

# CLIENT NEWS BRIEF

## The Legislature Further Limits Expungement of Documents Demonstrating Egregious Misconduct from Certificated Employee Files

The Governor recently signed Assembly Bill (AB) 1452, which further limits a school district's treatment of certificated employee records involving "egregious misconduct." Education Code section 44932 prohibits a permanent certificated employee from being dismissed, except for certain enumerated causes including egregious misconduct. "Egregious misconduct" is defined exclusively as immoral conduct that involves certain sex offenses (Ed. Code § 44010), drug offenses (Ed. Code § 44011), and/or conduct that violates the Child Abuse and Neglect Reporting Act (Pen. Code §§ 11165.2 to 11165.6).

Currently, Education Code section 44939.5 prohibits school districts from entering into agreements authorizing the expungement of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct from a school employee's personnel file. AB 1452, which takes effect January 1, 2016, further expands this prohibition by amending Education Code section 44939.5 to prohibit school districts from directly expunging an employee's personnel file to remove credible complaints or investigations of or discipline for egregious misconduct. A school district retains the right to expunge, or to enter into an agreement to expunge, egregious misconduct from the employee's file following a hearing where the employee prevailed, the allegations were determined to be unsubstantiated or the discipline was determined to be unwarranted.

As a reminder, Education Code section 44939.5 requires that if a school district or county office of education has reported an employee to the Commission on Teacher Credentialing based on allegations of egregious misconduct, the district or county office is required to disclose this to any school district, county office or charter school that makes an employment inquiry about the employee.

If you have questions about AB 1452 or its impact on your school district procedures, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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