

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

AB 1233 (Hoover) – As Amended April 21, 2025

[Note: This bill is double referred to the Public Employee Retirement Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Noncertificated employees: applicants: previous employment: California School Information Services

SUMMARY: Establishes a statewide information system to track substantiated reports of egregious misconduct by noncertificated school employees. Specifically, **this bill:**

- 1) Requires a person applying for a noncertificated 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 every school district, county office of education, charter school, and state special school that the applicant has previously been an employee of.
- 2) Requires, on or before July 1, 2027, the California School Information Services to develop a statewide data system that includes all of the following information for individuals serving in a noncertificated position for a local educational agency (LEA) or private school employer:
 - a) The name, date of birth, and a unique identification number of the noncertificated 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 noncertificated employee;
 - d) The name of any LEA 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 was commenced; and
 - f) The date a substantiated report was filed.
- 3) Requires LEAs and private school organizations that are responsible for employment, employee investigations, or hiring decisions to, before hiring an individual for a noncertificated position, review the statewide data system to determine whether an investigation resulted in a substantiated report.
- 4) Requires, within 30 calendar days of hiring an individual for a noncertificated position the LEA employer or private school employer to provide to the statewide data system the name and start date of the individual and the title of the noncertificated position.

- 5) Requires, within 30 calendar days of an individual changing into, or adding, a noncertificated position with the same LEA employer or private school organization, the LEA employer or private school employer to provide to the statewide data system the name and start date of the individual and the title of the new or additional noncertificated position.
- 6) Requires, within 10 calendar days of a noncertificated employee leaving a position, the LEA employer or private school employer to provide to the statewide data system the final date of employment or final date in the position.
- 7) Requires, within 10 calendar days of the start of an investigation of egregious misconduct, the LEA employer or private school employer to submit notice to the statewide data system that an investigation was commenced. Requires the statewide data system records to indicate a pending status from the receipt of notice until the LEA employer or private school employer submits subsequent notice. Requires, within 10 calendar days of the completion of an investigation of egregious misconduct, the LEA employer or private school employer to submit a notice stating the result of the investigation to the statewide data system.
- 8) Requires, 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. Requires, if an investigation of egregious misconduct results in an unfounded report or inconclusive report, no record of an investigation shall be created in the statewide data system.
- 9) Requires, if a noncertificated employee leaves a LEA employer or private school employer before the completion of an investigation of egregious misconduct, the LEA employer or private school employer to submit notice of the change in employment status mid-investigation to the statewide data system to be included in the noncertificated employee's record.
- 10) Defines "Egregious misconduct" to have the same meaning as defined in Section 44932.
- 11) Defines "Local educational agency" to mean a school district, county office of education, charter school, or state special school or diagnostic center operated by the California Department of Education (CDE).

EXISTING LAW:

- 1) Requires the governing board of any school district to require each person to be employed in a position not requiring certification qualifications, to be fingerprinted and to receive results from the Department of Justice and Federal Bureau of Investigation. (Education Code (EC) 45125)
- 2) Defines egregious misconduct as immoral conduct that is the basis for an offense related to sex offenses; child abuse and neglect offenses; and controlled substance offenses, as specified. (EC) 44932)
- 3) Prohibits school districts, county offices of education (COEs), and charter schools from entering into an agreement that would prevent a mandatory report of egregious misconduct to the Commission on Teacher Credentialing (CTC) or any other state or federal agency. (EC 44939.5)

- 4) Prohibits school districts, COEs, and charter schools from expunging from an employee's personnel file, or entering into an agreement that would authorize expunging from an employee's personnel file, credible complaints of, substantiated investigations into, or discipline for, egregious misconduct. States that this prohibition does not preclude removing, or entering into any agreement to remove, documents containing allegations that have been the subject of a hearing before an arbitrator, school board, personnel commission, Commission on Professional Competence, or administrative law judge, in which the employee prevailed, the allegations were determined to be false, not credible, or unsubstantiated, or a determination was made that the discipline was not warranted. (EC 44939.5)
- 5) Requires a school district, COE, or charter school that has made a report of an employee's egregious misconduct to the CTC to disclose this fact to a school district, COE, or charter school considering an application for employment from the employee, upon inquiry. (EC 44939.5)
- 6) States that any school employee who alleges that another school employee has engaged in egregious misconduct, knowing at the time of making the allegation that the allegation was false, shall be subject to certificate revocation, if applicable. (EC 44939.5)
- 7) Establishes jurisdiction for the Committee on Credentials (COC) to have jurisdiction to commence an initial review upon receipt of any of the following, among others:
 - a) A statement from an employer notifying the CTC that, as a result of an allegation of misconduct, or while an allegation of misconduct is pending, a credentialholder has been dismissed, nonreelected, suspended for more than 10 days, or placed pursuant to a final adverse employment action on unpaid administrative leave for more than 10 days, or has resigned or otherwise left employment; and
 - i) The employer shall provide the notice described in subparagraph (A) to the CTC not later than 30 days after the dismissal, nonreelection, suspension, placement on unpaid administrative leave, resignation, or departure from employment of the employee.
 - b) A notice from an employer that a complaint was filed with the school district alleging sexual misconduct by a credentialholder. Results of an investigation by the COC shall not be considered for action by the committee unless there is evidence presented to the COC in the form of a written or oral declaration under penalty of perjury that confirms the personal knowledge of the declarant regarding the acts alleged to constitute misconduct. (EC 44242.5)
- 8) Requires the superintendent of an employing school district to report a change in employment status to the CTC not later than 30 days after the final employment action whenever a credential holder, working in a position requiring a credential, as a result of an allegation of misconduct or while an allegation of misconduct is pending:
 - a) Is dismissed or non-reelected;
 - b) Resigns;

- c) Is suspended or placed on unpaid administrative leave as a final adverse employment action for more than 10 days;
 - d) Retires;
 - e) Is otherwise terminated by a decision not to employ or re-employ; or
 - f) “Otherwise terminated by a decision not to employ or re-employ.”
- 9) States that failure to make a report required constitutes unprofessional conduct. Requires the COC to investigate any superintendent who holds a credential but fails to file the reports required. States that where the CTC has information or belief that a report has not been made, a letter shall be sent to the responsible superintendent providing facts, detailing reporting responsibilities, and requesting a response. (California Code of Regulations, Title 5, Section 80303)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “While teachers’ eligibility to serve in teaching positions is included in the California Commission on Teacher Credentialing’s (CTC) database, no similar statewide data set exists for classified school employees. This data is necessary to determine whether any adverse action has been taken in response to misconduct investigations. AB 1233 creates statewide database providing a uniform system for local educational agencies (LEAs) to report the employment history of classified school personnel, including substantiated investigations for egregious misconduct. This bill is another significant step that will further promote the safety of students in TK-12 schools.”

What does this bill do? This bill creates a database for school employers to access and track classified employees who have had substantiated investigations of egregious misconduct with children. Currently, when a school employer hires a classified employee, they obtain fingerprints, arrest, and conviction records from the DOJ and the FBI, however, they do not have information regarding whether the employee has been investigated at a previous school employer for egregious misconduct with children that did **not** result in an arrest or conviction.

If a teacher (certificated employee) is investigated for egregious misconduct and leaves employment for any reason, the school employer is required to notify the CTC and the CTC completes an investigation and can take action on the teacher’s credential. Because a statewide entity investigates and potentially takes action against a teacher’s credential, it is not possible for a teacher to have substantiated investigations of egregious misconduct with children that did **not** result in an arrest or conviction to work for another school employer.

This statewide process protects children. A system such as this does **not** exist for classified employees, and therefore, a classified employee could be hired by a school employer without the employer knowing this important history. Because of this, a person who has had a substantiated investigation for egregious misconduct could quit their current job and go work for another

school employer without the employer knowing this information, potentially putting children at risk.

What is egregious misconduct? Existing law prohibits school districts, COEs, and charter schools from expunging complaints or entering into an agreement that would authorize expunging complaints of egregious misconduct from a personnel file. Egregious misconduct is defined as sex offenses; controlled substance offenses; and, child abuse and neglect offenses, as specified.

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.

School districts must report teacher employment changes due to allegations of misconduct to the state. Under current law, the superintendent of an employing school district must report a change in employment status of any teacher to the CTC no later than 30 days after the final employment action whenever a credential holder, working in a position requiring a credential, as a result of an allegation of misconduct or while an allegation of misconduct is pending, is dismissed, resigns, is suspended or placed on administrative leave, retires, or is otherwise terminated. Among the information that must be reported for these individuals is an explanation of the allegation of misconduct, contact information for all persons who may have information relating to the alleged misconduct, and all documentation related to the case.

Arguments in support. The Association of California School Administrators states, “AB 1233 reflects a key recommendation in the recently released FCMAT (Fiscal Crisis and Management Assistance Team) report on childhood sexual assault and its fiscal implications on public agencies. Unlike teaching (certificated) positions, there is no current statewide employment database to track the employment history of 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. To address these gaps, AB 1233 would:

- Require all applicants for a classified position with an LEA or PSO to disclose any prior LEA- or private school-based employment in their application to a TK-12 school employer.
- Establish a statewide database to collect classified position employment data prospectively, including the position held and dates, which would be accessible to hiring LEAs.
- Include in the employment records database 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.”

Recommended committee amendments. Staff recommend the bill be amended to:

- 1) Remove private schools from the list of organizations required to submit information to the statewide data system.

- 2) Require noncertificated staff to include any employment at a private school in their list of previous employment.

Related legislation. 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, a 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

Association of California School Administrators
California Association of School Business Officials
California Association of Suburban School Districts
California County Superintendents
Office of the Riverside County Superintendent of Schools
Riverside County Office of Education
San Diego Unified School District

Opposition

None on file

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