
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 500 **Hearing Date:** June 14, 2017
Author: Gomez
Version: May 2, 2017
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: Employee codes of conduct: employee interactions with pupils

SUMMARY

This bill requires local educational agencies or private schools that include a section on employee interactions with pupils in their employee codes of conduct to provide a written copy of that section to the parents of each child enrolled at the beginning of the school year.

BACKGROUND

Existing law:

- 1) Provides that all school district teachers and employees are considered “mandated reporters,” including instructional aides, teacher assistants, classified employees, and district police or security employees. Mandated reporters must report to the law enforcement department any knowledge or observations they have of a child they know or suspect to be the subject of abuse or neglect. The individual report must be made by telephone immediately or as soon as practicable with a written or electronic follow up within 36 hours.
- 2) Specifies that employers are strongly encouraged to provide their mandated reporter employees with training in the duties imposed, including training in child abuse and neglect identification and reporting. School districts that do not train their employees in the duties of mandated reporters are required to report to the California Department of Education the reasons why.
- 3) Requires any mandated reporter, with the exception of child visitation monitors, prior to commencing employment, to certify by signature their knowledge of the mandated reporting procedures and readiness to comply.
- 4) Requires each school district and county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools. The school site council is required to write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.
- 5) Requires the comprehensive school safety plan to include (1) an assessment of the current status of school crime committed on school campuses and at school-related functions and (2) identification of appropriate strategies and programs that will provide or maintain a high level of school safety and detail procedures for complying with existing laws; disaster procedures; policies regarding

suspension or expulsion; a discrimination and harassment policy; and, a safe and orderly environment conducive to learning.

- 6) Requires the comprehensive school safety plan to be evaluated at least once a year.
- 7) Requires the school site council or school safety planning committee to hold a public meeting to allow public comment, and requires the notification of specified people and entities prior to this meeting. Current law requires each school to submit its school safety plan to the school district or county office of education for approval and requires a school district or County Office Education to notify the California Department of Education (CDE) by October 15 of every year of any school that is not in compliance.
- 8) Requires each school to include a description of key elements of the school safety plan in the annual school accountability report card.
- 9) Requires, if the Superintendent of Public Instruction determines that there has been a willful failure to make any report required in school safety plan statutes, to do both of the following:
 - a) Notify the school district or county office of education in which the willful failure has occurred.
 - b) Make an assessment of up to \$2,000 against that school or county office, which may be done by deducting funding from the district's or county office's future apportionment.
- 10) Requires the State Office of Child Abuse Prevention to develop and disseminate information to all school districts and district school personnel regarding the detection of child abuse. The information may be disseminated by the use of literature, as deemed suitable by the CDE. Staff development seminars and any other appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect shall be developed by the CDE.
- 11) Encourages local educational agencies (LEAs) to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by personnel, or in school-sponsored programs, and are also encouraged to provide all school employees with that training at least once every three years.

ANALYSIS

This bill:

- 1) Requires a LEA, or a person, firm, association, partnership, or corporation offering or conducting private school instruction at the elementary or high school level, that maintains a section on employee interactions with pupils in its employee code of conduct with pupils to do both of the following:

- a) Commencing July 1, 2018, provide a written copy of the section on employee interactions with pupils in its code of conduct to the parent or guardian of each enrolled pupil at the beginning of each school year.
 - b) Commencing January 1, 2018, post the section on employee interactions with pupils in its code of conduct, or provide a link to it, on each of its schools' Internet Web sites, or, if a school of a local educational agency (LEA) does not have its own Internet Web site, on the (LEA's) Internet Web site, in a manner that is accessible to the public without a password.
- 2) Specifies that a LEA may satisfy the requirement to provide a written copy of the section on employee interactions with pupils in its code of conduct to the parent or guardian of each enrolled pupil by including the section on employee interactions with pupils in its code of conduct in the notice of parent or guardian rights and responsibilities.
 - 3) Specifies that for purposes of this measure, a LEA includes a school district, county office of education, or charter school.
 - 4) Specifies that this measure shall not be construed to require a LEA, a school within a LEA, or a private school to create an Internet Web site if it does not have one.
 - 5) Specifies this measure does not apply to a private school composed of parents or legal guardians working exclusively with their own children.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, AB 500 will require all traditional, charter, and private schools in California to provide a written copy of the portions of their school employee code of conduct that deals with student interactions to parents and students at the beginning of each school year and shall post it on the school's public website. Parents and students are not always aware of the existence of a school employee code of conduct with students. This can lead to many situations that affect the learning environment for students.

A specific instance cited by the author occurred at a private school in which a teacher "had a series of incidents where he was slowly going beyond an understood but undocumented code of conduct with students. The teacher gradually escalated his inappropriate conduct and in a few circumstances would engage in a sexual relationship with his students." The author's office indicates that requiring schools to distribute their codes of conduct related to employee interactions with pupils, if they have one, may help reduce the incidents of inappropriate behavior and thereby protect students and other teachers or school employees.

- 2) ***Existing training.*** While it is unclear how widespread the availability of child abuse prevention materials may be, there are some online training programs currently available. These training materials focus on training teachers on what types of behavior may cross the line in terms of appropriateness and provide

examples of behavior that could protect the teacher from false child abuse claims. Examples include not sending personal emails and texts to students, not giving students rides in cars, and not being alone in a classroom with a student without the door open. Schools may already incorporate any of these child abuse prevention training into existing mandated reporter training activities.

3) ***Prior legislation.***

AB 2621 (Gomez and Bloom, 2016) would have required a local educational agency (LEA) or an entity providing private school instruction that maintains an employee code of conduct to provide a written copy of that document to the parent or guardian of each enrolled student at the beginning of each school year and also post it on its Web site. This bill was vetoed by the Governor with the following message:

This bill would require districts and private schools that have an employee code of conduct to post the code on its website and distribute a copy to parents at the beginning of each school year.

Employee codes of conduct can be many pages and cover several issues related to the employment of all district or school employees. It's not helpful to send parents more information unless the message being conveyed is clear. While well-intentioned, I am not convinced these documents specifically cover the behavior the author is targeting.

AB 1058 (Baker, Chapter 748, Statutes of 2015) required the California Department of Education (CDE) to establish guidelines and best practices for child abuse prevention and post on its Web site links to existing training resources. Additionally, this bill encourages school districts, county offices of education and charter schools to participate in child abuse prevention training and provide all school employees with training in child abuse prevention at least every three years.

AB 1432 (Gatto, Chapter 797, Statutes of 2014) required school districts to annually train employees on their duties regarding the mandated reporting when child abuse and neglect is suspected.

AB 135 (Buchanan, 2014) would have required LEAs to adopt policies and provide employees with regular reminders of their responsibilities as mandated reporters. This measure failed passage in the Senate Appropriations Committee.

SUPPORT

California School Boards Association

OPPOSITION

None received

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