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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair  
2017 - 2018 Regular

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**Bill No:** AB 872 **Hearing Date:** June 7, 2017  
**Author:** Chau  
**Version:** February 16, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** School employees: employment: sex offenses

**NOTE:** This bill has been referred to the Committees on Education and Public Safety. A "do pass" motion should include referral to the Committee on Public Safety.

### SUMMARY

This bill updates the list of sex offenses that require the Commission on Teacher Credentialing (CTC) to suspend a person's credential by referencing the list of offenses in the California Penal Code that require registration as a sex offender.

### BACKGROUND

Existing law:

- 1) Defines which sex offenses require immediate suspension and revocation of a teaching credential or denial of a credential application by the CTC.
- 2) Requires the CTC to immediately suspend a credential when the holder has been charged with certain sex or controlled substance offenses and to revoke the credential upon conviction.
- 3) Requires the CTC to revoke a credential when the holder has been convicted of certain sex offenses or controlled substance offenses and prohibits reinstatement of the credential for certain felony offenses.
- 4) Establishes the Committee of Credentials for the purpose of reviewing allegations that may be grounds for the denial, suspension, or revocation of a teaching or services credential issued by the CTC.

### ANALYSIS

This bill updates the existing list of sex offenses that require the CTC to suspend a person's credential by adding references to:

- 1) Penal Code Section 290(c), which lists all of the crimes for which a convicted person must register as a sex offender for the rest of his or her life. By adding this section to the education code, the following sex offenses will result in automatic credential suspension:

- a) Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 288, 288a, or 289: Murder with intent to commit rape or other sexual acts.
  - b) Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289: Kidnapping with intent to commit rape or other sexual acts.
  - c) Section 236.1(b) and (c): Human trafficking for purposes of prostitution or creating child pornography.
  - d) Section 266c: Unlawful sexual contact with consent procured via false or fraudulent representation intended to create fear.
  - e) Section 266h(b): Pimping.
  - f) Section 269: Aggravated sexual assault of a child.
  - g) Section 288.3: Contacts minor with the intent to commit specified offenses.
  - h) Section 288.4: Arrangement of meeting with minor for lewd/lascivious behavior.
  - i) Section 288.7: Sexual acts with child 10 years or younger.
  - j) Section 653f(c): Solicitation of another to commit forcible rape, sodomy, or oral copulation.
- 2) Penal Code Section 288.2, related to sending sexual text messages to minors.

Although the above-listed offenses constitute mandatory denial or revocation of a teaching credential, current law does not allow for persons convicted of these crimes to have their credentials immediately suspended; this bill would provide that authority.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the Commission on Teacher Credentialing (CTC), under current law, not all sex offenses result in an automatic suspension of credentials. This may lead to situations in which a person convicted of a sexual offense can remain in the classroom until the disposition of his or her case. Even if an employer takes action to suspend the employee, without action to suspend his or her credential, the credential holder may be able to move to another employer and continue working in a classroom.

This bill adds penal code sections to the education code so they can be added to the existing list of offenses that require a mandatory suspension by the CTC.

- 2) ***Mandatory offenses and discretionary review.*** Criminal offenses requiring revocation of teaching credentials include specific felonies and misdemeanors, violent or serious felonies, sex offenses, and controlled substance offenses. In

some cases, such as theft crimes, mandatory revocation is limited to felony thefts. In other cases, such as child endangerment, mandatory revocation is required for both misdemeanors and felonies.

Offenses not requiring teaching credential revocation receive a discretionary review by the Commission on Teacher Credentialing, with action taken by the Committee of Credentials (COC) based on the facts and circumstances of the case. If a formal review is made by the COC, the credential holder may appear and present their case. After the formal review, the COC may issue a decision for disciplinary action, with the credential holder having 30 days to accept the discipline or request a hearing with an independent Administrative Law Judge. After the Judge makes a decision, the COC can accept the decision or its own disciplinary action.

**SUPPORT**

Association of California School Administrators  
California State Sheriff's Association  
Commission on Teacher Credentialing (Sponsor)

**OPPOSITION**

None received

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