
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 1153 **Hearing Date:** June 12, 2019
Author: Wicks
Version: March 28, 2019
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

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

SUMMARY

This bill would establish the Mandated Child Abuse Reporting Employee Training Act of 2020, training each employee and administrator of a California Community College district who is a mandated reporter.

BACKGROUND

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.
- 2) Establishes the Child Abuse and Neglect Reporting Act, which generally is intended to protect children from abuse and neglect.
- 3) Requires any mandated reporter before beginning employment to sign a statement verifying knowledge of the mandated reporting procedures and a commitment to complying with those provisions.
- 4) Strongly encourages employers to provide their mandated reporter employees with training in child abuse and neglect identification and reporting.
- 5) 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.

ANALYSIS

This bill:

- 1) Requires the governing board of each California Community College (CCC) 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 California Community College (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 California Department of Education (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.

STAFF COMMENTS

- 1) ***Need for the bill.*** The author's office indicates that 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.

- 2) ***Existing training.*** While it is unknown how wide spread the availability of child abuse prevention materials there may be for the community colleges to utilize, 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. School districts may already incorporate any of this child abuse prevention training into existing mandated reporter training activities.
- 3) ***Related efforts to protect students.*** Several pieces of legislation have been introduced in recent years to take extra steps deemed necessary to ensure that children are better protected. Part of the rationale is the notion that school employees are not always aware of their duty to report incidents of child abuse and neglect or are unsure of the proper procedures for making reports. Additionally, recent incidents have highlighted the lack of training of educators in their role as a mandated reporter. In either case, this could lead to incidents of unreported child abuse by school employees.

For example, AB 1432 (Gatto, Chapter 797, Statutes of 2014) required the California Department of Education, in consultation with the California

Department of Social Services, 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.

- 4) **Committee amendment.** As currently drafted, this bill allows community college districts to provide the required training by means other than the online training module developed by the California Department of Education (CDE), but requires the district to report to CDE and the Chancellor's Office the training being used in lieu of the CDE module. However, neither CDE nor the Chancellor's Office are required to review or approve the training, making it unclear what the purpose of the requirement on districts to submit the report is. If it is the desire of the Committee to pass this measure, **staff recommends** amending subdivision (b) of the bill as follows:

“(b) Community college districts may provide the training required under this section by means other than the online training module developed by the State Department of Education, ~~but shall report to the State Department of Education and~~ Prior to providing the alternate training, the district shall submit the training for review and approval to the Office of the Chancellor of the California Community Colleges ~~the training being used in its place.~~”

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would create unknown Proposition 98 General Fund mandated costs potentially up to the high hundreds of thousands of dollars, depending on how a California Community College (CCC) district chooses to comply with the requirements of the bill. The state has 72 CCC districts and 114 CCC campuses. To the extent CCDs choose to utilize an existing online training module, costs should be minimal. Costs could be substantial if a CCC district chooses to develop its own training module. (For example, the Los Angeles Unified School District developed its own a child abuse awareness training video and an annual online assessment. LAUSD indicates one-time costs of \$85,000 to produce the video and assessment.) Costs could also be incurred to compensate staff for training time.

The state would need to reimburse these costs to CCC, if the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate.

SUPPORT

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

OPPOSITION

None received

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