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AB-1233 Noncertificated employees: applicants: previous employment: California School Information Services. (2025-2026)

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AMENDED IN ASSEMBLY MAY 05, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1233

Introduced by Assembly Member Hoover

February 21, 2025

An act to add Sections 44051 and 44052 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1233, as amended, Hoover. Noncertificated employees: applicants: previous employment: California School Information Services.

Existing law prohibits school districts, county offices of education, charter schools, and state special 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, as defined.

Existing law 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 every school district, county office of education, charter school, and state special school that the applicant has previously been an employee of.

This bill would require a person applying for a noncertificated position at a school district, county office of education, charter school, or state special school to provide that same ~~information.~~ *information as well as every private school that the applicant has previously been an employee of.*

Existing law requires school districts, county offices of education, charter schools, and state special schools considering an applicant for a certificated position to inquire with each of those local educational agencies that previously employed the applicant as to whether the applicant, while previously employed by the local educational agency, was the subject of any credible complaints of, substantiated investigations into, or discipline for egregious misconduct that were required to be reported to the Commission on Teacher Credentialing. Existing law defines egregious misconduct for this purpose to include certain forms of abuse and specified sex and controlled substance offenses. Existing law requires those local educational agencies, when responding to an inquiry as to whether it has made a report of egregious misconduct to the commission, to also provide the

inquiring local educational agency with a copy of all relevant information that was reported to the commission within its possession.

Existing law establishes the California School Information Services, administered by the County Office Fiscal Crisis and Management Assistance Team. Existing law declares the mission of the California School Information Services is to, among other things, build the capacity of local educational agencies to implement and maintain comparable, effective, and efficient pupil information systems that will promote the use of information for educational decisionmaking by schoolsite, district office, and county staff.

This bill would require the California School Information Services, on or before July 1, 2027, 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, as defined. The bill would require local educational agency ~~employers and private school~~ employers, following both the start of, and completion of, an investigation of egregious misconduct, to submit notice to the statewide data system, as provided. 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, as provided. The bill would require those local educational agencies ~~and private school organizations~~ that are responsible for employment, employee investigations, or hiring decisions to review the statewide data system to determine whether an investigation resulted in a substantiated report of egregious misconduct before hiring an individual for a noncertificated position. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44051 is added to the Education Code, immediately following Section 44050, to read:

44051. A person applying for a noncertificated position at a school district, county office of education, charter school, or state special school shall provide that prospective employer with a complete list of every school district, county office of education, charter school, *private school*, and state special school that the applicant has previously been an employee of.

SEC. 2. Section 44052 is added to the Education Code, immediately following Section 44051, to read:

44052. (a) On or before July 1, 2027, the California School Information Services shall develop a statewide data system that includes all of the following information for individuals serving in a noncertificated position for a local educational ~~agency or private school employer:~~ *agency*:

- (1) The name, date of birth, and a unique identification number of the noncertificated employee.
- (2) The name of the school employer.
- (3) The starting date, ending date, if applicable, and title for each school position held by the noncertificated employee.
- (4) 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.
- (5) The date an investigation described in paragraph (4) was commenced.
- (6) The date a substantiated report described in paragraph (4) was filed.

(b) Those local educational agencies ~~and private school organizations~~ that are responsible for employment, employee investigations, or hiring decisions shall, before hiring an individual for a noncertificated position, review the statewide data system established pursuant to subdivision (a) to determine whether an investigation resulted in a substantiated report pursuant to paragraph (4) of subdivision (a).

(c) Within 30 calendar days of hiring an individual for a noncertificated position the local educational agency employer ~~or private school employer~~ shall provide to the statewide data system established pursuant to subdivision (a) the name and start date of the individual and the title of the noncertificated position.

(d) Within 30 calendar days of an individual changing into, or adding, a noncertificated position with the same local educational agency ~~employer or private school organization;~~ *employer*, the local educational agency employer ~~or private school employer~~ shall provide to the statewide data system established pursuant to subdivision (a) the name and start date of the individual and the title of the new or additional noncertificated position.

(e) Within 10 calendar days of a noncertificated employee leaving a position, the local educational agency employer ~~or private school employer~~ shall provide to the statewide data system established pursuant to subdivision (a) the final date of employment or final date in the position.

(f) (1) Within 10 calendar days of the start of an investigation of egregious misconduct, the local educational agency employer ~~or private school employer~~ shall submit notice to the statewide data system established pursuant to subdivision (a) that an investigation was commenced.

(2) Statewide data system records shall indicate a pending status from the receipt of notice pursuant to paragraph (1) until the local educational agency employer ~~or private school employer~~ submits subsequent notice pursuant to this subdivision.

(3) (A) Within 10 calendar days of the completion of an investigation of egregious misconduct, the local educational agency employer ~~or private school employer~~ shall submit notice stating the result of the investigation to the statewide data system.

~~(A)~~

(B) If an investigation of egregious misconduct results in a substantiated report as defined in subdivision (b) of Section 11165.12 of the Penal Code, a record of the investigation result shall be created in the statewide data system.

~~(B)~~

(C) If an investigation of egregious misconduct results in an unfounded report or inconclusive report as defined in Section 11165.12 of the Penal Code, no record of an investigation shall be created in the statewide data system.

(4) If a noncertificated employee leaves a local educational agency employer ~~or private school employer~~ before the completion of an investigation of egregious misconduct, the local educational agency employer ~~or private school employer~~ shall submit notice of the change in employment status ~~mid-investigation~~ *during the investigation* to the statewide data system to be included in the noncertificated employee's record.

(g) For purposes of this section, the following definitions apply:

(1) "Egregious misconduct" has the same meaning as defined in Section 44932.

(2) "Local educational agency" means a school district, county office of education, charter school, or state special school or diagnostic center operated by the department.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.