

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1153 (Wicks) – As Amended March 28, 2019

SUBJECT: Mandated Child Abuse Reporting Employee Training Act of 2020.

SUMMARY: Establishes the Mandated Child Abuse Reporting Employee Training Act of 2020 in order to provide training to each employee and administrator of a California Community College (CCC) district who is a mandated reporter. Specifically, **this bill:**

- 1) Requires the governing board of each CCC district to do all 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 (CDSS), on the detection and reporting of child abuse to employees and administrators of the district who are mandated reporters. Mandated reporter training shall be provided to employees and administrators of the district hired during the course of the school year. Employees and administrators of the district shall be provided with opportunities to attend the training during their normal work hours. The training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect, is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of \$1,000, or by both imprisonment and fine;
 - 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 shall 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 CCC district. A person employed by more than one CCC district or by more than one college in a single CCC district shall be required to receive the training required pursuant to this section only one time in each academic year; and,
 - c) Develop a process to identify the students who are minors enrolled in classes at the CCC district and provide that information only to faculty members and other employees who are mandated reporters. The CCC district shall provide the information to the employees based upon any records that the CCC district maintains in its ordinary course of business regarding an enrolled minor student. Any information received by an employee pursuant to this paragraph shall be kept confidential and shall not be further disseminated by the employee.
- 2) Requires that CCC districts must annually provide the training to all eligible employees and administrators.
- 3) Requires that the training include, but not necessarily be limited to:
 - a) Training in child abuse and neglect identification; and,

- b) Child abuse and neglect reporting.
- 4) Authorizes CCC districts to provide the training by means other than the online training module developed by the CDE, but requires the CCC districts report to CDE and the CCC Chancellor's Office (CCCCO) the training being used in lieu of the CDE module.
- 5) Requires CCC districts to pay the costs of training.

EXISTING LAW:

- 1) Authorizes the governing board of a school district, upon recommendation of the principal of a pupil's school of attendance, and with parental consent, to authorize a student who would benefit from advanced scholastic or vocational work to attend a community college as a special part-time or full-time student. Prohibits a principal from recommending, for community college summer session attendance, more than 5% of the total number of pupils in the same grade level and exempted from the 5% cap a pupil recommended by the pupil's principal for enrollment in a college-level summer session course if the course in which the pupil is enrolled meets specified criteria. Exempts, until January 1, 2020, pupils who meet the requirements and are a part of the College and Career Access Pathways program from the 5% cap (Education Code (EC) Section 48800, et seq.).
- 2) Establishes Child Abuse and Neglect Reporting Act (CANRA), which generally is intended to protect children from abuse and neglect (Penal Code (PEN) Section 11164).
- 3) Requires any mandated reporter, with the exception of child visitation monitors, prior to commencing the reporter's employment, and as a prerequisite to that employment, to 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).
- 4) 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).

FISCAL EFFECT: Unknown

COMMENTS: *Child Abuse and Neglect Reporting Act (CANRA)*. Though passed in 1980, over the years, numerous amendments to CANRA 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).

Dual enrollment. Programs that fall under dual enrollment (also known as concurrent enrollment) allow high school pupils to take college courses and earn college credits while still attending high school.

A majority of high school pupils who participate in dual enrollment programs attend CCCs.

Purpose of this measure. According to the author, CCCs have experienced an increase of minors on campuses due to the recent expansion of dual enrollment. The author contends that CANRA specifies all entities that are mandated reporters and notes that, “training is already in place for school employees in the K-12 setting; however, employees in the community college level, who may have contact with minors, have been overlooked in being provided training”.

This measure ensures that all employees and administrators of CCC districts, who are deemed mandated reporters, undergo mandated reporters training.

California Community Colleges. Training and notification of reporting requirements to all of the mandated reporters under CANRA of the 115 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 providing a copy of the statement as required in existing law, notifying employees of their mandate to report status and requiring them to sign the statement indicating that they are aware of their duty to report and what their role entails in reporting.

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

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

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 was provided 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 a certificate and will be emailed a proof of completion of the training.

Committee comments. As currently drafted, this measure authorizes CCC districts who choose to use a training module different from the CDE module, to report to CDE and the CCCCCO the training being used in lieu of the CDE module. However, the measure is silent as to if CDE and the CCCCCO must approve the CCC districts' selected or preferred training module.

Moving forward, the author may wish to clarify whether or not CDE and the CCCCCO must approve the training modules that CCC districts opt to use instead of the CDE training module.

Prior legislation. AB 2018 (Ridley-Thomas) of 2016, which was held on the Senate Appropriations Suspense File, would, in part, establish 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.

AB 1432 (Gatto), Chapter 797, Statutes of 2014, as described in the "California mandated reporter training" section of this analysis.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers (Sponsor)
California School Employees Association
County Welfare Directors Association of California

Opposition

None on file.

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