

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON EDUCATION

Darshana R. Patel, Chair

AB 1381 (Muratsuchi) – As Amended August 21, 2026

SUBJECT: Education-related positions: previous employment disclosures: Commission on Teacher Credentialing: unprofessional conduct.

SUMMARY: Requires local educational agency (LEA) and private school employers to review the prior employment history of certificated and noncertificated applicants for credible complaints, investigations, or discipline involving egregious misconduct. Establishes credentialing consequences for certificated applicants and school administrators who fail to comply with the previous employment investigation and disclosure requirements. Specifically, **this bill:**

- 1) Prohibits the superintendent of a school district or county office of education (COE), or the chief administrator of a charter school or private school, from hiring an applicant for a certificated or noncertificated position without completing the required inquiry into the applicant's employment history.
- 2) Requires the superintendent of a school district or COE, or chief administrator of a charter or private school, to ensure compliance with an inquiry for employment history.
- 3) States that a superintendent's or administrator's failure to complete the required employment history inquiries constitutes unprofessional conduct, and may subject the superintendent or administrator to adverse action by the Commission on Teacher Credentialing (CTC).
- 4) States that a certificated applicant's failure to provide the required complete list of prior school employers constitutes unprofessional conduct and may subject the applicant to adverse action by the CTC.

EXISTING LAW:

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

- d) Reject the proposed decision and refer the case to the same ALJ if reasonably available, otherwise to another ALJ, to take additional evidence; and
 - e) Reject the proposed decision, and decide the case upon the record, including the transcript, or upon an agreed statement of the parties, with or without taking additional evidence. (Government Code (GOV) 11517)
- 3) Requires annual training for mandated reporters working in LEAs on recognizing and reporting child abuse and neglect. (EC 44691)
 - 4) Permits LEAs to offer instruction on sexual abuse and sexual assault prevention, including information on available resources for victims and methods of reporting such incidents. (EC 51950)
 - 5) Prohibits LEAs from entering into agreements that suppress mandatory reporting of egregious misconduct by school employees, including sexual misconduct. (EC 44939.5)
 - 6) Establishes hiring transparency requirements for noncertificated and certificated employees, including:
 - a) Requiring applicants to disclose prior school employment;
 - b) Requiring hiring entities to contact prior employers regarding credible complaints, substantiated investigations, or discipline for egregious misconduct; and
 - c) Requiring prior employers to disclose reports made to the CTC and provide supporting information. (EC 44051, 44939.5)
 - 7) Requires the CTC, contingent on appropriation, to develop a statewide data system tracking investigations and substantiated reports of egregious misconduct, including employee identifiers, employment history, and investigation data. (EC 44052)
 - 8) Requires LEAs and private schools to report hiring, position changes, separations, initiation of investigations, investigation outcomes, and mid-investigation separations within specified timelines. (EC 44052)
 - 9) Requires that only substantiated reports of egregious misconduct be recorded and prohibits retention of records for unfounded or inconclusive investigations. (EC 44052)
 - 10) Requires LEAs and private schools to review the statewide data system prior to hiring to determine whether an applicant has a substantiated report of egregious misconduct. (EC 44052)
 - 11) Authorizes the CTC's Committee of Credentials to initiate a review based on records in the statewide data system, including substantiated reports and cases involving separation during an investigation. (EC 44242.5)

FISCAL EFFECT: According to the Senate Appropriations Committee:

By creating new forms of "unprofessional conduct" applicable to certificated employees and school administrators which could subject credential holders to investigation and adverse

action, the CTC estimates this bill would result in General Fund costs of \$330,000 in the first year and \$326,000 annually thereafter and 2.0 positions to handle the projected workload increase in misconduct cases before the Committee of Credentials.

COMMENTS:

Need for the bill. According to the author's office, "In 2024, California adopted AB 2534 (Flora), requiring teacher candidates to provide a list of previous employers and requiring employers to inquire and respond to inquiries about credible complaints, substantiated investigations, or discipline for egregious misconduct. However, the law currently has no penalties for noncompliance. AB 1381 addresses this by establishing that failure to comply, by either a teacher candidate or school administrator, is unprofessional conduct and may result in adverse action by the Commission on Teaching Credentialing. By adding reasonable penalties to existing law, AB 1381 seeks to ensure that all teacher candidates are properly vetted."

Existing process for reviewing misconduct by credential holders. Existing law establishes the Committee of Credentials (COC) within the CTC to review allegations of misconduct involving credential applicants and holders. School employers are required to report specified instances of misconduct to the CTC, which may result in adverse credential action, including suspension or revocation of a credential.

Existing reference check requirements. Existing law requires applicants for certificated and noncertificated school positions to disclose their prior school employers. Prospective school employers are required to contact those prior employers regarding credible complaints, substantiated investigations, or discipline involving egregious misconduct. Prior employers are required to provide specified information regarding such misconduct to the prospective employer.

The AB 218 report and legislative response. In 2024, the Fiscal Crisis and Management Assistance Team (FCMAT) issued a report to the Legislature regarding the fiscal impacts of childhood sexual assault claims under AB 218 (Gonzalez, Chapter 861, Statutes of 2019). Among other recommendations, the report called for stronger employee screening and work-history verification requirements. In response, the Legislature enacted SB 848 (Pérez), which strengthened employee screening and reference-check requirements and established a statewide misconduct data system.

Strengthening accountability for compliance with existing hiring requirements. This bill does not alter the information that applicants must disclose or that prospective school employers must obtain from prior employers. Instead, the bill adds consequences for failing to comply with those existing requirements. Specifically, a certificated applicant who fails to disclose their required employment history may be subject to adverse action by the CTC. The bill also prohibits a superintendent or school administrator from hiring a certificated or noncertificated employee without completing the required employment-history inquiry, and provides that failure to comply constitutes unprofessional conduct that may subject the superintendent or administrator to adverse action by the CTC.

Arguments in Support. According to the Association of School Administrators, "This bill will provide an additional tool to help school employers complete mandated employment history

verification with more complete data. We recognize the shared responsibility to stop incidents of abuse in schools from occurring, once and for all.

The growing financial impact of misconduct and abuse claims against LEAs is all the more reason to invest in tools like the one proposed by AB 1318. LEAs have paid billions of dollars to resolve claims that allege they have failed to address the risk of harm and protect students in their care from abuse. A recent study published by the California Association of Joint Powers Authorities (CAJPA) states that in 2024-25, the total dollars of claims for school districts statewide represent roughly \$75 per pupil (ADA). This is three times the amount that has been reported just seven years prior, in 2017-18. It is projected to nearly double by 2027-2028. Further, school districts have reported special assessments of \$1 million in a single year for their risk coverage policies due to liability exposure for sexual abuse and misconduct claims. These are school districts that have received zero claims against their employees.

Ensuring the safety and well-being of students is a shared responsibility and a priority of ACSA. AB 1381 takes a key step to provide LEAs with an additional tool to support more comprehensive applicant employee history review.

Related legislation. SB 1083 (Perez) of this Session makes various changes to state law governing the investigation, reporting, and disclosure of egregious misconduct by noncertificated public school and private school employees.

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

SB 577 (Laird) of the 2025-26 Session would make a series of changes to relevant law to mitigate the fiscal impact of childhood sexual assault claims against public entities, including limitations on refiling actions and shortening relevant statutes of limitations, reforms to the remittitur process, recovery of defense costs, and flexibility in paying judgments and issuing financing bonds.

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

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

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

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

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

AB 709 (Morrell) of the 2019-20 Session would have established the Sexual Abuse-Free Education Act, which would have: 1) prohibited public and private school entities from hiring individuals who would have direct contact with children if they were previously convicted of child abuse or sexual misconduct with a child, 2) required applicants for school entity positions that would have direct contact with children to provide specified information about whether the applicant had ever been the subject of an investigation concerning child abuse or sexual misconduct with a child, and 3) required school entities to conduct reviews of the information provided by the applicants, including obtaining specified information from the current and each former employer. This bill was held in the Senate Education Committee.

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

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

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California School Administrators
California School Boards Association
Marin County Board of Supervisors
Marin County Office of Education
SELPA Administrators of California

Opposition

None on file.

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