Dear Assemblymembers,

Pursuant to California Education Code § 241.1, the state’s Department of Education is tasked with monitoring local educational agencies for compliance with anti-harassment policies including “a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying[.]” This process includes the following requirement: “Publicized antidiscrimination, antiharassment, anti-intimidation, and antibullying policies adopted...including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public [emphasis added].” In the spirit of this statute, I am writing to request that the state legislature amend our laws to require local agencies to disclose school personnel files after investigations of sexual harassment complaints are sustained.

On November 23, *Berkeleyside* reported that the Berkeley Unified School District (BUSD) did not release personnel files regarding Matthew Bissell, a teacher at Berkeley High School who was reprimanded for sexually harassing underage students multiple times starting in 2015, until the local news outlet threatened litigation. Although BUSD had investigated complaints for roughly 15 years, and some were eventually sustained, the teacher’s employment was not terminated until late 2021. This did not occur until a disturbing 2003 yearbook photo was rediscovered, in which the teacher is embracing a female student from behind and kissing her hair. Nevertheless, Mr. Bissell’s reputation was well-known among students and alumni, even earning him the nickname “Chester the molester.”

California Government Code § 6254 exempts “personnel, medical, or similar files” from public records disclosure requirements. However, in Bakersfield City School District v. Superior Court, 118 Cal. App. 4th 1041 (2004), the court ruled that “disclosure of a complaint against a public
employee is justified if the complaint is of a substantial nature and there is reasonable cause to believe the complaint or charge of misconduct is well-founded.” In AFSCME v. Regents of the University of California, 80 Cal. App. 3d 913, 918 (1978), the court ruled that “where the charges are found true, or discipline is imposed, the strong public policy against disclosure vanishes...even where the sanction is a private reproval.” These standards are reasonable, particularly since school districts are required to publicize “the manner in which to file a complaint”—naturally, the outcome of a sustained complaint should also be disclosed.

The disclosure of these records should not have been subject to interpretation of judicial precedent and the threat of litigation. Parents, students, and members of our community have a right to know if someone with a record of sustained sexual harassment complaints is employed by a public agency, and if so, how the agency disciplined the employee. I believe that amending the California Public Records Act and any pertinent sections of the California Education Code to reflect this public safety priority is a reasonable response you as policymakers can take to address this situation and ensure that it does not occur again.

Thank you for your time and attention to this important matter.

Kind regards,

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cc: Senator Nancy Skinner