

## **AB 2534 is Signed; Time to Strengthen Your Certificated Candidate Hiring Process**

*October 25, 2024*

On September 25, 2024, Governor Newsom signed AB 2534, which expands Education Code section 44939.5 by imposing new requirements related to certificated employee hiring. These new requirements are far-reaching and apply to charter schools, school districts, county offices of education, and special day schools. This new law aims to better protect the safety and well-being of students and staff by ensuring greater transparency between former and prospective school employers about applicants for certificated positions.

By way of background, qualifying school employers already had an obligation under section 44939.5 to disclose to a prospective school employer, upon inquiry, whether an applicant had been reported to the CTC for egregious misconduct. Aside from this obligation, employers have the right under Civil Code section 47 to disclose information to a prospective employer regarding a current or former employee's job performance or qualifications, including whether they would be eligible for rehire. Although many employers elect to only provide basic employment verification information if contacted by a prospective employer, section 47 offers protection for communications made without malice and based upon credible evidence.

Effective January 1, 2025, this law will require an applicant for a certificated position at a qualifying school employer to provide a complete list of their previous school employers. Upon receipt of this list, the law mandates that the prospective school employer contact each applicant's former school employers to inquire whether the applicant was the subject of any credible complaints, substantiated investigations, or discipline for egregious misconduct. The law requires that a qualifying school employer respond to these inquiries by indicating whether they made a report regarding the applicant's egregious misconduct to the CTC. In some cases, the law even requires that employer share relevant records and information about their CTC report with the prospective school employer. As a reminder, offenses that constitute egregious misconduct may include, but are not limited to, sex offenses, criminal child abuse and neglect offenses, and controlled substance offenses.

This new law will require school employers to update their job applications for certificated positions and develop a process for contacting an applicant's former employers. YM&C recommends that schools use a standard form to share with the certificated applicant's former school employers to ensure that all information is received and appropriately documented. School employers should act promptly to ensure these processes are in place before the law takes effect in the new year.

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Please do not hesitate to contact us with any questions.

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