



Client Alert

AB 2534 Expands Employer Access to Records of Egregious Misconduct for Certificated Employees During Hiring Process

On September 25, 2024, Governor Gavin Newsom signed Assembly Bill (AB) 2534 which introduces new procedures that public schools, charter schools, county offices of education, and state special schools (collective, “LEAs”) must follow when reviewing applicants for certificated positions.

Effective January 1, 2025, certificated applicants must provide a prospective LEA with a full list of every LEA where they previously worked. The hiring LEA must inquire with each of these entities to determine whether the applicant was “the subject of credible complaints, verified investigations, or disciplinary actions involving egregious misconduct that necessitated reporting to the California Commission on Teacher Credentials (“CTC”). In turn, the responding agencies must disclose this information and supply all relevant records.

“Egregious conduct” is defined under subsection (a)(1) of Education Code section 44932 as immoral conduct which includes child abuse or neglect, sex offenses, and certain controlled substance violations.

Prior to AB 2534, LEAs were obligated to provide this information to hiring LEAs upon request. Legislators amended Education Code section 44939.5 to mandate that hiring LEAs make such requests.

Other provisions of the statute remain in effect. In particular, school employees who knowingly file false allegations of egregious misconduct may be subject to the revocation of their teaching credential. Also, LEAs cannot enter into an agreement that would prevent mandatory reporting of egregious misconduct to the CTC or would expunge credible complaints, substantiated investigations, or discipline for egregious misconduct.

School employers are encouraged to develop procedures to manage, review, and track inquiries and responses to and from other LEAs in connection with prospective applicants. They should also closely

examine the statutory definition of “egregious conduct” to determine whether they have responsive information.

F3 attorneys are available to answer any questions regarding AB 2534 and can provide assistance navigating these new requirements.

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