
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1058
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Version: April 20, 2015
Urgency: No
Consultant: Lenin Del Castillo
Hearing Date: June 10, 2015
Fiscal: Yes

Subject: Pupil safety: child abuse prevention: training

SUMMARY

This bill requires the California Department of Education (CDE) to establish guidelines and best practices for child abuse prevention and post on its website links to existing training resources. Additionally, this bill encourages school districts, county offices of education (COEs) and charter schools to participate in child abuse prevention training and provide all school employees with training in child abuse prevention at least every three years.

BACKGROUND

Under the existing Child Abuse and Neglect Reporting Act, all school district teachers and employees are considered to be "mandated reporters," including instructional aides, teacher assistants, classified employees, and employees of a school district police or security department. Mandated reporters are required to report to any law enforcement department knowledge or observations they may have of a child they know or reasonably suspect to have been the subject of child abuse or neglect. The individual report must be made by telephone immediately or as soon as practicable with a written or electronic follow up within 36 hours.

The Child Abuse and Neglect Reporting Act also specifies that employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed, including training in child abuse and neglect identification and training in child abuse and neglect reporting. School districts that do not train their employees in the duties of mandated reporters are required to report to CDE the reasons why this training is not provided.

Additionally, current law requires any mandated reporter, with the exception of child visitation monitors, prior to commencing his or her employment, to sign a statement on a form (provided by the employer) to the effect that he or she has knowledge of the mandated reporting procedures and will comply with those provisions. Further, current law provides that the statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations and confidentiality rights. (Penal Code § 11164 et seq.)

Current law requires school districts and COEs to create comprehensive school safety plans for their schools and requires the school safety plans to include child abuse reporting procedures, as specified. (Education Code § 32282)

Current law also requires the State Office of Child Abuse Prevention to develop and disseminate information to all school districts and district school personnel regarding the detection of child abuse. The information may be disseminated by the use of literature, as deemed suitable by the California Department of Education (CDE). Staff development seminars and any other appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect, shall be developed by the CDE. (Education Code § 44691)

ANALYSIS

This bill:

- 1) Requires the CDE, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, to establish guidelines and best practices for child abuse prevention, and post on its Internet Web site links to existing training resources.
- 2) Encourages school districts, county offices of education, state special schools and diagnostic centers operated by the CDE, and charter schools to participate in child abuse prevention training and provide all school employees with training in child abuse prevention at least once every three years.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, California has taken important measures to ensure that school administrators, staff, and teachers receive appropriate training on child abuse detection and reporting, yet there are no requirements for training on how to prevent the circumstances on campus that might allow the abuse to happen. AB 1432 (Gatto, Chapter 797, Statutes of 2014) made an important step towards reducing child abuse by requiring school districts to ensure teachers and other school employees complete annual training on the identification and reporting requirements when child abuse is suspected. This bill builds upon the pivotal groundwork of AB 1432 by including in state law the requirement that specified training of teachers or other school employees also includes abuse prevention training, i.e., how to avoid situations that could become compromising or improper. The author further states that this bill will help to protect children from predators on campus, and it will help protect teachers and staff from false claims of abuse.
- 2) ***Existing training.*** While it is unclear how wide spread the availability of child abuse prevention materials may be, there are some online training programs currently available. These training materials focus on training teachers on what types of behavior may cross the line in terms of appropriateness and provide examples of behavior that could protect the teacher from false child abuse claims. Examples include not sending personal emails and texts to students, not giving students rides in cars, and not being alone in a classroom with a student without the door open.

The bill encourages schools to provide child abuse prevention training; it would be discretionary and not required. However, schools may already incorporate this training into existing mandated reporter training activities.

3) ***Related and prior legislation.***

AB 1432 (Gatto), Chapter 797, Statutes of 2014, required local education agencies (LEAs) to annually train employees on their duties regarding the mandated reporting of child abuse and neglect, as specified.

AB 135 (Buchanan) from 2014 would have required LEAs to adopt policies and provide employees with regular reminders of their responsibilities as mandated reporters. This measure failed passage in the Senate Appropriations Committee.

AB 1338 (Buchanan) from 2013 would have required the governing board of a school district and county office of education (COE) and the governing body of a charter school, to adopt a policy on the reporting of child abuse and the responsibilities of mandated reporters in accordance with the Child Abuse and Neglect and Reporting Act (CANRA) and review the mandated reporting requirements with all school personnel within the first six weeks of each school year. This measure failed passage in the Assembly Appropriations Committee.

SUPPORT

California Catholic Conference
Child Abuse Prevention Center
Child Abuse Prevention Council of Contra Costa County
Child Abuse Prevention Council of San Joaquin County
Partners in Prevention

OPPOSITION

None received.

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