



UNDERSTANDING CALIFORNIA SENATE BILL 848 (SB848)

New legislation creates child sexual abuse compliance standards for California Private Schools

ADDENDUM 3

**EDUCATION EMPLOYMENT | MISCONDUCT DISCLOSURES
STATEWIDE DATA SYSTEM | GATHERING MISCONDUCT INFORMATION**

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ADDENDUM 3

EDUCATION EMPLOYMENT | MISCONDUCT DISCLOSURES

Brief Analysis

Effective January 1, 2026.

Statewide Data Systems to come online by July 1, 2027.

All schools and school personnel – including Private Schools – are required to participate in a misconduct information disclosure system.

■ APPLICANT: MUST PROVIDE LIST – SECTIONS 6 & 12

When applying for a position at a Private School, an applicant seeking any position at a Private School is required to provide to the prospective Private School employer a complete list of every educational entity with whom the applicant has been previously employed.

■ PRIVATE SCHOOL: MUST INVESTIGATE LIST – SECTIONS 6 & 12

A Private School considering an applicant for any position must make inquiry to every educational entity disclosed by the applicant as to whether the applicant was the subject of a misconduct complaint or investigation.

■ PRIOR SCHOOL: MUST DISCLOSE – SECTIONS 6 & 12

When a Private School on an applicant's disclosure list is contacted, the Private School must disclose to the hiring school (1) whether an 'egregious misconduct' report was made to the Commission on Teacher Credentialing; and (2) provide to the hiring school a copy of all relevant information within its possession used to support a substantiated investigation.

■ STATEWIDE DATA SYSTEM – SECTION 7

A Statewide Data System will be created on or before July 1, 2027 (assuming financial appropriation). Within 30 days of hire, all Private Schools are to provide to the Statewide Data System the name, start date and title of every person hired to provide services at a Private School.

Before hiring a person for any position at a Private School, the Private School must review the Statewide Data System to determine whether an investigation resulted in a substantiated report.

■ RECORD KEEPING – SECTION 12

Private Schools must refrain from expunging or destroy any records related to an employee involving credible complaints of, substantiated investigations into, or discipline for, egregious misconduct.

Private Schools cannot enter into any agreement that would prevent a mandatory report of egregious conduct.

ADDENDUM 3 (CONTINUED)

EDUCATION EMPLOYMENT | MISCONDUCT DISCLOSURES

SECTION 6. Section 44051 is added to the Education Code immediately following Section 44050, to read:

44051. (a) (1) *A person applying for a noncertificated position at a school district, county office of education, charter school, or state special school or diagnostic center operated by the department, or applying for any position at a private school, shall provide that prospective employer with a complete list of every school district, county office of education, charter school, state special school and diagnostic center operated by the department, and private school that the applicant has previously been an employee of.*

(2) *School districts, county offices of education, charter schools, and state special schools and diagnostic centers operated by the department considering an applicant for a noncertificated position, and private schools considering an applicant for any position, shall inquire with each school district, county office of education, charter school, state special school and diagnostic center operated by the department, and private school that previously employed the applicant, as disclosed pursuant to paragraph (1), as to whether the applicant, while previously employed by the school district, county office of education, 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, as defined in paragraph (1) of subdivision (a) of Section 44932, that were used to support a substantiated investigation.*

(3) *School districts, county offices of education, 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 Commission on Teacher Credentialing shall disclose this fact to a school district, county office of education, 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, shall provide the inquiring school district, county office of education, charter school, state special school or diagnostic center operated by the department, or private school with a copy of all relevant information that was used to support a substantiated investigation, within its possession.*

(b) *For purposes of this section, noncertificated employees include noncertificated temporary employees regardless of the length of their employment.*

ADDENDUM 3 (CONTINUED)

STATEWIDE DATA SYSTEM | GATHERING MISCONDUCT INFORMATION

SECTION. 7. Section 44052 is added to the Education Code, immediately following Section 44051, to read:

44052. (a) *On or before July 1, 2027, the commission shall, contingent upon an appropriation for these purposes in the annual Budget Act or another statute, 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 in any position for a private school employer:*
- (1) *The name, date of birth, and a unique identification number of the 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 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 at a local educational agency or any position at a private school employer, 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 at a local educational agency or for any position at a private school 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 position.*

ADDENDUM 3 (CONTINUED)

STATEWIDE DATA SYSTEM | GATHERING MISCONDUCT INFORMATION

SECTION. 12. Section 44939.5 of the Education Code is amended to read:

- 44939.5. (a) School districts, county offices of education, charter schools, state special schools and diagnostic centers operated by the department, and private schools shall not enter into an agreement that would prevent a mandatory report of egregious misconduct, as defined in paragraph (1) of subdivision (a) of Section 44932, to the Commission on Teacher Credentialing or any other state or federal agency.
- (b) School districts, county offices of education, charter schools, state special schools and diagnostic centers operated by the department, and private schools shall not expunge from an employee's personnel file, nor shall they enter 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 in paragraph (1) of subdivision (a) of Section 44932. This prohibition does not preclude removing, or entering into an 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.
- (c) (1) A person applying for a certificated position at a school district, county office of education, charter school, state special school or diagnostic center operated by the department, or private school shall provide that prospective employer with a complete list of every school district, county office of education, charter school, state special school or diagnostic center operated by the department, and private school that the applicant has previously been an employee of.
- (2) School districts, county offices of education, charter schools, state special schools and diagnostic centers operated by the department, and private schools considering an applicant for a certificated position shall inquire with each school district, county office of education, charter school, state special school and diagnostic center operated by the department, and private school that previously employed the applicant, as disclosed pursuant to paragraph (1), as to whether the applicant, while previously employed by the school district, county office of education, 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, as defined in paragraph (1) of subdivision (a) of Section 44932, that were required to be reported to the Commission on Teacher Credentialing.
- (3) School districts, county offices of education, 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 Commission on Teacher Credentialing shall disclose this fact to a school district, county office of education, 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, shall provide the inquiring school district, county office of education, 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 Commission on Teacher Credentialing, within its possession.
- (d) Any school employee who alleges that another school employee has engaged in egregious misconduct, as defined in paragraph (1) of subdivision (a) of Section 44932, knowing at the time of making the allegation that the allegation was false, shall be subject to certificate revocation, if applicable.