

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 each governing

board of a community college district to: (1) annually train, using the online training module developed by the State Department of Education, 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~~; *employment*; and (3) *develop a process to identify the students who are minors enrolled in classes at the community college district and provide that information only to faculty members and other employees who are mandated reporters, as specified.* The bill would provide that a person employed by more than one community college district or by more than one college in a single community college district is only required to receive the required training one time in each academic year. 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.
 10 87201. The Mandated Child Abuse Reporting Employee
 11 Training Act of 2016 is hereby established to provide training to

1 each employee and administrator of a community college district
2 who is a mandated reporter, as defined in subdivision (a) of Section
3 11165.7 of the Penal Code, regarding the detection and reporting
4 of child abuse.

5 87202. (a) The governing board of each community college
6 district shall do ~~both~~ all of the following:

7 (1) Provide annual training, using the online training module
8 developed by the State Department of Education, in consultation
9 with the Office of Child Abuse Prevention in the State Department
10 of Social Services, on the detection and reporting of child abuse
11 pursuant to Section 44691, or as provided in subdivision (b), to
12 employees and administrators of the district who are mandated
13 reporters, as defined in subdivision (a) of Section 11165.7 of the
14 Penal Code, pursuant to this section and subdivision (h) of Section
15 11165.7 of the Penal Code on the mandated reporting requirements.
16 Mandated reporter training shall be provided to employees and
17 administrators of the district hired during the course of the school
18 year. This training shall include information that failure to report
19 an incident of known or reasonably suspected child abuse or
20 neglect, as required by Section 11166 of the Penal Code, is a
21 misdemeanor punishable by up to six months confinement in a
22 county jail, or by a fine of one thousand dollars (\$1,000), or by
23 both that imprisonment and fine.

24 (2) Develop a process for all persons required to receive training
25 pursuant to this section to provide proof of completing the training
26 within the first six weeks of each academic year or within the first
27 six weeks of that person's employment. The process developed
28 under this paragraph may include, but not necessarily be limited
29 to, the use of a sign-in sheet or the submission of a certificate of
30 completion to the applicable governing board of the community
31 college district. A person employed by more than one community
32 college district or by more than one college in a single community
33 college district shall only be required to receive the training
34 required pursuant to this section one time in each academic year.

35 (3) *Develop a process to identify the students who are minors*
36 *enrolled in classes at the community college district and provide*
37 *that information only to faculty members and other employees who*
38 *are mandated reporters. The community college district shall*
39 *provide the information to the employees based upon any records*
40 *that the community college district maintains in its ordinary course*

1 of business regarding a student described in this paragraph. Any
2 information received by an employee pursuant to this paragraph
3 shall be kept confidential and shall not be further disseminated by
4 the employee.

5 (b) Community college districts that do not use the online
6 training module shall report to the State Department of Education
7 and to the Office of the Chancellor of the California Community
8 Colleges the training being used in its place.

9 SEC. 2. Section 11165.7 of the Penal Code is amended to read:

10 11165.7. (a) As used in this article, “mandated reporter” is
11 defined as any of the following:

- 12 (1) A teacher.
- 13 (2) An instructional aide.
- 14 (3) A teacher’s aide or teacher’s assistant employed by a public
15 or private school.
- 16 (4) A classified employee of a public school.
- 17 (5) An administrative officer or supervisor of child welfare and
18 attendance, or a certificated pupil personnel employee of a public
19 or private school.
- 20 (6) An administrator of a public or private day camp.
- 21 (7) An administrator or employee of a public or private youth
22 center, youth recreation program, or youth organization.
- 23 (8) An administrator or employee of a public or private
24 organization whose duties require direct contact and supervision
25 of children.
- 26 (9) An employee of a county office of education or the State
27 Department of Education whose duties bring the employee into
28 contact with children on a regular basis.
- 29 (10) A licensee, an administrator, or an employee of a licensed
30 community care or child day care facility.
- 31 (11) A Head Start program teacher.
- 32 (12) A licensing worker or licensing evaluator employed by a
33 licensing agency, as defined in Section 11165.11.
- 34 (13) A public assistance worker.
- 35 (14) An employee of a child care institution, including, but not
36 limited to, foster parents, group home personnel, and personnel of
37 residential care facilities.
- 38 (15) A social worker, probation officer, or parole officer.
- 39 (16) An employee of a school district police or security
40 department.

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

4 (18) A district attorney investigator, inspector, or local child
5 support agency caseworker, unless the investigator, inspector, or
6 caseworker is working with an attorney appointed pursuant to
7 Section 317 of the Welfare and Institutions Code to represent a
8 minor.

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

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

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

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

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

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

27 (25) An unlicensed marriage and family therapist intern
28 registered under Section 4980.44 of the Business and Professions
29 Code.

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

32 (27) A coroner.

33 (28) A medical examiner or other person who performs
34 autopsies.

35 (29) A commercial film and photographic print or image
36 processor as specified in subdivision (e) of Section 11166. As used
37 in this article, “commercial film and photographic print or image
38 processor” means a person who develops exposed photographic
39 film into negatives, slides, or prints, or who makes prints from
40 negatives or slides, or who prepares, publishes, produces, develops,

1 duplicates, or prints any representation of information, data, or an
2 image, including, but not limited to, any film, filmstrip, photograph,
3 negative, slide, photocopy, videotape, video laser disc, computer
4 hardware, computer software, computer floppy disk, data storage
5 medium, CD-ROM, computer-generated equipment, or
6 computer-generated image, for compensation. The term includes
7 any employee of that person; it does not include a person who
8 develops film or makes prints or images for a public agency.

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

14 (31) An animal control officer or humane society officer. For
15 the purposes of this article, the following terms have the following
16 meanings:

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

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

24 (32) A clergy member, as specified in subdivision (d) of Section
25 11166. As used in this article, “clergy member” means a priest,
26 minister, rabbi, religious practitioner, or similar functionary of a
27 church, temple, or recognized denomination or organization.

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

30 (34) An employee of any police department, county sheriff’s
31 department, county probation department, or county welfare
32 department.

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

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

37 (37) A person providing services to a minor child under Section
38 12300 or 12300.1 of the Welfare and Institutions Code.

39 (38) An alcohol and drug counselor. As used in this article, an
40 “alcohol and drug counselor” is a person providing counseling,

1 therapy, or other clinical services for a state licensed or certified
2 drug, alcohol, or drug and alcohol treatment program. However,
3 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
4 and of itself, a sufficient basis for reporting child abuse or neglect.

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

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

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

19 (42) An athletic coach, athletic administrator, or athletic director
20 employed by any public or private school that provides any
21 combination of instruction for kindergarten, or grades 1 to 12,
22 inclusive.

23 (43) (A) A commercial computer technician as specified in
24 subdivision (e) of Section 11166. As used in this article,
25 "commercial computer technician" means a person who works for
26 a company that is in the business of repairing, installing, or
27 otherwise servicing a computer or computer component, including,
28 but not limited to, a computer part, device, memory storage or
29 recording mechanism, auxiliary storage recording or memory
30 capacity, or any other material relating to the operation and
31 maintenance of a computer or computer network system, for a fee.
32 An employer who provides an electronic communications service
33 or a remote computing service to the public shall be deemed to
34 comply with this article if that employer complies with Section
35 2258A of Title 18 of the United States Code.

36 (B) An employer of a commercial computer technician may
37 implement internal procedures for facilitating reporting consistent
38 with this article. These procedures may direct employees who are
39 mandated reporters under this paragraph to report materials
40 described in subdivision (e) of Section 11166 to an employee who

1 is designated by the employer to receive the reports. An employee
2 who is designated to receive reports under this subparagraph shall
3 be a commercial computer technician for purposes of this article.
4 A commercial computer technician who makes a report to the
5 designated employee pursuant to this subparagraph shall be deemed
6 to have complied with the requirements of this article and shall be
7 subject to the protections afforded to mandated reporters, including,
8 but not limited to, those protections afforded by Section 11172.

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

12 (b) Except as provided in paragraph (35) of subdivision (a),
13 volunteers of public or private organizations whose duties require
14 direct contact with and supervision of children are not mandated
15 reporters but are encouraged to obtain training in the identification
16 and reporting of child abuse and neglect and are further encouraged
17 to report known or suspected instances of child abuse or neglect
18 to an agency specified in Section 11165.9.

19 (c) Except as provided in subdivision (d), employers are strongly
20 encouraged to provide their employees who are mandated reporters
21 with training in the duties imposed by this article. This training
22 shall include training in child abuse and neglect identification and
23 training in child abuse and neglect reporting. Whether or not
24 employers provide their employees with training in child abuse
25 and neglect identification and reporting, the employers shall
26 provide their employees who are mandated reporters with the
27 statement required pursuant to subdivision (a) of Section 11166.5.

28 (d) Pursuant to Section 44691 of the Education Code, school
29 districts, county offices of education, state special schools and
30 diagnostic centers operated by the State Department of Education,
31 and charter schools shall annually train their employees and persons
32 working on their behalf specified in subdivision (a) in the duties
33 of mandated reporters under the child abuse reporting laws. The
34 training shall include, but not necessarily be limited to, training in
35 child abuse and neglect identification and child abuse and neglect
36 reporting.

37 (e) (1) On and after January 1, 2018, pursuant to Section
38 1596.8662 of the Health and Safety Code, a child care licensee
39 applicant shall take training in the duties of mandated reporters
40 under the child abuse reporting laws as a condition of licensure,

1 and a child care administrator or an employee of a licensed child
2 day care facility shall take training in the duties of mandated
3 reporters during the first 90 days when he or she is employed by
4 the facility.

5 (2) A person specified in paragraph (1) who becomes a licensee,
6 administrator, or employee of a licensed child day care facility
7 shall take renewal mandated reporter training every two years
8 following the date on which he or she completed the initial
9 mandated reporter training. The training shall include, but not
10 necessarily be limited to, training in child abuse and neglect
11 identification and child abuse and neglect reporting.

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

15 (g) Public and private organizations are encouraged to provide
16 their volunteers whose duties require direct contact with and
17 supervision of children with training in the identification and
18 reporting of child abuse and neglect.

19 (h) Pursuant to Section 87202 of the Education Code,
20 community college districts shall annually train their employees
21 and administrators specified in paragraph (41) of subdivision (a)
22 in the duties of mandated reporters under the child abuse reporting
23 laws. The training shall include, but not necessarily be limited to,
24 training in child abuse and neglect identification and child abuse
25 and neglect reporting.

26 SEC. 3. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

O