



F3 Law

Expanded Employer Access to Records of Egregious Misconduct: AB 2534 Compliance

Effective January 1, 2025, Assembly Bill (“AB”) 2534 strengthens hiring requirements for public schools, charter schools, county offices of education, and state special schools (collectively, “LEAs”) when reviewing applicants for certificated positions. Under AB 2534, job applicants must provide a full list of their prior LEA employers, and the hiring LEA is required to contact each of the prior employers to determine whether the applicant was the subject of credible complaints, substantiated allegations, or disciplinary action for “egregious misconduct” (covers claims of child abuse or neglect as well as a narrower subset of misconduct involving sexual abuse or controlled substances). Former employers must disclose this information, along with all relevant records.

Below are some tips and best-practices to consider when implementing AB 2534.

Tip 1: When to Report

If a Mandated Report AND a CTC notice was provided, the incident is likely disclosable under AB 2534.

“Egregious misconduct” covers claims of child abuse or neglect as well as a narrower subset of misconduct involving sexual abuse or controlled substances. When trying to determine whether misconduct qualifies as “egregious,” a helpful strategy is to inquire whether staff filed a mandated report resulting from reasonable suspicion of child abuse or neglect. If so, and the conduct was subsequently reported to the CTC, it likely is disclosable under AB 2534.

Note: Even in the absence of a mandated report, AB 2534 may still require disclosure of relevant documents to prospective employers.

Tip 2: Build a Tracking System

LEAs should develop a system to log all incoming and outgoing requests concerning reports of egregious misconduct, including any documentation sent or received to employers.

A reliable tracking system can assist employers with thorough and efficient AB 2534 responses. A tracking system can also help an LEA respond to audits and/or legal challenges related to the implementation of AB 2534.

Tip 3: Use Your Personnel Database

Consider creating a field in your personnel database system that reflects when the District files a report with the California Commission on Teacher Credentialing (“CTC”).

AB 2534 only requires disclosure of alleged egregious misconduct which was reported to the CTC. Flagging CTC reports will help LEAs quickly identify cases that require compliance with AB 2534.

Tip 4: Train Staff

Ensure that Human Resources staff are trained on AB 2534 requirements, including what qualifies as “egregious misconduct,” how to report disclosures, how to archive reports sent out and received, and how to ensure that received AB 2534 reports are timely reviewed.

Tip 5: Redact Disclosures to Protect Confidential Information

Employers should consider whether to redact sensitive information when sharing documents with prospective employers. For example, an LEA may redact witness names and personal details, such as addresses and phone numbers, to safeguard witness identities and privacy.

Tip 6: Avoid Overly Restrictive Confidentiality Agreements

When negotiating separation agreements with certificated employees, confidentiality provisions often limit disclosures to future employers (e.g., name, date of hire, date of separation, etc.). Under AB 2534, confidentiality provisions cannot prohibit the disclosure of credible complaints of, substantiated investigations into, or discipline for, egregious misconduct which was reported to CTC. Employers should take caution when drafting separation agreements to ensure compliance with AB 2534.

THIS IS A GUIDE IS A SUMMARY ONLY AND NOT LEGAL ADVICE. WE RECOMMEND THAT YOU CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW THIS MAY APPLY TO YOUR SPECIFIC FACTS AND CIRCUMSTANCES