconduct. It also mandates comprehensive training, requires abuse awareness education for students, and ensures reporting of egregious misconduct, amongst other mandates."

- 2) **Fiscal Crisis and Management Assistance Team (FCMAT) Report on Childhood Sexual Assault Claims Post Recent Legislative Changes:** Recent legislative changes have significantly reshaped California's legal landscape around childhood sexual assault claims, profoundly affecting schools and public agencies. Assembly Bill 218 (Gonzalez), Chapter 861, Statutes of 2019, dramatically increased liability exposure for schools by extending and, in many cases, reviving expired statutes of limitation for childhood sexual assault claims against educational agencies. Subsequently, AB 452 (Addis), Chapter 655, Statutes of 2023, permanently eliminated these statutes of limitation for claims arising after January 1, 2024.

In response to concerns about substantial fiscal impacts on public agencies, the Legislature enacted SB 153 (Committee on Budget and Fiscal Review), Chapter 38, Statutes of 2024, mandating FCMAT to analyze the financial implications and provide recommendations to strengthen prevention, accountability, and fiscal management related to childhood sexual assault in public entities.

According to FCMAT's report, the fiscal impact of these legislative changes is and will continue to be significant and estimated that the dollar value of claims brought to date because of AB 218 is \$2-3 billion for local education agencies alone.<sup>1</sup> The report made several recommendations including, among others, expanding requirements and training regarding mandated reporting of child abuse and neglect and expanding screening of

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<sup>1</sup> *Childhood Sexual Assault: Fiscal Implications for California Public Agencies*, FCMAT (Jan. 31, 2025), p. 2 [accessed July 9, 2025].

applicants and volunteers to strengthen prevention through expanded work history verification and an developing a new electronic database of school employee work history in California's public and private schools. The report suggested expanding the accessibility of the CTC database for certificated employees or those holding other Commission-issued authorizations.<sup>2</sup>

- 3) **The Child Abuse and Neglect Reporting Act (CANRA):** CANRA (Pen. Code §§ 11164 et seq.) provides “a comprehensive reporting scheme aimed toward increasing the likelihood that child abuse victims [will] be identified.” (*Ferraro v. Chadwick* (1990) 221 Cal.App.3d 86, 90.) “The Act requires persons in positions where abuse is likely to be detected to report promptly all suspected and known instances of child abuse to authorities for follow-up investigation.” (*Ibid.*; accord, *James W. v. Superior Court* (1993) 17 Cal.App.4th 246, 253-254.)

The Act identifies 49 separate categories of mandated reporters which includes teachers, school employees, doctors, athletic coaches, police officers, firefighters, social workers, and persons whose duties require direct contact with and supervision of minors, among many others. (Pen. Code, § 11165.7, (a)(1)-(49).) A mandated reporter must report known or reasonably suspected child abuse or neglect to a designated agency under section 11165.9, specifically “any police or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive such reports, or county welfare department.” (Pen. Code, § 11166, subd. (a).) Failure to make the required report is a misdemeanor. (Pen. Code, § 11166, subd. (c).)

CANRA also expressly permits any person that is not a mandated reporter, who has knowledge of, or reasonably suspects a child has been a victim of child abuse or neglect, to report the known or suspected instance of child abuse or neglect. (Pen. Code, § 11166, subd. (g).)

Under current law, the following individuals in the field of education are mandated reporters: a teacher, an instructional aide, a teacher's aide, or teacher's assistant employed by a public or private school, a classified employee of a public school, an administrative officer or supervisor of child welfare and attendance, or a certified pupil personnel employee of a public or private school, an employee of a county office of education of the DOE whose duties bring the employee into contact with children on a regular basis, and an employee of a school district police or security personnel. (Pen. Code, § 11165.7, subds. (a)(1)-(5), (a)(9), & (a)(16).)

This bill revises and expands the list of mandated reporters at schools to include an employee, volunteer, or governing board member of a school district, county office of education, charter school or private school; an employee, volunteer, or board member of a public or private contractor to a school district, county office of education, charter school, or private school whose duties require contact or supervision of pupils; and an employee or volunteer assigned to a state special school or diagnostic center operated by DOE. The bill defines “volunteer” for purposes of the changes to the list of mandated reporters as “a person who is over 18 years of age and who interacts with pupils outside of the immediate supervision and control of the pupil's parent or guardian or a school employee.” This bill also

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<sup>2</sup> *Id.* at p. 40.

expands the existing mandated reporter training requirements to private schools and school volunteers.

With the bill's revised definition of mandated reporters to cover more employees in the education field, regardless of whether they are credentialed or working in a public versus private school, and the expanded training for mandated reporters in the education field added by this bill including training of volunteers, the hope is that mandated reporters will be better equipped to make critical reporting decisions.

- 4) **Creation of Statewide Database:** This bill requires CTC, on or before July 1, 2027, and contingent upon appropriation for these purposes in the annual Budget Act or another statute, to develop a statewide data system that includes information relating to investigations of allegations of egregious misconduct of individuals serving in a noncertificated position for a private school employer or local educational agency. "Egregious misconduct" is defined in existing law as immoral conduct that is the basis for sex-related offense described in Education Code section 44010, a controlled substance offense described in Education Code section 44011, or offenses involving child abuse and neglect described in CANRA. (Ed. Code, § 44932, subd. (a)(1).) Local educational agency employers and private school employers would be required to, following both the start of, and completion of, an investigation of egregious misconduct, to submit notice to the statewide data system. The bill would require substantiated reports of egregious misconduct and employee departures from employment during investigations to be recorded in the statewide data system, and would prohibit the recording in the statewide data system of investigations of egregious misconduct that result in an unfounded or inconclusive report.

This bill specifies that CTC is to serve as the data administrator for the records submitted to the database, but is not responsible for verifying the truthfulness or legal sufficiency of the information submitted by local educational agency employers or private school employers.

Existing law establishes a statewide database for substantiated allegations of child abuse and neglect called the Child Abuse Central Index (CACI) which is maintained by DOJ. (Pen. Code, § 11170.) Existing law requires specified local agencies to send the DOJ reports of every case of child abuse or severe neglect that they investigate and determine to be substantiated. (Pen. Code, § 11169, subd. (a).) If a previously filed report subsequently proves to be not substantiated, DOJ shall be notified in writing of that fact and shall not retain the report. (*Ibid.*)

DOJ provides the following summary of CACI on its website:

The Attorney General administers the Child Abuse Central Index (CACI), which was created by the Legislature in 1965 as a tool for state and local agencies to help protect the health and safety of California's children. Defined in Penal Code sections 11164 through 11174.31, these statutes are referred to as the "Child Abuse and Neglect Reporting Act" or "CANRA".

Investigated reports of child abuse are forwarded to the CACI. These reports contain information related to substantiated cases of physical abuse, sexual abuse, mental/emotional abuse, and/or severe neglect of a child.

The information in the CACI is available to aid law enforcement investigations, prosecutions, and to provide notification of new child abuse investigation reports involving the same suspects and/or victims. Information also is provided to designated social welfare agencies to help screen applicants for licensing or employment in child care facilities and foster homes, and to aid in background checks for other possible child placements, and adoptions. Dissemination of CACI information is restricted and controlled by statute

Information on file in the Child Abuse Central Index include:

- 1) Names and personal descriptors of the suspects and victims listed on reports;
- 2) Reporting agency that investigated the incident;
- 3) The name and/or number assigned to the case by the investigating agency; and
- 4) Type(s) of abuse investigated.

It is important to note that the effectiveness of the index is only as good as the quality of the information reported. Each reporting agency is required by law to forward to the DOJ a report of every child abuse incident it investigates, unless the incident is determined to be unfounded or general neglect. Each reporting agency is responsible for the accuracy, completeness and retention of the original reports. The CACI serves as a “pointer” back to the original submitting agency.<sup>3</sup>

Existing law requires reporting agencies to provide written notification to a person reported to CACI and gives the listed person a right to a hearing before the agency that requested their inclusion on CACI. (Pen. Code, § 11169, subds. (c)-(e).) If the result of the hearing finds that the listing was based on an unsubstantiated report, DOJ is required to remove that person’s name from CACI. (Pen. Code, § 11169, subd. (h).) Once a person is listed in CACI, their name is to remain on the index until they reach the age of 100, except for a minor who is listed on CACI is to be removed after 10 years without re-offense. (Pen. Code, § 11169, subds. (f) & (g).)

A recent audit of CACI found that the information in the database contained errors, failed to include substantiated reports of child abuse and inexplicably included persons who did not have any history of child abuse. At the time of the report, CACI contained *references to more than 700,000 reports of child abuse*.<sup>4</sup>

*According to the Assembly Education Committee’s analysis of this bill, a centralized statewide misconduct database is necessary because currently, fragmented recordkeeping and inconsistent reporting practices allow individuals with substantiated misconduct histories to move between school employers, particularly in noncertificated positions, without*

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<sup>3</sup> <https://oag.ca.gov/childabuse> (accessed July 7, 2025.)

<sup>4</sup> California State Auditor, *The Child Abuse Central Index: The Unreliability of This Database Puts Children at Risk and May Violate Individuals’ Rights* (May 2022) Report Number: 2021-112.

detection. As discussed above, FCMAT report identified this lack of a coordinated, statewide system as a major vulnerability in pupil protection efforts. Additionally, AB 2534 (Flora), Chapter 570, Statutes of 2024, created a process for CTC to track allegations or investigations of egregious misconduct by certificated employees for employment purposes. This bill would additionally have CTC also keep information on egregious misconduct by noncertificated employees and any employee of a private school for employment purposes.

This bill would also authorize the Committee of Credentials, which is appointed by the CTC to review allegations of acts or omissions for which adverse action may be taken against applicants or holders of teaching or services credentials, to also review the receipt of a record of a substantiated report and a record of a start of an investigation followed by a change in employment status during an investigation that has been entered into the statewide data system. Existing authority for the Committee of Credentials specify procedures for initial review of allegations and formal review. The findings of any investigation and recommendations are then reported to the commission and conduct a hearing at the request of the affected applicant or credential holder.

- 5) **Double-Referral:** This bill has been double-referred with Assembly Education Committee which heard the bill on July 2. Issues related to Education Committee's jurisdiction are fully analyzed in the committee's analysis.
- 6) **Argument in Support:** According to *Association of California School Administrators*, "School environments today look very different compared to 30 years ago, with concerted efforts in place related to abuse prevention, as well as training, tracking, and reporting processes. However, gaps remain that warrant further attention, specifically related to mandated reporter designation, employment history, and egregious misconduct investigations. SB 848 reflects key recommendations from the Fiscal Crisis and Management Assistance Team (FCMAT) report on childhood sexual assault in schools to help fill these gaps.

"We especially appreciate the proposal to establish a statewide database of classified employees' school-based employment and related substantiated investigations of egregious misconduct. Unlike certificated positions, there is no similar database to supporting hiring classified positions such as transportation providers, classroom aides, front office personnel, custodial staff, and nutrition services staff. The database would help school employers make more informed hiring decisions when seeking to fill essential positions with trusted adults."

- 7) **Related Legislation:**
- a) AB 653 (Lackey) would add an individual employed as a talent agent, talent manager, or talent coach, who provides services to a minor to the list of mandated reporters. AB 653 is pending hearing in the Senate Committee on Appropriations.
  - b) AB 970 (McKinnor) would authorize Los Angeles County to establish a two-year pilot program to test and evaluate a new model for mandatory reporting of child abuse or neglect which may include an internet-based decision-support tool to support and guide the duty to report suspected child abuse or neglect. AB 970 was not heard in this Committee.

- c) AB 922 (Hoover) would authorize the University of California to require background checks to be completed by DOJ during the final stages of the recruitment process for a prospective staff employee, contractor or volunteer. AB 922 is pending hearing in the Senate Appropriations Committee.
  - d) AB 1192 (Carillo) would require reports of abuse or neglect of a foster youth alleged to have occurred in facilities or placements licensed by DSS to be sent to the attorney who represents a parent of the dependent child, as well as the attorneys who represent all children in that placement. AB 1192 was held on the suspense file in the Assembly Appropriations Committee.
- 8) **Prior Legislation:** AB 1913 (Addis), Chapter 814, Statutes of 2024, requires, commencing July 1, 2025, to additionally require school districts, county offices of education, state special schools and diagnostic centers operated by the DOE, and charter schools to, among other things, provide annual training to their employees on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, as provided.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Association of California School Administrators  
Enough Abuse  
Los Angeles County District Attorney's Office  
Office of the Riverside County Superintendent of Schools  
Schools Excess Liability Fund (SELF)

**Opposition**

No longer applicable

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