

ASSEMBLY BILL

No. 2018

Introduced by Assembly Member Ridley-Thomas

February 16, 2016

An act to add Article 7 (commencing with Section 87200) to Chapter 1 of Part 51 of Division 7 of Title 3 of the Education Code, and to amend Section 11165.7 of the Penal Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2018, as introduced, Ridley-Thomas. Mandated Child Abuse Reporting Employee Training Act of 2016.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes them to operate campuses and provide instruction to students.

The Child Abuse and Neglect Reporting Act requires a mandated reporter, which includes a specified employee or administrator of a community college district, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or has observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would establish the Mandated Child Abuse Reporting Employee Training Act of 2016, which would require the board of governors, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, (1) to develop and disseminate information to each employee and administrator of a

community college district who are mandated reporters, regarding the detection and reporting of child abuse, (2) to provide statewide guidance on the responsibilities of mandated reporters, and (3) to develop appropriate means of instructing these employees and administrators in the detection of child abuse and neglect and the proper action that they should take in suspected cases of child abuse and neglect, including, but not limited to, an online training module to be provided by the State Department of Social Services.

The Mandated Child Abuse Reporting Employee Training Act of 2016 would also require each governing board of a community college district to: (1) annually train, using the online training module provided by the State Department of Social Services, or other training, as specified, employees and administrators of the district who are mandated reporters on the mandated reporting requirements, as specified; and (2) develop a process for those persons required to receive training under the bill to provide proof of completing this training within the first 6 weeks of each academic year or within 6 weeks of that person's employment. By imposing new duties on community college districts, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Article 7 (commencing with Section 87200) is
2 added to Chapter 1 of Part 51 of Division 7 of Title 3 of the
3 Education Code, to read:

4
5 Article 7. Mandated Child Abuse Reporting Employee Training
6 Act of 2016

7
8 87200. This article shall be known, and may be cited, as the
9 Mandated Child Abuse Reporting Employee Training Act of 2016.

1 87201. The Mandated Child Abuse Reporting Employee
2 Training Act of 2016 is hereby established to provide information,
3 statewide guidance, and training to each employee and
4 administrator of a community college district who is a mandated
5 reporter, as defined in subdivision (a) of Section 11165.7 of the
6 Penal Code, regarding the detection and reporting of child abuse.

7 87202. (a) The Board of Governors of the California
8 Community Colleges, in consultation with the Office of Child
9 Abuse Prevention in the State Department of Social Services, shall
10 do all of the following:

11 (1) Develop and disseminate information to each employee and
12 administrator of a community college district who is a mandated
13 reporter, as defined in subdivision (a) of Section 11165.7 of the
14 Penal Code, regarding the detection and reporting of child abuse.

15 (2) Provide statewide guidance on the responsibilities of
16 mandated reporters, who are employees and administrators of a
17 community college district, in accordance with the Child Abuse
18 and Neglect Reporting Act (Article 2.5 (commencing with Section
19 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). This
20 guidance shall include, but not necessarily be limited to, both of
21 the following:

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

23 (B) Reporting requirements for child abuse and neglect.

24 (3) Develop appropriate means of instructing employees and
25 administrators of a community college district who are mandated
26 reporters, as defined in subdivision (a) of Section 11165.7 of the
27 Penal Code, in the detection of child abuse and neglect and the
28 proper action that these employees and administrators should take
29 in suspected cases of child abuse and neglect, including, but not
30 limited to, an online training module to be provided by the State
31 Department of Social Services.

32 (b) The governing board of each community college district
33 shall do both of the following:

34 (1) Provide annual training, using the online training module
35 provided by the State Department of Social Services or as provided
36 in subdivision (c), to employees and administrators of the district
37 who are mandated reporters, as defined in subdivision (a) of
38 Section 11165.7 of the Penal Code, pursuant to this section and
39 subdivision (h) of Section 11165.7 of the Penal Code on the
40 mandated reporting requirements. Mandated reporter training shall

1 be provided to employees and administrators of the district hired
2 during the course of the school year. This training shall include
3 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 (2) Develop a process for all persons required to receive training
9 pursuant to this section to provide proof of completing the training
10 within the first six weeks of each academic year or within the first
11 six weeks of that person's employment. The process developed
12 under this paragraph may include, but not necessarily be limited
13 to, the use of a sign-in sheet or the submission of a certificate of
14 completion to the applicable governing board of the community
15 college district.

16 (c) Community college districts that do not use the online
17 training module provided by the State Department of Social
18 Services shall report to the State Department of Education the
19 training being used in its place.

20 SEC. 2. Section 11165.7 of the Penal Code is amended to read:
21 11165.7. (a) As used in this article, "mandated reporter" is
22 defined as any of the following:

23 (1) A teacher.

24 (2) An instructional aide.

25 (3) A teacher's aide or teacher's assistant employed by a public
26 or private school.

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

28 (5) An administrative officer or supervisor of child welfare and
29 attendance, or a certificated pupil personnel employee of a public
30 or private school.

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

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

34 (8) An administrator or employee of a public or private
35 organization whose duties require direct contact and supervision
36 of children.

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

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

3 (11) A Head Start program teacher.

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

6 (13) A public assistance worker.

7 (14) An employee of a child care institution, including, but not
8 limited to, foster parents, group home personnel, and personnel of
9 residential care facilities.

10 (15) A social worker, probation officer, or parole officer.

11 (16) An employee of a school district police or security
12 department.

13 (17) A person who is an administrator or presenter of, or a
14 counselor in, a child abuse prevention program in a public or
15 private school.

16 (18) A district attorney investigator, inspector, or local child
17 support agency caseworker, unless the investigator, inspector, or
18 caseworker is working with an attorney appointed pursuant to
19 Section 317 of the Welfare and Institutions Code to represent a
20 minor.

21 (19) A peace officer, as defined in Chapter 4.5 (commencing
22 with Section 830) of Title 3 of Part 2, who is not otherwise
23 described in this section.

24 (20) A firefighter, except for volunteer firefighters.

25 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
26 resident, intern, podiatrist, chiropractor, licensed nurse, dental
27 hygienist, optometrist, marriage and family therapist, clinical social
28 worker, professional clinical counselor, or any other person who
29 is currently licensed under Division 2 (commencing with Section
30 500) of the Business and Professions Code.

31 (22) An emergency medical technician I or II, paramedic, or
32 other person certified pursuant to Division 2.5 (commencing with
33 Section 1797) of the Health and Safety Code.

34 (23) A psychological assistant registered pursuant to Section
35 2913 of the Business and Professions Code.

36 (24) A marriage and family therapist trainee, as defined in
37 subdivision (c) of Section 4980.03 of the Business and Professions
38 Code.

1 (25) An unlicensed marriage and family therapist intern
2 registered under Section 4980.44 of the Business and Professions
3 Code.

4 (26) A state or county public health employee who treats a minor
5 for venereal disease or any other condition.

6 (27) A coroner.

7 (28) A medical examiner or other person who performs
8 autopsies.

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

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

28 (31) An animal control officer or humane society officer. For
29 the purposes of this article, the following terms have the following
30 meanings:

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

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

38 (32) A clergy member, as specified in subdivision (d) of Section
39 11166. As used in this article, “clergy member” means a priest,

1 minister, rabbi, religious practitioner, or similar functionary of a
2 church, temple, or recognized denomination or organization.

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

5 (34) An employee of any police department, county sheriff's
6 department, county probation department, or county welfare
7 department.

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

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

12 (37) A person providing services to a minor child under Section
13 12300 or 12300.1 of the Welfare and Institutions Code.

14 (38) An alcohol and drug counselor. As used in this article, an
15 "alcohol and drug counselor" is a person providing counseling,
16 therapy, or other clinical services for a state licensed or certified
17 drug, alcohol, or drug and alcohol treatment program. However,
18 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
19 and of itself, a sufficient basis for reporting child abuse or neglect.

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

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

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

34 (42) An athletic coach, athletic administrator, or athletic director
35 employed by any public or private school that provides any
36 combination of instruction for kindergarten, or grades 1 to 12,
37 inclusive.

38 (43) (A) A commercial computer technician as specified in
39 subdivision (e) of Section 11166. As used in this article,
40 "commercial computer technician" means a person who works for

1 a company that is in the business of repairing, installing, or
2 otherwise servicing a computer or computer component, including,
3 but not limited to, a computer part, device, memory storage or
4 recording mechanism, auxiliary storage recording or memory
5 capacity, or any other material relating to the operation and
6 maintenance of a computer or computer network system, for a fee.

7 An employer who provides an electronic communications service
8 or a remote computing service to the public shall be deemed to
9 comply with this article if that employer complies with Section
10 2258A of Title 18 of the United States Code.

11 (B) An employer of a commercial computer technician may
12 implement internal procedures for facilitating reporting consistent
13 with this article. These procedures may direct employees who are
14 mandated reporters under this paragraph to report materials
15 described in subdivision (e) of Section 11166 to an employee who
16 is designated by the employer to receive the reports. An employee
17 who is designated to receive reports under this subparagraph shall
18 be a commercial computer technician for purposes of this article.

19 A commercial computer technician who makes a report to the
20 designated employee pursuant to this subparagraph shall be deemed
21 to have complied with the requirements of this article and shall be
22 subject to the protections afforded to mandated reporters, including,
23 but not limited to, those protections afforded by Section 11172.

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

27 (b) Except as provided in paragraph (35) of subdivision (a),
28 volunteers of public or private organizations whose duties require
29 direct contact with and supervision of children are not mandated
30 reporters but are encouraged to obtain training in the identification
31 and reporting of child abuse and neglect and are further encouraged
32 to report known or suspected instances of child abuse or neglect
33 to an agency specified in Section 11165.9.

34 (c) Except as provided in subdivision (d), employers are strongly
35 encouraged to provide their employees who are mandated reporters
36 with training in the duties imposed by this article. This training
37 shall include training in child abuse and neglect identification and
38 training in child abuse and neglect reporting. Whether or not
39 employers provide their employees with training in child abuse
40 and neglect identification and reporting, the employers shall

1 provide their employees who are mandated reporters with the
2 statement required pursuant to subdivision (a) of Section 11166.5.

3 (d) Pursuant to Section 44691 of the Education Code, school
4 districts, county offices of education, state special schools and
5 diagnostic centers operated by the State Department of Education,
6 and charter schools shall annually train their employees and persons
7 working on their behalf specified in subdivision (a) in the duties
8 of mandated reporters under the child abuse reporting laws. The
9 training shall include, but not necessarily be limited to, training in
10 child abuse and neglect identification and child abuse and neglect
11 reporting.

12 (e) (1) On and after January 1, 2018, pursuant to Section
13 1596.8662 of the Health and Safety Code, a child care licensee
14 applicant shall take training in the duties of mandated reporters
15 under the child abuse reporting laws as a condition of licensure,
16 and a child care administrator or an employee of a licensed child
17 day care facility shall take training in the duties of mandated
18 reporters during the first 90 days when he or she is employed by
19 the facility.

20 (2) A person specified in paragraph (1) who becomes a licensee,
21 administrator, or employee of a licensed child day care facility
22 shall take renewal mandated reporter training every two years
23 following the date on which he or she completed the initial
24 mandated reporter training. The training shall include, but not
25 necessarily be limited to, training in child abuse and neglect
26 identification and child abuse and neglect reporting.

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

30 (g) Public and private organizations are encouraged to provide
31 their volunteers whose duties require direct contact with and
32 supervision of children with training in the identification and
33 reporting of child abuse and neglect.

34 (h) *Pursuant to Section 87202 of the Education Code, community*
35 *college districts shall annually train their employees and*
36 *administrators specified in paragraph (41) of subdivision (a) in*
37 *the duties of mandated reporters under the child abuse reporting*
38 *laws. The training shall include, but not necessarily be limited to,*
39 *training in child abuse and neglect identification and child abuse*
40 *and neglect reporting.*

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O