

Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Jose Medina, Chair
AB 2018 (Ridley-Thomas) – As Introduced February 16, 2016

SUBJECT: Mandated Child Abuse Reporting Employee Training Act of 2016.

SUMMARY: Establishes the Mandated Child Abuse Reporting Employee Training Act of 2016. Specifically, **this bill:**

- 1) Specifies that the Act is established in order to provide information, statewide guidance, and 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 California Community Colleges (CCC) Board of Governors, in consultation with the Office of Child Abuse Prevention in the California Department of Social Services (CDSS), to do all of the following:
 - a) Develop and disseminate information to each employee and administrator of a CCD who is a mandated reporter, as defined, regarding the detection and reporting of child abuse;
 - b) Provide statewide guidance on the responsibilities of mandated reporters, who are employees and administrators of a CCD, in accordance with the Child Abuse and Neglect Reporting Act (CANRA), as defined. This guidance shall include, but not necessarily be limited to, both of the following:
 - i) Information on the identification of child abuse and neglect; and,
 - ii) Reporting requirements for child abuse and neglect.
 - c) Develop appropriate means of instructing employees and administrators of a CCD who are mandated reporters, as defined, in the detection of child abuse and neglect and the proper action that these employees and administrators should take in suspected cases of child abuse and neglect, including, but not limited to, an online training module to be provided by CDSS.
- 3) Requires the governing board of each CCD to do both of the following:
 - a) Provide annual training, using the online training module provided by the CDSS, 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. This training shall 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. The process developed 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.

- 4) Authorizes CCDs that do not use the CDSS online training module to report to the California Department of Education (CDE) what training is being used in its place.
- 5) Amends CANRA to require that CCDs shall annually train their employees and administrators, as defined, in the duties of mandated reporters under the child abuse reporting laws. Specifies that the training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

EXISTING LAW:

- 1) Establishes CANRA, which generally is intended to protect children from abuse and neglect (Penal Code (PEN) Section 11164).
- 2) Provides that employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties of reporting, and that the training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Specifies that whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with statements informing them that they are mandated reporters and informing them of their duty to report. Defines the following types of people as mandated reporters, among others:
 - 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;
 - 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;
 - c) A person providing services to a minor child;
 - d) A teacher;
 - e) A Head Start program teacher;
 - f) A social worker, probation officer, or parole officer;
 - g) A person who is an administrator of presenter of, or counselor in, a child abuse prevention program in a public or private school;
 - h) A peace officer; and,
 - i) A firefighter, except for volunteer firefighters (PEN Section 11165.7).
- 3) Requires any mandated reporter, with the exception of child visitation monitors, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the mandated reporting procedures and will comply with those provisions;

and, specifies 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 of his or her confidentiality rights (PEN Section 11166.5).

FISCAL EFFECT: Unknown

COMMENTS: *Child Abuse and Neglect Reporting Act (CANRA)*. This Act was passed in 1980; over the years, numerous amendments have expanded the definition of child abuse and the persons required to report. Procedures for reporting have also been clarified. Child abuse and neglect, as defined in CANRA, includes: physical abuse, sexual abuse (including both sexual assault and sexual exploitation), willful cruelty or unjustified punishment, unlawful corporal punishment or injury, and neglect (including both acts and omissions).

Purpose of this measure. According to the author, there have been recent changes to the list of mandated reporters, to include faculty and staff that work on postsecondary educational institutions. The author contends that, "This impacts the California Community College system because minors are regularly on campus either as a student who are 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."

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 author states, "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."

This measure requires the CCC Chancellor to work with the Office of Child Abuse and Prevention to create training modules for community college faculty and staff; requires the governing board of each CCD to provide annual online training to mandated reporters employed by that district that includes a reminder that failure to report suspected child abuse is punishable as a misdemeanor, fine, or both; and, provides employees with information regarding best practices for how to recognize child abuse or neglect on campus, the required reporting procedures, and penalties for not following these procedures.

To note, the University of California and the California State University have systemwide policies and trainings in place for their mandated reporters.

California 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 CCC Chancellor's Office, the colleges provide training, but it is presently unclear the extent of the training. Committee staff understands that in many cases, the training may only be a copy of the statement as required in existing law, that requires an employee mandated to report, that he or she is mandated to report and signing that statement indicating that he or she is aware of his or her duty to report and what his or her role entails in reporting.

California Mandated Reporter Training. Pursuant to AB 1432 (Gatto), Chapter 797, Statutes of 2014, the CDE in consultation with the CDSS was required to, among others, 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.

The Child Abuse Mandated Reporter Training California website team worked with CDSS and CDE in order to develop a new online training for educators. California Mandated Reporter Training is the product of the collaboration and is currently being implemented and utilized. This educators online training module is self-paced and provides an overview of the significant definitions, requirements, and protections of CANRA. At the conclusion of the online training, a final exam is given in which a mandated reporter is tested based on the information that he or she learned during the training.

To note, if the training is given as part of a large group, each individual must take and pass the final test separately. Upon scoring an 80 percent or higher an individual will be able to print his or her certificate and will be emailed a proof of completion of the training.

This measure tasks the governing board of each CCC district to provide annual training, using the online training module provided by CDSS and to develop a process for all persons required to receive training and provide proof of completion of training, within the first six weeks of each academic year or within the first six weeks of that person's employment. Committee staff understands that California Mandated Reporter Training, as described above, will meet the requirements of this measure.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
California Labor Federation
California Professional Firefighters
California School Employees Association (sponsor)
National Association of Social Workers, California Chapter

Opposition

None on file.

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