ASSEMBLY BILL No. 1153

Introduced by Assembly Member Wicks

February 21, 2019

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 1153, as introduced, Wicks. Mandated Child Abuse Reporting Employee Training Act of 2020.

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 the mandated reporter, in a professional capacity or within the scope of 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 2020, 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; (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; 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 required to receive the required training only 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 the statutory provisions noted above.


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

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

Article 7. Mandated Child Abuse Reporting Employee Training Act of 2020

87200. This article shall be known, and may be cited, as the Mandated Child Abuse Reporting Employee Training Act of 2020.

87201. The Mandated Child Abuse Reporting Employee Training Act of 2020 is hereby established to provide training to each employee and administrator of a community college district who is a mandated reporter, as defined in subdivision (a) of Section 11165.7 of the Penal Code, regarding the detection and reporting of child abuse.
87202. (a) The governing board of each community college
district shall do all of the following:

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

(2) Develop a process for all persons required to receive training
pursuant to this section 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
under this paragraph 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
community college district. A person employed by more than one
community college district or by more than one college in a single
community college district shall be required to receive the training
required pursuant to this section only one time in each academic
year.

(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. The community college district shall
provide the information to the employees based upon any records
that the community college district maintains in its ordinary course
of business regarding a student described in this paragraph. Any
information received by an employee pursuant to this paragraph
shall be kept confidential and shall not be further disseminated by
the employee.
(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 to the Office of
the Chancellor of the California Community Colleges the training
being used in its place.
SEC. 2. Section 11165.7 of the Penal Code is amended to read:
11165.7. (a) As used in this article, “mandated reporter” is
defined as any of the following:
(1) A teacher.
(2) An instructional aide.
(3) A teacher’s aide or teacher’s assistant employed by a public
or private school.
(4) A classified employee of a public school.
(5) An administrative officer or supervisor of child welfare and
attendance, or a certificated pupil personnel employee of a public
or private school.
(6) An administrator of a public or private day camp.
(7) An administrator or employee of a public or private youth
center, youth recreation program, or youth organization.
(8) An administrator, board member, or employee of a public
or private organization whose duties require direct contact and
supervision of children, including a foster family agency.
(9) An employee of a county office of education or the State
Department of Education whose duties bring the employee into
contact with children on a regular basis.
(10) A licensee, an administrator, or an employee of a licensed
community care or child day care facility.
(11) A Head Start program teacher.
(12) A licensing worker or licensing evaluator employed by a
licensing agency, as defined in Section 11165.11.
(13) A public assistance worker.
(14) An employee of a child care institution, including, but not
limited to, foster parents, group home personnel, and personnel of
residential care facilities.
(15) A social worker, probation officer, or parole officer.
(16) An employee of a school district police or security
department.
(17) A person who is an administrator or presenter of, or a
counselor in, a child abuse prevention program in a public or
private school.
(18) A district attorney investigator, inspector, or local child
support agency caseworker, unless the investigator, inspector, or
caseworker is working with an attorney appointed pursuant to
Section 317 of the Welfare and Institutions Code to represent a
minor.
(19) A peace officer, as defined in Chapter 4.5 (commencing
with Section 830) of Title 3 of Part 2, who is not otherwise
described in this section.
(20) A firefighter, except for volunteer firefighters.
(21) A physician and surgeon, psychiatrist, psychologist, dentist,
resident, intern, podiatrist, chiropractor, licensed nurse, dental
hygienist, optometrist, marriage and family therapist, clinical social
worker, professional clinical counselor, or any other person who
is currently licensed under Division 2 (commencing with Section
500) of the Business and Professions Code.
(22) An emergency medical technician I or II, paramedic, or
other person certified pursuant to Division 2.5 (commencing with
Section 1797) of the Health and Safety Code.
(23) A psychological assistant registered pursuant to Section
2913 of the Business and Professions Code.
(24) A marriage and family therapist trainee, as defined in
subdivision (c) of Section 4980.03 of the Business and Professions
Code.
(25) An unlicensed associate marriage and family therapist
registered under Section 4980.44 of the Business and Professions
Code.
(26) A state or county public health employee who treats a minor
for venereal disease or any other condition.
(27) A coroner.
(28) A medical examiner or other person who performs
autopsies.
(29) A commercial film and photographic print or image
processor as specified in subdivision (e) of Section 11166. As used
in this article, “commercial film and photographic print or image
processor” means a person who develops exposed photographic
film into negatives, slides, or prints, or who makes prints from
negatives or slides, or who prepares, publishes, produces, develops,
duplicates, or prints any representation of information, data, or an
image, including, but not limited to, any film, filmstrip, photograph,
negative, slide, photocopy, videotape, video laser disc, computer
hardware, computer software, computer floppy disk, data storage
medium, CD-ROM, computer-generated equipment, or
computer-generated image, for compensation. The term includes
any employee of that person; it does not include a person who
develops film or makes prints or images for a public agency.

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

(31) An animal control officer or humane society officer. For
the purposes of this article, the following terms have the following
meanings:
(A) “Animal control officer” means a person employed by a
city, county, or city and county for the purpose of enforcing animal
control laws or regulations.
(B) “Humane society officer” means a person appointed or
employed by a public or private entity as a humane officer who is
qualified pursuant to Section 14502 or 14503 of the Corporations
Code.

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

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

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

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

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

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

(38) An alcohol and drug counselor. As used in this article, an
“alcohol and drug counselor” is a person providing counseling,
therapy, or other clinical services for a state licensed or certified

drug, alcohol, or drug and alcohol treatment program. However,
alcohol or drug abuse, or both alcohol and drug abuse, is not, in
and of itself, a sufficient basis for reporting child abuse or neglect.

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

(40) An associate professional clinical counselor registered
under Section 4999.42 of the Business and Professions Code.

(41) 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, as to
child abuse or neglect occurring on that institution’s premises or
at an official activity of, or program conducted by, the institution.
Nothing in this paragraph shall be construed as altering the
lawyer-client privilege as set forth in Article 3 (commencing with
Section 950) of Chapter 4 of Division 8 of the Evidence Code.

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

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

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

(44) Any athletic coach, including, but not limited to, an
assistant coach or a graduate assistant involved in coaching, at
public or private postsecondary educational institutions,
(45) An individual certified by a licensed foster family agency
as a certified family home, as defined in Section 1506 of the Health
and Safety Code.
(46) An individual approved as a resource family, as defined in
Section 1517 of the Health and Safety Code and Section 16519.5
of the Welfare and Institutions Code.

(b) Except as provided in paragraph (35) of subdivision (a),
volunteers of public or private organizations whose duties require
direct contact with and supervision of children are not mandated
reporters but are encouraged to obtain training in the identification
and reporting of child abuse and neglect and are further encouraged
to report known or suspected instances of child abuse or neglect
to an agency specified in Section 11165.9.
(c) Except as provided in subdivision (d), employers are strongly
encouraged to provide their employees who are mandated reporters
with training in the duties imposed by this article. This training
shall include training in child abuse and neglect identification and
training in child abuse and neglect reporting. Whether or not
employers provide their employees with training in child abuse
and neglect identification and reporting, the employers shall
provide their employees who are mandated reporters with the
statement required pursuant to subdivision (a) of Section 11166.5.

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

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

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

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

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

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

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