

AMENDED IN SENATE JUNE 10, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1207

Introduced by Assembly Member Lopez

February 27, 2015

An act to amend Section 1596.866 of, and to add Section ~~1569.8662~~ 1596.8662 to, the Health and Safety Code, and to amend Section 11165.7 of the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, as amended, Lopez. Mandated child abuse reporting: child day care ~~licensees:~~ *personnel*: training.

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates child day care facilities, as defined. The act requires that, as a condition of licensure and in addition to any other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care, have at least 15 hours of health and safety training, covering specified components, including preventative health practices courses, that may include identification and reporting of signs and symptoms of child abuse. A *willful or repeated* violation of the act is a ~~misdemeanor~~. *misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment in county jail for a period not to exceed 180 days, or by both the fine and imprisonment, and a serious violation of the act is subject to daily civil penalties, as specified.*

The Child Abuse and Neglect Reporting Act requires a mandated reporter, including a licensee, an administrator, or an employee of a licensed child day care facility, to report whenever he or she, in his or her professional capacity, has knowledge of or observed a child whom

the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill ~~would~~ *would, beginning January 1, 2017, require the department to develop and disseminate information to those persons providers, administrators, and employees of licensed child day care facilities regarding detecting and reporting child abuse, and to provide statewide guidance instruction on the responsibilities of those persons as mandated reporters, as provided. The bill would require those persons, as a condition of licensure, to complete training pertaining to these matters, as provided. By creating a new crime, this bill would impose a state-mandated local program. Under the bill, a violation of its provisions would not be a misdemeanor or subject to civil fines as a serious violation under the California Child Day Care Facilities Act. Instead, the bill would authorize the department to revoke a facility's license if the facility fails to correct a violation of the bill's provisions within 90 days of receipt of a notice of deficiency from the department, as provided. The bill would make conforming changes.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.866 of the Health and Safety Code
- 2 is amended to read:
- 3 1596.866. (a) (1) In addition to other required training, at
- 4 least one director or teacher at each day care center, and each
- 5 family day care home licensee who provides care, shall have at
- 6 least 15 hours of health and safety training, and if applicable, at
- 7 least one additional hour of training pursuant to clause (ii) of
- 8 subparagraph (C) of paragraph (2).
- 9 (2) The training shall include the following components:
- 10 (A) Pediatric first aid.
- 11 (B) Pediatric cardiopulmonary resuscitation (CPR).
- 12 (C) (i) A preventive health practices course or courses that
- 13 include instruction in the recognition, management, and prevention

1 of infectious diseases, including immunizations, and prevention
2 of childhood injuries.

3 (ii) For licenses issued on or after January 1, 2016, at least one
4 director or teacher at each day care center, and each family day
5 care home licensee who provides care, shall have at least one hour
6 of childhood nutrition training as part of the preventive health
7 practices course or courses.

8 (3) The training may include instruction in sanitary food
9 handling, emergency preparedness and evacuation, and caring for
10 children with special needs.

11 (b) Day care center directors and licensees of family day care
12 homes shall ensure that at least one staff member who has a current
13 course completion card in pediatric first aid and pediatric CPR
14 issued by the American Red Cross, the American Heart
15 Association, or by a training program that has been approved by
16 the Emergency Medical Services Authority pursuant to this section
17 and Section 1797.191 shall be onsite at all times when children
18 are present at the facility, and shall be present with the children
19 when children are offsite from the facility for facility activities.
20 Nothing in this subdivision shall be construed to require, in the
21 event of an emergency, additional staff members, who are onsite
22 when children are present at the facility, to have a current course
23 completion card in pediatric first aid and pediatric CPR.

24 (c) (1) The completion of health and safety training by all
25 personnel and licensees described in subdivision (a) shall be a
26 condition of licensure.

27 (2) Training in pediatric first aid and pediatric CPR by persons
28 described in subdivisions (a) and (b) shall be current at all times.
29 Training in preventive health practices as described in subparagraph
30 (C) of paragraph (2) of subdivision (a) is a one-time only
31 requirement for persons described in subdivision (a).

32 (3) The department shall issue a provisional license for otherwise
33 qualified applicants who are not in compliance with this section.
34 This provisional license shall expire 90 days after the date of
35 issuance and shall not be extended.

36 (4) A notice of deficiency shall be issued by the department at
37 the time of a site visit to any licensee who is not in compliance
38 with this section. The licensee shall, at the time the notice is issued,
39 develop a plan of correction to correct the deficiency within 90
40 days of receiving the notice. The facility's license may be revoked

1 if it fails to correct the deficiency within the 90-day period. Section
2 1596.890 shall not apply to this paragraph.

3 (d) Completion of the training required pursuant to subdivisions
4 (a) and (b) shall be demonstrated, upon request of the licensing
5 agency, by the following:

6 (1) Current pediatric first aid and pediatric CPR course
7 completion cards issued by the American Red Cross, the American
8 Heart Association, or by a training program approved by the
9 Emergency Medical Services Authority pursuant to Section
10 1797.191.

11 (2) (A) A course completion card for a preventive health
12 practices course or courses as described in subparagraph (C) of
13 paragraph (2) of subdivision (a) issued by a training program
14 approved by the Emergency Medical Services Authority pursuant
15 to Section 1797.191.

16 (B) Persons who, prior to the date on which the amendments to
17 this section enacted in 1998 become operative, have completed a
18 course or courses in preventive health practices as described in
19 clause (i) of subparagraph (C) of paragraph (2) of subdivision (a),
20 and have a certificate of completion of a course or courses in
21 preventive health practices, or certified copies of transcripts that
22 identify the number of hours and the specific course or courses
23 taken for training in preventive health practices, shall be deemed
24 to have met the training in preventive health practices.

25 (3) In addition to training programs specified in paragraphs (1)
26 and (2), training programs or courses in pediatric first aid, pediatric
27 CPR, and preventive health practices offered or approved by an
28 accredited college or university are considered to be approved
29 sources of training that may be used to satisfy the training
30 requirements of paragraph (2) of subdivision (a). Completion of
31 this training shall be demonstrated to the licensing agency by a
32 certificate of course completion, course completion cards, or
33 certified copies of transcripts that identify the number of hours
34 and the specified course or courses taken for the training as defined
35 in paragraph (2) of subdivision (a).

36 (e) The training required under subdivision (a) shall not be
37 provided by a home study course. This training may be provided
38 through in-service training, workshops, or classes.

39 (f) All personnel and licensees described in subdivisions (a) and
40 (b) shall maintain current course completion cards for pediatric

1 first aid and pediatric CPR issued by the American Red Cross, the
2 American Heart Association, or by a training program approved
3 by the Emergency Medical Services Authority pursuant to Section
4 1797.191, or shall have current certification in pediatric first aid
5 and pediatric CPR from an accredited college or university in
6 accordance with paragraph (3) of subdivision (d).

7 (g) The department shall have the authority to grant exceptions
8 to the requirements imposed by this section in order to meet the
9 requirements of the Americans with Disabilities Act of 1990 (42
10 U.S.C. Sec. 12101 et seq.).

11 (h) The department shall adopt regulations to implement this
12 section.

13 ~~SEC. 2. Section 1569.8662 is added to the Health and Safety~~
14 ~~Code, to read:~~

15 ~~1569.8662. (a) The Office of Child Abuse Prevention within~~
16 ~~the department in consultation with the Community Care Licensing~~
17 ~~Division in the department, shall do all of the following:~~

18 ~~(1) Develop and disseminate information to all licensees,~~
19 ~~administrators, and employees of licensed child day care facilities~~
20 ~~regarding detecting and reporting child abuse.~~

21 ~~(2) Provide statewide guidance on the responsibilities of a~~
22 ~~mandated reporter who is a licensee, administrator, or employee~~
23 ~~of a licensed child day care facility in accordance with the Child~~
24 ~~Abuse and Neglect Reporting Act (Article 2.5 (commencing with~~
25 ~~Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code).~~
26 ~~This guidance shall include, but is not necessarily limited to, both~~
27 ~~of the following:~~

28 ~~(A) Information on the identification of child abuse and neglect.~~

29 ~~(B) Reporting requirements for child abuse and neglect.~~

30 ~~(3) Develop appropriate means of instructing child care~~
31 ~~licensees, administrators, and employees of licensed child day care~~
32 ~~facilities in detecting child abuse and neglect and the proper action~~
33 ~~that a child care licensee, administrator, or employee of a licensed~~
34 ~~child day care facility is required to take in a suspected case of~~
35 ~~child abuse and neglect, including, but not limited to, using the~~
36 ~~free online Mandated Reporter “General Training Module” and~~
37 ~~“Child Care Professionals Training Module” provided by the Office~~
38 ~~of Child Abuse Prevention.~~

39 ~~(b) A child care licensee shall do both of the following:~~

1 ~~(1) (A) Complete training as specified in this subparagraph,~~
2 ~~using the online training module provided by the Office of Child~~
3 ~~Abuse Prevention and provide the training to their administrators,~~
4 ~~employees, and persons working on their behalf who are mandated~~
5 ~~reporters, as defined in Section 11165.7 of the Penal Code, pursuant~~
6 ~~to this section and subdivision (c) of Section 11165.7 of the Penal~~
7 ~~Code on the mandated reporting requirements. Completing~~
8 ~~mandated reporter training is a condition of licensure, and child~~
9 ~~care administrators and employees of licensed child day care~~
10 ~~facilities shall take mandated reporter training during the first six~~
11 ~~weeks of employment. This training shall include information that~~
12 ~~failure to report an incident of known or reasonably suspected~~
13 ~~child abuse or neglect, as required by Section 11166 of the Penal~~
14 ~~Code, is a misdemeanor punishable by up to six months~~
15 ~~confinement in a county jail, or by a fine of one thousand dollars~~
16 ~~(\$1,000), or by both that imprisonment and fine.~~

17 ~~(B) A child care licensee, administrator, or employee of a~~
18 ~~licensed child care facility shall take this training as frequently as~~
19 ~~prescribed by regulations adopted by the department to implement~~
20 ~~this section.~~

21 ~~(2) Develop a process for all persons required to receive training~~
22 ~~pursuant to this section to obtain proof of completing the training~~
23 ~~as a condition of licensure, or within the first six weeks of that~~
24 ~~person's employment. The process may include, but is not~~
25 ~~necessarily limited to, a child care licensee applicant obtaining a~~
26 ~~current certificate of completion and submitting the certificate to~~
27 ~~the department prior to acquiring a child care license. A child care~~
28 ~~administrator or employee of licensed child day care facility shall~~
29 ~~submit a current certificate of completion to the child care director~~
30 ~~or child care licensee within six weeks of employment. A current~~
31 ~~certificate of completion for each child care licensee, administrator,~~
32 ~~and employee of a licensed child day care facility, shall be~~
33 ~~submitted to the department upon inspection of the child care~~
34 ~~facility, when proof of other required training is submitted to the~~
35 ~~department, or upon request by the department.~~

36 ~~(3) The department shall issue a notice of deficiency at the time~~
37 ~~of a site visit to a licensee who is not in compliance with this~~
38 ~~section. The licensee shall, at the time the notice is issued, develop~~
39 ~~a plan of correction to correct the deficiency within 90 days of~~
40 ~~receiving the notice. The department may revoke the facility's~~

1 license if the facility fails to correct the deficiency within the
2 90-day period. Section 1596.890 does not apply to a deficiency
3 described in this paragraph.

4 (e) A child care licensee, administrator, or employee of a
5 licensed child day care facility who does not use the online training
6 module provided by the department shall report to, and obtain
7 approval from, the department regarding the training that person
8 shall use in lieu of the online training module.

9 (d) The department shall adopt regulations to implement this
10 section, including, but not limited to, defining “current certificate
11 of completion” and prescribing how frequently a licensee is
12 required to take the training.

13 SEC. 2. Section 1596.8662 is added to the Health and Safety
14 Code, to read:

15 1596.8662. (a) The Office of Child Abuse Prevention and the
16 Community Care Licensing Division within the department, in
17 consultation, shall do all of the following:

18 (1) Develop and disseminate information to all providers,
19 administrators, and employees of licensed child day care facilities
20 regarding detecting and reporting child abuse and neglect.

21 (2) Provide statewide instruction on the responsibilities of a
22 mandated reporter who is a provider, administrator, or employee
23 of a licensed child day care facility in accordance with the Child
24 Abuse and Neglect Reporting Act (Article 2.5 (commencing with
25 Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code).
26 The Office of Child Abuse Prevention shall provide the instruction
27 using its free online General Training Module and Child Care
28 Professionals Training Module of the Child Abuse Mandated
29 Reporter Training-California project provided on the State
30 Department of Social Services Internet Web site or as otherwise
31 specified by the department. This instruction content shall include,
32 but is not necessarily limited to, all of the following:

33 (A) Information on the identification of child abuse and neglect,
34 including behavioral signs or abuse and neglect.

35 (B) When to call for emergency medical attention to prevent
36 further injury or death.

37 (C) Reporting requirements for child abuse and neglect,
38 including guidelines on how to make a suspected child abuse report
39 when suspected abuse or neglect takes place outside a child day

1 care facility, or within a child day care facility, and to which
2 enforcement agency or agencies a report is required to be made.

3 (D) Information that failure to report an incident of known or
4 reasonably suspected child abuse or neglect, as required by Section
5 11166 of the Penal Code, is a misdemeanor punishable by up to
6 six months confinement in a county jail, or by a fine of one
7 thousand dollars (\$1,000), or by both that imprisonment and fine.

8 (E) Information on protective factors that may help prevent
9 abuse, including dangers of shaking a child, safe sleep practices,
10 psychological effects of repeated exposure to domestic violence,
11 safe and age-appropriate forms of discipline, how to promote a
12 child's social and emotional health, and how to support positive
13 parent-child relationships.

14 (F) Information on recognizing risk factors that may lead to
15 abuse, such as stress and social isolation, and available resources
16 to which a family may be referred to help prevent child abuse and
17 neglect.

18 (G) Information on childhood stages of development in order
19 to help distinguish whether a child's behavior or physical
20 symptoms are within range for his or her age and ability, or are
21 signs of abuse or neglect.

22 (H) Best practices on how a provider, administrator, or
23 employee of a licensed child day care facility might communicate
24 with a family before and after making a suspected child abuse
25 report.

26 (3) Translate information and instruction materials described
27 in this subdivision into non-English languages spoken by a
28 substantial number of child care providers, administrators, and
29 employees of licensed child day care facilities subject to and
30 defined by the Dymally-Alatorre Bilingual Services Act of 1973
31 (Chapter 17.5 (commencing with Section 7290) of the Government
32 Code).

33 (b) (1) On or before March 30, 2017, a person who, on January
34 1, 2017, is a provider, administrator, or employee of a licensed
35 child day care facility shall complete mandated reporter training
36 pursuant to this subdivision, and shall complete renewal mandated
37 reporter training every three years following the date on which
38 he or she completed the initial mandated reporter training.

39 (2) On and after January 1, 2017, a person who applies for a
40 license to be a provider of a child day care facility shall complete

1 *mandatory reporter training pursuant to this subdivision as a*
2 *precondition to licensure and shall complete renewal mandatory*
3 *reporter training every three years following the date on which*
4 *he or she completed the initial mandatory reporter training.*

5 *(3) On and after January 1, 2017, a person who becomes an*
6 *administrator or employee of a licensed child day care facility*
7 *shall complete mandatory reporter training pursuant to this*
8 *subdivision within the first 90 days that he or she is employed at*
9 *the facility and shall complete renewal mandatory reporter training*
10 *every three years following the date on which he or she completed*
11 *the initial mandatory reporter training.*

12 *(4) A provider of a licensed child day care facility shall obtain*
13 *proof from an administrator or employee of the facility that the*
14 *person has completed mandatory reporter training in compliance*
15 *with this subdivision.*

16 *(5) Training pursuant to this subdivision shall include*
17 *information that failure to report an incident of known or*
18 *reasonably suspected child abuse or neglect, as required by Section*
19 *11166 of the Penal Code, is a misdemeanor punishable by up to*
20 *six months confinement in a county jail, or by a fine of one*
21 *thousand dollars (\$1,000), or by both that imprisonment and fine.*

22 *(6) (A) A person taking training pursuant to this subdivision*
23 *shall complete the training using the online training module*
24 *provided by the Office of Child Abuse Prevention.*

25 *(B) A provider, administrator, or employee of a licensed child*
26 *day care facility who does not use the online training module*
27 *provided by the department shall report to, and obtain approval*
28 *from, the department regarding the training that person shall use*
29 *in lieu of the online training module.*

30 *(c) Current proof of completion for each child care provider,*
31 *administrator, and employee of a licensed child day care facility,*
32 *shall be submitted to the department upon inspection of the child*
33 *day care facility, when proof of other required training is submitted*
34 *to the department, or upon request by the department.*

35 *(d) (1) (A) The department shall issue a notice of deficiency*
36 *at the time of a site visit to a provider of a licensed child day care*
37 *facility who is not in compliance with this section. The provider*
38 *shall, at the time the notice is issued, develop a plan of correction*
39 *to correct the deficiency within 90 days of receiving the notice.*

1 *The department may revoke the facility’s license if the facility fails*
2 *to correct the deficiency within the 90-day period.*

3 *(B) A deficiency under this subdivision is not subject to Section*
4 *1596.890 and is not a serious violation for purposes of subdivision*
5 *(c) of Section 1596.99 or subdivision (c) of Section 1597.58.*

6 *(e) A provider, administrator, or employee of a licensed child*
7 *care facility is exempt from the detecting and reporting child abuse*
8 *training if he or she has limited English proficiency and training*
9 *is not made available in his or her primary language.*

10 *(f) The department shall adopt regulations to implement this*
11 *section.*

12 *(g) This section shall become operative on January 1, 2017.*

13 SEC. 3. Section 11165.7 of the Penal Code is amended to read:
14 11165.7. (a) As used in this article, “mandated reporter” is
15 defined as any of the following:

16 (1) A teacher.

17 (2) An instructional aide.

18 (3) A teacher’s aide or teacher’s assistant employed by a public
19 or private school.

20 (4) A classified employee of a public school.

21 (5) An administrative officer or supervisor of child welfare and
22 attendance, or a certificated pupil personnel employee of a public
23 or private school.

24 (6) An administrator of a public or private day camp.

25 (7) An administrator or employee of a public or private youth
26 center, youth recreation program, or youth organization.

27 (8) An administrator or employee of a public or private
28 organization whose duties require direct contact and supervision
29 of children.

30 (9) An employee of a county office of education or the State
31 Department of Education whose duties bring the employee into
32 contact with children on a regular basis.

33 (10) A licensee, an administrator, or an employee of a licensed
34 community care or child day care facility.

35 (11) A Head Start program teacher.

36 (12) A licensing worker or licensing evaluator employed by a
37 licensing agency, as defined in Section 11165.11.

38 (13) A public assistance worker.

- 1 (14) An employee of a child care institution, including, but not
2 limited to, foster parents, group home personnel, and personnel of
3 residential care facilities.
- 4 (15) A social worker, probation officer, or parole officer.
- 5 (16) An employee of a school district police or security
6 department.
- 7 (17) A person who is an administrator or presenter of, or a
8 counselor in, a child abuse prevention program in a public or
9 private school.
- 10 (18) A district attorney investigator, inspector, or local child
11 support agency caseworker, unless the investigator, inspector, or
12 caseworker is working with an attorney appointed pursuant to
13 Section 317 of the Welfare and Institutions Code to represent a
14 minor.
- 15 (19) A peace officer, as defined in Chapter 4.5 (commencing
16 with Section 830) of Title 3 of Part 2, who is not otherwise
17 described in this section.
- 18 (20) A firefighter, except for volunteer firefighters.
- 19 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
20 resident, intern, podiatrist, chiropractor, licensed nurse, dental
21 hygienist, optometrist, marriage and family therapist, clinical social
22 worker, professional clinical counselor, or any other person who
23 is currently licensed under Division 2 (commencing with Section
24 500) of the Business and Professions Code.
- 25 (22) An emergency medical technician I or II, paramedic, or
26 other person certified pursuant to Division 2.5 (commencing with
27 Section 1797) of the Health and Safety Code.
- 28 (23) A psychological assistant registered pursuant to Section
29 2913 of the Business and Professions Code.
- 30 (24) A marriage and family therapist trainee, as defined in
31 subdivision (c) of Section 4980.03 of the Business and Professions
32 Code.
- 33 (25) An unlicensed marriage and family therapist intern
34 registered under Section 4980.44 of the Business and Professions
35 Code.
- 36 (26) A state or county public health employee who treats a minor
37 for venereal disease or any other condition.
- 38 (27) A coroner.
- 39 (28) A medical examiner or other person who performs
40 autopsies.

1 (29) A commercial film and photographic print or image
2 processor as specified in subdivision (e) of Section 11166. As used
3 in this article, “commercial film and photographic print or image
4 processor” means a person who develops exposed photographic
5 film into negatives, slides, or prints, or who makes prints from
6 negatives or slides, or who prepares, publishes, produces, develops,
7 duplicates, or prints any representation of information, data, or an
8 image, including, but not limited to, any film, filmstrip, photograph,
9 negative, slide, photocopy, videotape, video laser disc, computer
10 hardware, computer software, computer floppy disk, data storage
11 medium, CD-ROM, computer-generated equipment, or
12 computer-generated image, for compensation. The term includes
13 any employee of that person; it does not include a person who
14 develops film or makes prints or images for a public agency.

15 (30) A child visitation monitor. As used in this article, “child
16 visitation monitor” means a person who, for financial
17 compensation, acts as a monitor of a visit between a child and
18 another person when the monitoring of that visit has been ordered
19 by a court of law.

20 (31) An animal control officer or humane society officer. For
21 the purposes of this article, the following terms have the following
22 meanings:

23 (A) “Animal control officer” means a person employed by a
24 city, county, or city and county for the purpose of enforcing animal
25 control laws or regulations.

26 (B) “Humane society officer” means a person appointed or
27 employed by a public or private entity as a humane officer who is
28 qualified pursuant to Section 14502 or 14503 of the Corporations
29 Code.

30 (32) A clergy member, as specified in subdivision (d) of Section
31 11166. As used in this article, “clergy member” means a priest,
32 minister, rabbi, religious practitioner, or similar functionary of a
33 church, temple, or recognized denomination or organization.

34 (33) Any custodian of records of a clergy member, as specified
35 in this section and subdivision (d) of Section 11166.

36 (34) An employee of any police department, county sheriff’s
37 department, county probation department, or county welfare
38 department.

1 (35) An employee or volunteer of a Court Appointed Special
2 Advocate program, as defined in Rule 5.655 of the California Rules
3 of Court.

4 (36) A custodial officer, as defined in Section 831.5.

5 (37) A person providing services to a minor child under Section
6 12300 or 12300.1 of the Welfare and Institutions Code.

7 (38) An alcohol and drug counselor. As used in this article, an
8 “alcohol and drug counselor” is a person providing counseling,
9 therapy, or other clinical services for a state licensed or certified
10 drug, alcohol, or drug and alcohol treatment program. However,
11 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
12 and of itself, a sufficient basis for reporting child abuse or neglect.

13 (39) A clinical counselor trainee, as defined in subdivision (g)
14 of Section 4999.12 of the Business and Professions Code.

15 (40) A clinical counselor intern registered under Section 4999.42
16 of the Business and Professions Code.

17 (41) An employee or administrator of a public or private
18 postsecondary educational institution, whose duties bring the
19 administrator or employee into contact with children on a regular
20 basis, or who supervises those whose duties bring the administrator
21 or employee into contact with children on a regular basis, as to
22 child abuse or neglect occurring on that institution’s premises or
23 at an official activity of, or program conducted by, the institution.
24 Nothing in this paragraph shall be construed as altering the
25 lawyer-client privilege as set forth in Article 3 (commencing with
26 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

27 (42) An athletic coach, athletic administrator, or athletic director
28 employed by any public or private school that provides any
29 combination of instruction for kindergarten, or grades 1 to 12,
30 inclusive.

31 (43) (A) A commercial computer technician as specified in
32 subdivision (e) of Section 11166. As used in this article,
33 “commercial computer technician” means a person who works for
34 a company that is in the business of repairing, installing, or
35 otherwise servicing a computer or computer component, including,
36 but not limited to, a computer part, device, memory storage or
37 recording mechanism, auxiliary storage recording or memory
38 capacity, or any other material relating to the operation and
39 maintenance of a computer or computer network system, for a fee.
40 An employer who provides an electronic communications service

1 or a remote computing service to the public shall be deemed to
2 comply with this article if that employer complies with Section
3 2258A of Title 18 of the United States Code.

4 (B) An employer of a commercial computer technician may
5 implement internal procedures for facilitating reporting consistent
6 with this article. These procedures may direct employees who are
7 mandated reporters under this paragraph to report materials
8 described in subdivision (e) of Section 11166 to an employee who
9 is designated by the employer to receive the reports. An employee
10 who is designated to receive reports under this subparagraph shall
11 be a commercial computer technician for purposes of this article.
12 A commercial computer technician who makes a report to the
13 designated employee pursuant to this subparagraph shall be deemed
14 to have complied with the requirements of this article and shall be
15 subject to the protections afforded to mandated reporters, including,
16 but not limited to, those protections afforded by Section 11172.

17 (44) Any athletic coach, including, but not limited to, an
18 assistant coach or a graduate assistant involved in coaching, at
19 public or private postsecondary educational institutions.

20 (b) Except as provided in paragraph (35) of subdivision (a),
21 volunteers of public or private organizations whose duties require
22 direct contact with and supervision of children are not mandated
23 reporters but are encouraged to obtain training in the identification
24 and reporting of child abuse and neglect and are further encouraged
25 to report known or suspected instances of child abuse or neglect
26 to an agency specified in Section 11165.9.

27 (c) Except as provided in subdivision (d), employers are strongly
28 encouraged to provide their employees who are mandated reporters
29 with training in the duties imposed by this article. This training
30 shall include training in child abuse and neglect identification and
31 training in child abuse and neglect reporting. Whether or not
32 employers provide their employees with training in child abuse
33 and neglect identification and reporting, the employers shall
34 provide their employees who are mandated reporters with the
35 statement required pursuant to subdivision (a) of Section 11166.5.

36 (d) Pursuant to Section 44691 of the Education Code, school
37 districts, county offices of education, state special schools and
38 diagnostic centers operated by the State Department of Education,
39 and charter schools shall annually train their employees and persons
40 working on their behalf specified in subdivision (a) in the duties

1 of mandated reporters under the child abuse reporting laws. The
2 training shall include, but not necessarily be limited to, training in
3 child abuse and neglect identification and child abuse and neglect
4 reporting.

5 (e) (1) Pursuant to Section 1596.8662 of the Health and Safety
6 Code, a child care licensee applicant shall take training in the duties
7 of mandated reporters under the child abuse reporting laws as a
8 condition of licensure, and a child care administrator or an
9 employee of a licensed child day care facility shall take training
10 in the duties of mandated reporters during the first six weeks when
11 he or she is employed by the facility.

12 (2) A person specified in paragraph (1) shall take the training
13 regularly, as defined by the regulations adopted pursuant to Section
14 1596.8662 of the Health and Safety Code. The training shall
15 include, but not necessarily be limited to, training in child abuse
16 and neglect identification and child abuse and neglect reporting.

17 (f) Unless otherwise specifically provided, the absence of
18 training shall not excuse a mandated reporter from the duties
19 imposed by this article.

20 (g) Public and private organizations are encouraged to provide
21 their volunteers whose duties require direct contact with and
22 supervision of children with training in the identification and
23 reporting of child abuse and neglect.

24 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
25 ~~Section 6 of Article XIII B of the California Constitution because~~
26 ~~the only costs that may be incurred by a local agency or school~~
27 ~~district will be incurred because this act creates a new crime or~~
28 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
29 ~~for a crime or infraction, within the meaning of Section 17556 of~~
30 ~~the Government Code, or changes the definition of a crime within~~
31 ~~the meaning of Section 6 of Article XIII B of the California~~
32 ~~Constitution.~~