

California Department of Justice Office of the Attorney General	<i>Legal Alert</i>	
<i>Subject:</i> School District Legal Obligations to Prevent and Respond to Sexual Harassment, Assault, and Abuse	<i>No.</i> OAG 2026-01	<i>Contact for information:</i> BCJ@doj.ca.gov
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TO: All County and District Superintendents, Charter School Administrators, County Offices, School Boards, and Charter School Boards (“School Districts”)

The Office of the California Attorney General issues this legal alert to remind K-12 school districts of their legal obligation under California law to stop, prevent, and remedy school-related sexual harassment, assault, and abuse. This legal alert also discusses school districts’ obligation under recently enacted Senate Bill 848 to develop a comprehensive school safety plan by July 1, 2026 to protect children from child abuse, neglect, or sex offenses.¹

This legal alert serves only as a general public resource by providing a broad overview of the law as of the date of publication. It does not constitute legal advice. School districts should closely review all related laws and regulations with counsel to ensure compliance, as the laws discussed here have numerous requirements.

This legal alert is divided into three parts. Section I explains how to set up a system to prevent and respond to sexual harassment, assault, and abuse (sexual harassment) before an allegation arises. Section II discusses the steps a district must take whenever it receives an allegation of sexual harassment. Section III describes what a district must do after concluding the investigation and the district’s obligation to retain records.

¹ Ed. Code, § 32282, subd. (a)(2)(A)(i).

Creating Systems to Stop, Prevent, and Remedy School-Related Sexual Harassment

Sexual harassment continues to be far too common in schools. In school year 2020-2021, the last year for which data is available, school districts across the country reported 2,700 incidents of sexual assault, 350 incidents of rape or attempted rape, and 17,000 allegations of harassment on the basis of sex.² Between 2019 and 2023, California school districts paid an estimated \$2-\$3 billion to student victims of sexual abuse by employees.³

School districts are required to create a system to stop, prevent, and respond to allegations of sexual harassment. A legally compliant system includes written policies, a tracking system supervised by a designated and trained compliance officer, staff training, employee background checks, and communication to the school district community of its rights and how to report allegations and file complaints.

Written Policies: First, school districts must adopt written policies and procedures for receiving, investigating, and resolving all allegations and complaints of sexual harassment in their educational programs and activities that comply with state law and Title IX of the Education Amendments of 1972 (Title IX) requirements.⁴

By July 1, 2026, school districts must adopt two new written policies to address: 1) the safe use of district facilities to prevent sexual abuse, and 2) professional boundaries.⁵ To remove opportunities for sexual abuse on school property, we recommend that a safe use policy include, for example, ensuring visibility into all classrooms, other than in emergencies, and securing isolated areas after hours.⁶ The professional boundaries policy must include limits on contact between students and adults working and volunteering for the district during or outside of the school day, including via social media and text message.⁷

Compliance Coordinator: Second, under state and federal law, districts must designate and train an administrator to be responsible for the district and its employees' compliance with the Uniform Complaint Procedures (UCP) and Title IX (Compliance Coordinator).⁸ To ensure that all allegations of sexual harassment and professional boundary violations are logged to assess for patterns and properly addressed, the District should create a centralized database, overseen by the Compliance Coordinator. The Compliance Coordinator is responsible for, and must have the authority to oversee logging, investigation, and resolution of complaints, implement supportive measures, and track for trends.⁹

Staff Training: Third, state law requires districts to appropriately train their staff. Districts must train all:

- individuals responsible for tracking, investigating, and supporting students on the law, their duties, how to investigate, and the district's own process;¹⁰
- employees on anti-discrimination and sexual harassment prevention and response requirements, the UCP, and non-retaliation. Employees must be trained when hired, then once every two years;¹¹ and

² U.S. Dept. of Education, [Sexual Violence and Sex-based Harassment or Bullying in U.S. Public Schools During the 2020-21 School Year](#) (November 2023) (as of March 25, 2026).

³ Fiscal Crisis and Management Assistance Team, [Childhood Sexual Assault: Fiscal Implications for California Public Agencies](#) (January 31, 2025) (as of March 25, 2026).

⁴ See Ed. Code, § 33315, subd. (a)(1)(F); Cal. Code Regs., tit. 5, § 4620; 34 C.F.R. § 106.44 (2020).

⁵ Ed. Code, § 32100, subd. (b).

⁶ See Ed. Code, § 32100, subd. (b)(2).

⁷ See Ed. Code, § 32100, subd. (b)(1).

⁸ 34 C.F.R. § 106.8 (2020); see Cal. Code Regs., tit. 5, § 4621, subd. (b).

⁹ See Cal. Code Regs., tit. 5, §§ 4610, et seq., 4621, subd. (b); 34 C.F.R. § 106.8(a), 106.45(b)(1)(iii) (2020); Ed. Code, § 33315.

¹⁰ See Cal. Code Regs., tit. 5, §§ 4610, et seq., 4621, subd. (b); 34 C.F.R. § 106.8(a) (2020), 106.45(b)(1)(iii) (2020); Ed. Code, § 33315.

¹¹ Gov. Code, § 12950.1.

- mandated reporters (which SB 848 expanded beyond school staff to include school volunteers and governing board members) on child abuse reporting and prevention of school-related child sexual abuse. Mandated reporters must be trained annually.¹²

Screening Job Applicants: Fourth, during the hiring process, school districts must run criminal background checks on all employees, contractors, and certain volunteers.¹³ For certificated and, as expanded by SB 848, noncertificated employees, districts must check whether the candidate left a position due to egregious misconduct, which includes a sex offense.¹⁴ SB 848 also prohibits districts from entering into any agreement that prevents mandatory reporting of egregious misconduct; districts also shall not enter into agreements authorizing expungements of egregious misconduct.¹⁵

Public Posting/Websites: Finally, communication, including notification of legal rights, is essential to early detection. School districts are required to post their anti-discrimination and harassment policy at all schools in multiple locations, including the main office, staff lounges, and student government meeting rooms.¹⁶ In all high schools, school districts must post their sexual harassment policy and how to report incidents in each bathroom and locker room.¹⁷

School district websites must include:

- the name and contact information of the Title IX Coordinator;¹⁸
- the definition of discrimination and harassment based on sex, and the rights to fair and equitable treatment;¹⁹
- web links to information about students' rights and the district's responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights;²⁰
- policies and procedures prohibiting discrimination, harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying;²¹
- a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying.²²

¹² Pen. Code, § 11165.7, subds. (a)(1), (a)(2); Ed. Code, § 44691, subd. (c).

¹³ Ed. Code, §§ 45125.1, 44830.1, subd. (a).

¹⁴ Ed. Code, § 44051, subd. (a)(1).

¹⁵ Ed. Code, § 44939.5, subds. (a), (b).

¹⁶ Ed. Code, § 234.1, subds. (a), (e).

¹⁷ Ed. Code, § 231.6.

¹⁸ 34 C.F.R. § 106.8, subds. (a), (b) (2020).

¹⁹ Ed. Code, § 234.6, subd. (b)(3).

²⁰ Ed. Code, §§ 234.6, subd. (b)(4), 221.61, subd. (a).

²¹ Ed. Code, § 234.6, subds. (b)(8)-(10).

²² Ed. Code, § 234.5, subd. (a).

Investigating Complaints and Supporting Students

When a school district learns of an allegation of sexual harassment, it must immediately: (1) notify parents/guardians, with limited exceptions; (2) provide information about grievance procedure options and rights; and (3) provide supportive measures to prevent and address harm while the investigation proceeds. In cases involving sexual assault or abuse of children by an adult, the district must thoroughly investigate to identify all harms and remedy any systemic flaws to ensure that the abuse does not recur.²³

School districts must respond to allegations of sexual harassment, even when the allegations are only received orally and not written down.²⁴ When a school district employee, volunteer, or school board member has a reasonable suspicion of child abuse, which includes sexual abuse,²⁵ that individual is required to report to law enforcement or child welfare agencies by phone immediately, or as soon as practicably possible, and file a written report with specific information within 36 hours.²⁶

However, only reporting sexual abuse to law enforcement or child services is never enough. School districts have a separate duty to take reasonable measures to keep all students safe, including thoroughly investigating and attempting to identify any additional victims, regardless of law enforcement's response.²⁷ Under state law, a school district also has a special duty to protect its students against abuse about which the district knew or reasonably should have known.²⁸

Under federal law, school districts must respond with specific steps (further outlined below) whenever any employee has notice of allegations of sexual harassment.²⁹ To fulfill the districts' duty to address, stop, and remedy sexual harassment, employees and volunteers should promptly report to their Compliance Coordinator. The school district must notify parents or guardians, with limited exceptions, and explain the options for proceeding under the Title IX and/or UCP grievance processes.³⁰ Under federal law, school districts must provide a written notice of allegations if an investigation proceeds.³¹

²³ See 20 U.S.C. § 1681(a); 34 C.F.R. §§ 106.44(a), 106.45 (2020); see also Cal. Code Regs., tit. 5, §§ 4620, 4631, subd. (e).

²⁴ 34 C.F.R. § 106.44(a) (2020) (A district "with actual knowledge of sexual harassment . . . must respond promptly in a manner that is not deliberately indifferent."). Nor does a UCP complaint need to use any particular form. A "complaint" under the UCP must be "written and signed" and must allege "a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying." (Cal. Code Regs., tit. 5, § 4600, subd. (e).) The complainant's signature "may be handwritten, typed (including in an email) or electronically generated." (*Ibid.*) "If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the [school district] shall assist the complainant in the filing of the complaint." (*Ibid.*)

²⁵ Cal. Dept. of Ed., Child Abuse Identification & Reporting Guidelines (November 4, 2024), available at <https://www.cde.ca.gov/ls/ss/ap/childabuserreportingguide.asp> (as of March 25, 2026).

²⁶ Pen. Code, §§ 11165.7, subd. (a), 11165.9, 11166, subd. (a).

²⁷ *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 878-879 (hereafter *C.A.*) (the special relationship between school employees and students imposes on employees "the duty to use reasonable measures to protect students from foreseeable injury at the hands of third parties acting negligently or intentionally"); *A.H. v. Tamalpais Union High School Dist.* (2024) 105 Cal.App.5th 340, 351 (hereafter *A.H.*).

²⁸ *C.A.*, *supra*, 53 Cal.4th at pp. 878-879; *A.H.*, *supra*, 105 Cal.App.5th at p. 351; see also *John R. v. Oakland Unified School Dist.* (1989) 48 Cal.3d 438, 447.

²⁹ 34 C.F.R. § 106.30(a) (2020).

³⁰ See 34 C.F.R. §§ 106.6(g), 106.44(a) (2020) (explanation of formal complaint process).

³¹ 34 C.F.R. § 106.45(b)(2) (2020).

During a pending investigation, districts must offer supportive measures designed to protect student safety and prevent further harm.³² Examples of supportive measures include counseling; increased security; an escort; no contact contracts; leaves of absence; and changes in class schedules or extracurricular activities.³³ If the allegations involve a student with a disability, school districts should consult the student's Section 504 and Individualized Education Program team to design the supports needed.³⁴ While mediation or informal resolution can be used in some situations with appropriate notice and voluntary consent by both parties, school districts are prohibited from informally resolving employee-student sexual harassment allegations.³⁵

With limited exceptions, school districts must promptly and thoroughly investigate all formal complaints of sexual harassment in their programs and activities.³⁶ The investigation must be impartial and include interviews with each party, receipt and review of evidence, and other due process requirements.³⁷

Concluding the Investigation and Record Retention

After concluding its investigation, school districts must: (1) issue a written report to the party(ies) with appeal rights; (2) if the allegations are founded, provide corrective actions, remedies, and/or discipline designed to stop and redress the harm; (3) for cases involving teachers, report to the California Commission on Teacher Credentialing as necessary; and (4) retain all documentation.

The written report, also sometimes known as the notice of determination, must address every factual allegation with a corresponding factual and legal conclusion and include appeal rights.³⁸ School districts must take action to remedy harm to all students (not just the complaining student), impose discipline as needed where allegations are found, correct any systemic faults, and take all needed actions to prevent harm from continuing or recurring.³⁹ This includes preventing retaliation⁴⁰ and disciplining and/or increasing supervision of employees or contractors found to have engaged in misconduct.⁴¹ School districts must also ensure that all corrective actions, discipline, and remedies are implemented.⁴²

Districts must retain records involving sexual harassment complaints, supportive measures, and investigations for at least seven years.⁴³ If during, or as a result of, the investigation the employment status of certificated or non-certificated employees (amended by SB 848) changes, the school district must report the change to the California Commission on Teacher Credentialing within 30 days.⁴⁴

³² 34 C.F.R. § 106.44(a) (2020).

³³ 34 C.F.R. § 106.30 (2020).

³⁴ See Ed. Code, § 56381; Cal. Code Regs., tit. 5, § 4621, subd. (a); 34 C.F.R. §§ 300.17, 104.33.

³⁵ See 34 C.F.R. § 106.45(b)(9)(iii) (2020).

³⁶ See 34 C.F.R. §§ 106.8(c), 106.45(b)(5) (2020); *A.H., supra*, 105 Cal.App.5th at p. 351. A UCP complaint must be resolved within 60 days, unless the district receives written consent from the complainant for an extension. (Cal. Code Regs., tit. 5, § 4631, subd. (e).)

³⁷ Cal. Code Regs., tit. 5, § 4630, subd. (c)(2); 34 C.F.R. § 106.45(b)(1)(iii) (2020).

³⁸ Cal. Code Regs., tit. 5, § 4631, subd. (e); 34 C.F.R. § 106.45(b)(7)(ii) (2020).

³⁹ Ed. Code, § 33315, subd. (a)(6); Cal. Code Reg., tit. 5, § 4631, subd. (e)(3).

⁴⁰ Cal. Code Regs., tit. 5, § 4631, subd. (e)(3); 34 C.F.R. § 106.71 (2020).

⁴¹ See *A.H., supra*, 105 Cal.App.5th at p. 351; 34 C.F.R. § 106.45(b)(1)(i), (b)(1)(vi) (2020); Cal. Code Regs., tit. 5, §§ 4631, 4633.

⁴² Cal. Code Regs., tit. 5, § 4631, subd. (e).

⁴³ 34 C.F.R. § 106.45(b)(10) (2020).

⁴⁴ Ed. Code, §§ 44030.5, subd. (a), 44242.5, 44051.