

SENATE THIRD READING

SB 848 (Pérez)

As Amended September 05, 2025

Majority vote

SUMMARY

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. Also expands the definition and reporting responsibilities of mandated reporters.

Major Provisions

- 1) Requires all schools operated by school districts, charters, private schools, county offices of education (COE), and state special schools to adopt written policies on appropriate interactions and professional boundaries between school employees, volunteers, contractors, and pupils by July 1, 2026. Policies must clearly prohibit inappropriate electronic and social media communications during, or outside of the schoolday.
- 2) Expands comprehensive school safety plans to include procedures for supervision to prevent child abuse and requires training for employees and volunteers on these protocols.
- 3) Broadens the definition of mandated reporters to explicitly include specified school volunteers, governing board members, and private school employees. Requires annual mandated reporter training covering child abuse reporting, grooming behavior identification, and maintaining professional boundaries.
- 4) Requires enhanced employment screening for certificated and classified employees, requiring LEAs and private schools to inquire specifically about prior credible allegations or substantiated misconduct investigations during hiring.
- 5) Establishes a statewide data system managed by the Commission on Teacher Credentialing (CTC) by July 1, 2027, tracking substantiated investigations of employee misconduct accessible to all LEAs and private schools for employment screening, subject to an appropriation for this purpose.
- 6) Requires that, if a previously substantiated report is later determined to be unfounded or inconclusive, the local educational agency or private school to notify the CTC within 10 days. Requires the CTC to remove the report from the statewide data system.
- 7) Prohibits LEAs from entering agreements or practices designed to conceal or remove credible allegations of employee misconduct from personnel records.
- 8) Requires private schools, commencing on July 1, 2026, to annually train their employees and persons working on their behalf in the duties of mandated reporters.
- 9) Includes provisions to avoid chaptering out several other measures.

COMMENTS

Legislative history and the Fiscal Crisis and Management Assistance Team (FCMAT) AB 218 report. 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—estimated by FCMAT to be between \$2–\$3 billion for California schools alone—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.

The resulting FCMAT AB 218 report underscores the urgent need for enhanced statewide measures, including clearer boundary policies, mandated comprehensive training, improved oversight, and more rigorous employment screening practices, all aimed explicitly at preventing misconduct and mitigating substantial legal and financial risks to California's educational institutions. This bill directly aligns with and implements these critical recommendations, offering a comprehensive legislative response to the concerns and gaps highlighted by FCMAT.

Persistent risks of adult-to-student misconduct and the need for clear boundaries. Despite existing mandated reporting laws and criminal penalties, adult-to-student misconduct remains alarmingly prevalent in schools. Research indicates approximately 10% of students in grades 8–11 experience sexual misconduct by educators. Of these cases, roughly 70% involved grooming, where offenders manipulate students gradually through inappropriate boundary crossing, especially through electronic communication (Shakeshaft, 2018). This bill directly addresses these risks by requiring explicit, written professional boundary policies in all LEAs, significantly reducing ambiguity about acceptable adult behaviors toward students.

Effectiveness of mandated reporter training in reducing abuse and increasing reporting. Effective mandated reporter training significantly improves identification and timely reporting of abuse. According to data from the U.S. Department of Health and Human Services, comprehensive mandated reporter training leads to a significant increase in reporting accuracy and frequency, thus enhancing child protection outcomes. Nonetheless, the U.S. Government Accountability Office (GAO) reports ongoing challenges, including inconsistent training quality and clarity around reporting responsibilities. This bill addresses these gaps explicitly, expanding mandated reporting responsibilities to volunteers, governing board members, and private school employees, while requiring detailed annual training to improve accuracy and consistency of abuse reporting.

The necessity of a centralized statewide misconduct database. Currently, fragmented recordkeeping and inconsistent reporting practices allow individuals with substantiated misconduct histories to move between school employers, particularly in noncertificated positions, without detection. The FCMAT report identified this lack of a coordinated, statewide system as a major vulnerability in pupil protection efforts.

Fiscal impact of preventing versus responding to abuse cases. Beyond human costs, ineffective abuse prevention measures impose severe financial consequences on educational agencies. According to the recent FCMAT AB 218 report, California's public schools face a liability exposure estimated between \$2 to \$3 billion due to historical claims of sexual misconduct, highlighting the unsustainable financial implications of inadequate prevention and reporting structures. This bill's proactive measures, such as clear boundary policies, robust training, and mandatory abuse prevention instruction, represent cost-effective strategies that substantially reduce liability risks and mitigate potential fiscal impacts on LEAs.

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."

Arguments in Support

The Riverside County Superintendent of Schools states, "In large part, the provisions in SB 848 are based on recommendations made in a recent report by the Fiscal Crisis Management and Assistance Team (FCMAT) – *Childhood Sexual Assault: Fiscal Implications for Public Agencies*. Released in January 2025, the report delivered a concise, clear picture of the fiscal impact resulting from changes in the statute of limitations and assignment of liability for childhood sexual assault claims through various laws enacted in recent years. Just as importantly, the FCMAT report included a number of recommendations designed to prevent childhood sexual assault from occurring at schools.

In particular, there is one provision in the bill that we strongly support and is reflected in Section 7. Unlike teaching (certificated) positions, there is no current statewide employment database to track the employment history for classified employees. School employers, despite best efforts to conduct thorough background checks, sometimes lack important information if the applicants do not disclose their full employment history or prior investigations for egregious misconduct. SB 848 takes a number of steps to address those gaps, including requiring all applicants for a

classified position to disclose any prior local educational agency (LEA) or private school-based employment; and establishing a statewide database to collect classified position employment data prospectively, including the position held and dates, which would be accessible to hiring LEAs. Most importantly, the database would include any substantiated reports resulting from egregious misconduct (as defined in Education Code Section 44932) at prior schools where the individual was employed. Egregious misconduct includes the most serious sex, drug, or abuse-related offenses involving a minor."

Arguments in Opposition

Californians United for a Responsible Budget writes, "SB 848 would require state prison and sex offender registration for 20 new offenses by amending Penal Code section 288.3 to incorporate Education Code section 44010.

Both existing Education Code section 44010 and the additions to section 44010 proposed by SB 848 include misdemeanor offenses. By incorporating the list of sex offenses found in section 44010, SB 848 would include a number of misdemeanor offenses including Penal Code sections 261.5, 647b, 314 and 528.5 (impersonating which does not make any reference to sexual conduct) to Penal Code section 288.3's list of offenses requiring "imprisonment in the state prison for the term prescribed for an attempt to commit the intended offense." Penal Code section 290(d)(3)(C)(xi) requires lifetime registration for an individual convicted of a violation of Penal Code section 288.3 with a few limited exceptions.

While the goal of keeping children safe is laudable, there is no evidence that amending Penal Code section 288.3 to send numerous people to prison and to require them to register as sex offenders for offenses previously classified as misdemeanors would accomplish that goal."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) One-time General Fund costs of approximately \$2.6 million in the first year of implementation, and \$2.5 million annually ongoing thereafter, for the CTC to hire a) four additional information technology staff needed for the development, implementation, and integration of the new database into the existing database for credentialed employees, and b) 14 additional administrative staff to provide technical assistance to employees and LEAs along with investigating and processing data regarding classified employees entered into the database who are flagged for egregious misconduct.
- 2) Minor and absorbable costs to the CDE.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Hurtado, Reyes

ASM EDUCATION: 9-0-0

YES: Muratsuchi, Hoover, Addis, Alvarez, Bonta, Castillo, Garcia, Lowenthal, Patel

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

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