

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana R. Patel, Chair
AB 2365 (Sanchez) – As Amended April 8, 2026

SUBJECT: Education-related positions: dismissals: egregious misconduct: employment prohibition: previous employment disclosures

SUMMARY: Expands the definition of egregious misconduct and prohibits a person who is dismissed for egregious misconduct from being employed by any state agency, the California State University (CSU), the University of California (UC), any local agency, or any local educational agency (LEA). Specifically, **this bill:**

- 1) Expands the definition of egregious misconduct to include the following:
 - a) Human trafficking;
 - b) Physical or mental suffering of children;
 - c) Assault of a child under age 8;
 - d) Cruel or inhuman corporal punishment of a child;
 - e) Sending or directing a minor to a saloon, gambling house, house of prostitution, or other immoral place;
 - f) A person who, in the presence of any child, indulges in any degrading, lewd, immoral, or vicious habits or practices, or who is habitually drunk;
 - g) Kidnapping;
 - h) Communication with a minor with the intent to commit kidnapping, rape, sodomy, lewd acts, sexual penetration, child pornography, and images that appear to be child pornography;
 - i) Assault or battery on school property;
 - j) Assault or battery of a school employee;
 - k) Corporal injury resulting in a traumatic condition of a domestic partner or their parents;
 - l) Touching an intimate part of a person while restraining that person;
 - m) Concealing or detaining a child from their legal custodian;
 - n) Lewdly exposing oneself in public to annoy another person, including at a model artist exhibition; or
 - o) Failing to comply with the prohibition on expunging employee records of egregious misconduct, failing to respond to inquires from employing agencies about egregious

misconduct allegations reported to the Commission on Teacher Credentialing (CTC), preventing a mandated report of egregious misconduct, or falsely accusing a school employee of egregious misconduct.

- 2) Prohibits a certificated person who is dismissed for, or had adverse action taken against their credential for, egregious misconduct from being employed in any education-related position by any state agency, the CSU, the UC, any local agency, or any LEA.
- 3) Deletes the requirement for public and private school employers considering an applicant for a certificated position to inquire with each public or private school employer that previously employed the applicant, as to whether the applicant, while previously employed by the public or private school employer 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.
- 4) Requires public and private school employers considering an applicant for a certificated position to inquire with the CTC as to whether it received a copy of a complaint, information, or indictment or a report relating to the applicant being the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct, that were required to be reported to the CTC.
- 5) Requires, upon receiving affirmative confirmation from the CTC a public or private school employer to request, from the public or private school employer that submitted documentation to the CTC, a copy of all relevant information within that entity's possession that was reported to the CTC.
- 6) Authorizes a public or private school employer to also inquire with each public or private school employer that previously employed the applicant, whether the applicant, while previously employed by the public or private school employer 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.

EXISTING LAW:

- 1) States that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than \$500,000. (Penal Code (PC) 236.1)
- 2) States that any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years. (PC 273a)
- 3) States that any person, having the care or custody of a child who is under eight years of age, who assaults the child by means of force that to a reasonable person would be likely to

produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life. (PC 273ab)

- 4) States that any person who willfully inflicts upon a child any cruel or inhuman corporal punishment or an injury resulting in a traumatic condition is guilty of a felony and shall be punished by imprisonment for two, four, or six years, or in a county jail for not more than one year, by a fine of up to \$6,000, or by both that imprisonment and fine. (PC 273d)
- 5) States that any person, whether as parent, guardian, employer, or otherwise, and any firm or corporation, who, as employer or otherwise, shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor, is guilty of a misdemeanor. (PC 273f)
- 6) States that any person, who in the presence of any child, indulges in any degrading, lewd, immoral, or vicious habits or practices, or who is habitually drunk in the presence of any child in his care, custody, or control, is guilty of a misdemeanor. (PC 273g)
- 7) States that every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding \$1,000, or both that fine and imprisonment, or by imprisonment for two, three, or four years, a fine not exceeding \$10,000, or both that fine and imprisonment. (PC 278)
- 8) States that every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with intent to commit an offense specified in Section 207, 209, 261, 264.1, 273a, 286, 287, 288, 288.2, 289, 311.1, 311.2, 311.4 or 311.11, or former Section 288a, involving the minor shall be punished by imprisonment in the state prison for the term prescribed for an attempt to commit the intended offense. (PC 288.3)
- 9) States that when an assault is committed on school or park property against any person, the assault is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in the county jail not exceeding one year, or by both that fine and imprisonment. (PC 241.2)
- 10) States that when an assault is committed against a school employee engaged in the performance of his or her duties, or in retaliation for an act performed in the course of his or her duties, whether on or off campus, during the schoolday or at any other time, and the person committing the offense knows or reasonably should know the victim is a school employee, the assault is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or by both the fine and imprisonment. (PC 241.6)
- 11) States that when battery is committed on school property, park property, or the grounds of a public or private hospital, against any person, the battery is punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding one year, or by both the fine and imprisonment. (PC 243.2)

- 12) States that any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. (PC 243.4)
- 13) States that when a battery is committed against a school employee engaged in the performance of his or her duties, or in retaliation for an act performed in the course of his or her duties, whether on or off campus, during the schoolday or at any other time, and the person committing the offense knows or reasonably should know that the victim is a school employee, the battery is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or by both the fine and imprisonment. However, if an injury is inflicted on the victim, the battery shall be punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than \$2,000, or by imprisonment for 16 months, or two or three years. (PC 243.6)
- 14) States that a person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described below is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to \$6,000, or by both that fine and imprisonment.
- a) The offender's spouse or former spouse;
 - b) The offender's cohabitant or former cohabitant;
 - c) The offender's fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243; and
 - d) The mother or father of the offender's child. (PC 273.5)
- 15) States that every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding \$1,000, or both that fine and imprisonment, or for two, three, or four years, a fine not exceeding \$10,000, or both that fine and imprisonment. (PC 278)
- 16) States that every person who willfully and lewdly, either:
- a) Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
 - b) Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor. (PC 314)
- 17) Prohibits school districts, county offices of education (COEs), charter schools, state special schools and diagnostic centers operated by the department, and private schools from entering

into an agreement that would prevent a mandatory report of egregious misconduct to the CTC or any other state or federal agency. (Education Code (EC) 44939.5)

- 18) Prohibits school districts, COEs, charter schools, state special schools and diagnostic centers operated by the department, and private schools from expunging from an employee's personnel file, nor 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. (EC 44939.5)
- 19) Requires a person applying for a certificated position at a school district, COE, charter school, state special school or diagnostic center operated by the department, or private school to provide that prospective employer with a complete list of every school district, COE, charter school, state special school or diagnostic center operated by the department, and private school that the applicant has previously been an employee of. Requires school districts, COEs, charter schools, state special schools and diagnostic centers operated by the department, and private schools considering an applicant for a certificated position to inquire with each school district, COE, charter school, state special school and diagnostic center operated by the department, and private school that previously employed the applicant, as disclosed, as to whether the applicant, while previously employed by the school district, COE, charter school, state special school or diagnostic center operated by the department, or private school 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. (EC 44939.5)
- 20) Requires school districts, COEs, charter schools, state special schools and diagnostic centers operated by the department, and private schools that have made a report of an employee's egregious misconduct to the CTC to disclose this fact to a school district, COE, charter school, state special school or diagnostic center operated by the department, or private school considering an application for employment from the employee, upon inquiry, and, notwithstanding any other law, to provide the inquiring school district, COE, charter school, state special school or diagnostic center operated by the department, or private school with a copy of all relevant information that was reported to the CTC, within its possession. (EC 44939.5)
- 21) Requires any school employee who alleges that another school employee has engaged in egregious misconduct, at the time of making the allegation that the allegation was false, to be subject to certificate revocation, if applicable. (EC 44939.5)
- 22) Defines egregious misconduct as immoral conduct that is the basis for the following offenses: sexual offenses, controlled substance offenses and the general neglect and severe neglect of children. (EC 44932)
- 23) Establishes a dismissal process for egregious misconduct (EC 44934-44934.1)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “The expedited removal process was created to address immoral conduct. AB 2365 builds on that foundation by ensuring that dangerous behavior is treated with the same urgency. Our schools should never be a place where misconduct is tolerated because the system is too slow to act. This bill makes it clear: once a teacher is removed for serious misconduct, they cannot return to public education in California. This is about accountability. It’s about restoring trust between parents and schools. And most importantly, it’s about protecting our kids. Parents deserve confidence that when they send their children to school, they are safe. Not someday. Right now.”

What does this bill do? This bill expands the definition of egregious misconduct to include the following:

- 1) Human trafficking;
- 2) Physical or mental suffering of children;
- 3) Assault of a child under age 8;
- 4) Cruel or inhuman corporal punishment of a child;
- 5) Sending or directing a minor to a saloon, gambling house, house of prostitution, or other immoral place;
- 6) A person who, in the presence of any child, indulges in any degrading, lewd, immoral, or vicious habits or practices, or who is habitually drunk;
- 7) Kidnapping;
- 8) Communication with a minor with the intent to commit kidnapping, rape, sodomy, lewd acts, sexual penetration, child pornography, and images that appear to be child pornography;
- 9) Assault or battery on school property;
- 10) Assault or battery of a school employee;
- 11) Corporal injury resulting in a traumatic condition of a domestic partner or their parents;
- 12) Touching an intimate part of a person while restraining that person;
- 13) Concealing or detaining a child from their legal custodian;
- 14) Lewdly exposing oneself in public to annoy another person, including at a model artist exhibition; and
- 15) Failing to comply with the prohibition on expunging employee records of egregious misconduct, failing to respond to inquires from employing agencies about egregious misconduct allegations reported to the CTC, preventing a mandated report of egregious misconduct, or falsely accusing a school employee of egregious misconduct.

Further, the bill enacts a ban on certificated employees who are dismissed for, or had adverse action taken against their credential for, egregious misconduct from being employed by any state

agency, the CSU, the UC, any local agency, or any LEA. Additionally, the bill changes the way that public and private school employers verify whether a certificated employee has previously had a complaint regarding egregious misconduct filed with the CTC.

Is this consistent with the intent of existing law? In some ways, the expansion of the definition of egregious misconduct is consistent with the intent of existing law, however, a few of the Penal Code Sections identified do not seem to fit within the intent of existing law.

The existing definition of egregious misconduct includes sex offenses, drug offenses and child abuse. The expansion of the definition of egregious misconduct to include kidnapping, human trafficking, assault of a child, and communication with the intent to commit these acts appears to be consistent with current law.

This bill also adds the following penal code sections to the definition of egregious misconduct: sending or directing a minor to a saloon, gambling house, house of prostitution, or other immoral place (PC 273f); a person who in the presence of any child indulges in any degrading, lewd, immoral or vicious habits or practices, or who is habitually drunk (PC 273g); assault or battery on school property (PC 241.2 & 243.2); assault or battery of a school employee (PC 241.6 & 243.6); corporal injury resulting in a traumatic condition of a domestic partner or their parents (PC 273.5); touching an intimate part of a person while restraining that person (PC 243.4); concealing or detaining a child from their legal custodian (PC 278); lewdly exposing one's self in public to annoy another person, including at an model artist exhibition (PC 314); and failing to comply with the prohibition on expunging employee records of egregious misconduct, failing to respond to inquiries from employing agencies about egregious misconduct allegations reported to the CTC, preventing a mandated report of egregious misconduct, or falsely accusing a school employee of egregious misconduct (EC 44939.5).

The term immoral place is not defined and could be subjective. Further, these code sections do not appear to further the intent of existing law and could introduce ambiguity. ***The Committee may wish to consider*** whether these Penal Code Sections are consistent with existing law.

Employment verification. This bill replaces the existing system for public and private school employers to verify with all previous public and private school employers whether a prospective certificated employee had an allegation of egregious misconduct that was reported to the CTC, and instead requires public and private school employers to verify with the CTC whether an allegation of egregious misconduct was filed with the CTC, then follow up with the employer who filed the allegation with the CTC and review the files from that previous employer regarding the allegation.

Employment prohibition. If a certificated employee is dismissed for any reason, the school district, COE or charter school is required to notify the CTC, which allows the CTC to do a formal investigation and potentially take action on the teacher's credential, including suspension or revocation. If action is taken against a person's credential by the CTC, all future school districts, COEs and charter schools can view that information through the CTC. If no action is taken by the CTC, there is currently no prohibition on other school districts, COEs or charter schools from hiring that individual with a valid teaching credential. Further, there is no way to verify if the person was dismissed for egregious misconduct unless the CTC suspended or revoked the credential.

The Committee may wish to consider whether an employment ban for being dismissed for egregious misconduct is a violation of due process, since this dismissal category is based on allegations and not criminal conviction.

The *Committee may wish to consider* the implementation challenges of this measure. For example, how would an agency know that an applicant was ever a teacher and could have possibly been dismissed for egregious misconduct?

Hearing process for egregious misconduct. This bill increases protections for children by expanding the definition of egregious misconduct, which currently encompasses sexual abuse, child abuse, and specific drug crimes. Dismissals for egregious misconduct have a separate and streamlined hearing process for cases in which an employee is accused of egregious misconduct. Existing law allows a hearing based on charges of egregious misconduct to be conducted by a single ALJ instead of a three-person panel. Existing law requires egregious misconduct hearings to commence within 60 days. Existing law allows evidence more than four years old to be presented at a hearing in cases of child abuse or sexual abuse.

Arguments in support. Real Impact states, “Real Impact is a ministry of Calvary Chapel Chino Hills, a non-denominational church in Chino, California. We reach a population of over 13,000 people locally and tens of thousands across the nation through radio and other media outreaches. Real Impact believes that children deserve safe learning environments and that families deserve confidence schools are doing everything possible to screen out individuals with serious histories of misconduct. All minors should be protected from harm. For this reason, Real Impact stands in strong support of AB 2365.”

Arguments in opposition. California Federation of Teachers states, “This bill would add several superfluous and outdated penal code sections to the list of other sections that define “egregious misconduct” in education code 44932, which help define, though not exclusively, the definition for immoral conduct. This code section allows for districts to meet the moment and identify immoral conduct that is worthy of discipline and termination of an employee. It need not be an exhaustive list, nor include code sections such as 273f or 273g that are half a century old and refer to conduct that is likely not within the times of today. Employers are able to discern what is immoral conduct, and all of the attempted penal code additions in this bill are already immoral, felonious, unprofessional, or included in the other subsections of education code 44932.

Additionally, this bill creates a ban on future employment throughout the state and creates a complete disregard for the rehabilitation of individuals who may serve a second chance at life as a productive public servant. This can include a person who succumbed to substance abuse, found rehabilitation through our penal, health, social, or behavioral health system and would serve as a beneficial member of the state service from being a custodian through being a drug counselor and help students avoid the mistakes that they made themselves.”

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

- 1) Remove the prohibition on employment for dismissal for, and adverse action taken against their credential for, egregious misconduct.

- 2) Clarify the role of the CTC by expanding the existing statutorily mandated database for LEA employers to include LEA reports to the CTC of misconduct for certificated employees and the reporting LEA. Add language regarding the CTC's liability.
- 3) Clarify that it is declaratory of existing law that existing law pertaining to teacher dismissal does not apply to private schools.
- 4) Remove the following Penal Code Sections from the definition of egregious misconduct:
 - a) PC 273f: Sending or directing a minor to a saloon, gambling house, house of prostitution, or other immoral place;
 - b) PC 273g: A person who, in the presence of any child, indulges in any degrading, lewd, immoral, vicious habits or practices, or who is habitually drunk;
 - c) PC 241.2 & 243.2: Assault or battery on school property;
 - d) PC 241.6 & 243.6: Assault or battery of a school employee;
 - e) PC 273.5: Corporal injury resulting in a traumatic condition of a domestic partner or their parents;
 - f) PC 243.4: Touching an intimate part of a person while restraining that person;
 - g) PC 278: Concealing or detaining a child from their legal custodian;
 - h) PC 314: Lewdly exposing one's self in public to annoy another person, including at an model artist exhibition; and
 - i) EC 44939.5: Failing to comply with the prohibition on expunging employee records of egregious misconduct, failing to respond to inquires from employing agencies about egregious misconduct allegations reported to the CTC, preventing a mandated report of egregious misconduct, or falsely accusing a school employee of egregious misconduct.

Related legislation. AB 215 (Buchanan), Chapter 55, Statutes of 2014, modifies the dismissal procedures for certificated employees who have attained permanent status and establishes a separate set of dismissal processes for egregious misconduct.

SB 843 (Correa) of the 2013-14 Session would have modified the dismissal process by establishing a separate set of procedures for employees charged with certain types of serious and egregious conduct. This bill was held in the Senate Education Committee.

AB 375 (Buchanan), of the 2013-14 Session would have modified the teacher dismissal process. This bill was vetoed by the Governor with the following message:

The goal of this bill is to simplify the process for hearing and deciding teacher dismissal cases. I have listened at great length to arguments both for and against this measure. While I agree that it makes worthwhile adjustments to the dismissal process, such as lifting the summer moratorium on the filing of charges and eliminating some opportunities for delay, other changes make the process too rigid and could create new

problems.

I am particularly concerned that limiting the number of depositions to five per side, regardless of the circumstances, and restricting a district's ability to amend charges even if new evidence comes to light, may do more harm than good.

I share the authors' desire to streamline the teacher discipline process, but this bill is an imperfect solution. I encourage the Legislature to continue working with stakeholders to identify changes that are balanced and reduce procedural complexities.

SB 1530 (Padilla) of the 2011-12 Session would have modified the suspension, dismissal, and leave of absence of employees. This bill was held in the Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California School Administrators
Real Impact.

Opposition

Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio

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