
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

Bill No: AB 2018
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Consultant: Lenin DelCastillo
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Fiscal: Yes

Subject: Mandated Child Abuse Reporting Employee Training Act of 2016

SUMMARY

This bill establishes the Mandated Child Abuse Reporting Employee Training Act of 2016 for the purpose of providing information, statewide guidance, and training to each employee and administrator of a community college district who is a mandated reporter regarding the detection and reporting of child abuse.

BACKGROUND

Existing law:

- 1) Establishes the Child Abuse and Neglect Reporting Act (CANRA) for the purpose of protecting children from abuse and neglect.
- 2) Provides that under the CANRA, 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. Also defines the following as mandated reporters:
 - a) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis; and
 - b) Any athletic coach, including, but not limited to, an assistant coach or graduate assistant involved in coaching, at public or private postsecondary educational institutions.
- 3) Requires mandated reporters 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.

- 4) 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.

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.)

ANALYSIS

This bill establishes the Mandated Child Abuse Reporting Employee Training Act of 2016 as follows:

- 1) Specifies that the Act is established in order to provide training to each employee and administrator of a community college district (CCD) who is a mandated reporter, as defined, regarding the detection and reporting of child abuse.
- 2) Requires the governing board of each CCD to do both of the following:
 - a) Provide annual training, using the online training module developed by the California Department of Education (CDE), in consultation with the Office of Child Abuse Prevention in the California Department of Social Services, on the detection and reporting of child abuse, or as specified, to employees and administrators of the district who are mandated reporters, as defined and specified. Mandated reporter training shall be provided to employees and administrators of the district hired during the course of the school year. Requires the training to include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as specified, is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of \$1,000, or by both that imprisonment and fine; and,
 - b) Develop a process for all persons required to receive training to provide proof of completing the training within the first six weeks of each academic year or within the first six weeks of that person's employment. Provides that the process may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board of the CCD.
- 3) Specifies that a person employed by more than one CCD or by more than one college in a single CCD, shall only be required to receive the required training one time in each academic year.

- 4) Requires community college districts (CCD) that do not use the online training module to report to the California Department of Education (CDE) and to the California Community Colleges Chancellor's Office the training being used in its place.
- 5) Amends the Child Abuse and Neglect Reporting Act (CANRA) to require that community college districts (CCDs) annually train their employees pursuant to the Mandated Child Abuse Reporting Employee Training Act of 2016, as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** The author's office indicates that "there have been recent changes to the list of mandated reporters, to include faculty and staff that work on postsecondary educational institutions. This impacts the California Community College system because minors are regularly on campus either as a student who is dual-enrolled in K-12 and community college classes or a child who is on campus at a childcare facility while his or her parent attends class." Further, the author argues that "faculty and staff that are mandated reporters have not received training on identifying child abuse or neglect or properly reporting suspected abuse or neglect. The lack of training is a serious problem because a child who is a victim of abuse or neglect may not receive the care he or she needs if an employee who reported the abuse did not adhere to the requirements of the Child Abuse and Neglect Reporting Act. Additionally, an employee who reports an incident of child abuse or neglect may be punished by a fine, jail time, or both, for not strictly adhering to the Child Abuse and Neglect Reporting Act."
- 2) ***Implementation issues for the community colleges.*** Training and notification of reporting requirements to all of the mandated reporters under CANRA of the 113 community colleges varies. According to the California Community Colleges Chancellor's Office, the colleges provide training but it is unclear to what extent. In some cases, the training may be limited to only providing an employee with a copy of the statement regarding his or her duties as a mandated reporter.

As the bill requires the community college districts to provide more uniform and consistent training, it is not clear if the local districts would elect to provide this training to all of their employees or only to those employees they determine to be mandated reporters. The existing CANRA defines a mandated reporter, in part, as an employee of a public or private postsecondary educational institution whose duties bring him or her into contact with children on a "regular basis." The number of minors who are in regular contact with an employee will vary from campus to campus, and one campus may interpret what constitutes "regular" contact differently from another campus. Further, it may be difficult for the employees to distinguish who is a minor and who is not. To help address this issue, at the author's request, **staff recommends** that the bill be amended to require the community college districts to develop a process to identify the students that are minors enrolled in classes and provide that information only to the faculty and or employees who are mandated reporters.

- 3) **Existing training.** While it is unknown how wide spread the availability of child abuse prevention materials there may be for the community colleges to utilize, 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. School districts may already incorporate any of this child abuse prevention training into existing mandated reporter training activities.
- 4) **Related efforts to protect students.** Several pieces of legislation have been introduced in recent years to take extra steps deemed necessary to ensure that children are better protected. Part of the rationale is the notion that school employees are not always aware of their duty to report incidents of child abuse and neglect or are unsure of the proper procedures for making reports. Additionally, recent incidents have highlighted the lack of training of educators in their role as a mandated reporter. In either case, this could lead to incidents of unreported child abuse by school employees.

For example, AB 1432 (Gatto, Chapter 797, Statutes of 2014) required the California Department of Education, in consultation with the California Department of Social Services, to develop and disseminate information to all school districts, county offices of education, and charter schools on child abuse; develop guidelines on mandated reporter responsibilities and reporting requirements; and, develop a means of instructing school personnel.

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill could result in one-time General Fund costs of around \$60,000 for the California Community College (CCC) Chancellor's Office to establish statewide guidelines and information about detecting and reporting child abuse, and significant state reimbursable costs to implement mandated Child Abuse and Neglect Reporting Act (CANRA) training at 72 districts and 113 campuses, including ensuring compliance with the training requirement. Assuming administrative costs of \$3,000 per campus, statewide costs would be \$340,000. To the extent districts choose to utilize an online training module, ongoing training costs should be minimal. Costs could be more substantial in districts choosing to develop their own training module. There could also be costs incurred to compensate 90,000 CCC staff for training time. To the extent districts successfully file mandate claims for staff training time; costs could be in the low millions of dollars.
- 6) **Related legislation.**
- AB 2621 (Gomez) requires a local educational agency (LEA) or an entity providing private school instruction that maintains an employee code of conduct to provide a written copy of that document to the parent or guardian of each enrolled student at the beginning of each school year and also post it on their Web site. This bill is pending on the Senate Floor.

AB 1058 (Baker, Chapter 748, Statutes of 2015) required the California Department of Education (CDE) to establish guidelines and best practices for child abuse prevention and post on its Web site 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.

AB 1432 (Gatto, Chapter 797, Statutes of 2014) required school districts to annually train employees on their duties regarding the mandated reporting when child abuse and neglect is suspected.

AB 135 (Buchanan) from 2014 would have required local educational agencies 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 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 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 School Employees Association
California Teachers Association
National Association of Social Workers – California Chapter

OPPOSITION

None received.

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