



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

October 11, 2022

To: Superintendents, Member School Districts (K-12)

From: Damara Moore, Senior Associate General Counsel *DM*

Subject: Local Educational Agencies Soon Must Provide Ethics Training to “Local Agency Officials”
Memo No. 24-2022

On September 13, 2022, Governor Newsom approved Assembly Bill 2158 (“AB 2158”), adding required ethics training, already mandated for some government officials, to the obligations of “local agency officials” of school districts, county offices of education, and charter schools (collectively “local educational agencies” or “LEAs”).¹

Effective Date

This obligation will not go into effect for these agencies and their officials until January 1, 2025. Local agency officials should receive ethics training before January 1, 2026, and at least once every two (2) years thereafter. Excluded are officials whose term of office ends before January 1, 2026.²

Who is Required to Take Ethics Training

As of January 1, 2025, LEAs must provide information on training available to meet ethics training requirements to its “local agency officials” at least once annually.

AB 2158 defined “local agency official” as any of the following:

(1) A member of a local agency legislative body or an elected local agency official who receives any type of compensation, salary, or stipend or

¹ For full bill, see here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2158;

² A local agency official who serves more than one local agency shall satisfy the ethics training requirement once every two years without regard to the number of local agencies with which the official serves. (Cal. Gov. Code § 53235.1.)



reimbursement for actual and necessary expenses incurred in the performance of official duties.

(2) An employee designated by a local agency governing body to receive the training specified under this article.

(3) A member of the governing board of a school district, a county board of education, or the governing body of a charter school, whether or not that member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.³

Therefore, policies should be updated by January 1, 2025, to denote any positions the LEA wishes to designate as required to receive ethics training. Furthermore, note that all board members, regardless of whether they receive any compensation for the office they hold, must receive this training.⁴

Content of Training

The training will need to be relevant to the particular officials' public service as well as cover general ethical principles; last a minimum of two hours; and address the following ethics laws, which include, "but are not limited to," the following:

(1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.

(2) Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

(4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.⁵

Therefore, LEAs should work with their providers of trainings and their Risk Management consultants to ensure all ethics trainings contain the requisite content listed above, with a focus on applying such laws to matters which might arise within an LEA. Furthermore, if an entity develops curricula to satisfy the requirements of AB 2158, then the Fair Political Practices Commission and the Attorney General must be consulted regarding the sufficiency and accuracy of the proposed course content.⁶

³ Cal. Gov. Code § 53524(c).

⁴ *Id.* See also Cal. Gov. Code § 53235(a).

⁵ Cal. Gov. Code § 53234(d); Cal. Gov. Code § 53235(b)

⁶ When reviewing any proposed course content the Fair Political Practices Commission and the Attorney General shall not preclude an entity from also including local ethics policies in the curricula. (Cal. Gov. Code § 53235.)



The trainings may be multi-part (i.e. the two hour training need not be completed in a single two-hour session) and may be satisfied by self-study materials with tests upon the subject matter. Courses may be taken at home, in-person, or online.⁷

Record Keeping

A provider of training courses to meet these requirements must maintain records that include:

- (1) The dates that local officials satisfied the requirements of this article.
- (2) The entity that provided the training.

The LEA must maintain these records for at least five years after local officials receive the training, and they are subject to Public Records Act requests.⁸

We anticipate that our office and most LEAs' Risk Management consultants will develop training materials and curricula that meet these requirements.

This is a state-mandated program and therefore LEAs are eligible for reimbursement.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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⁷ Cal. Gov. Code § 53235(d).

⁸ See Cal. Gov. Code § 6250 *et. seq.*