

# CLIENT NEWS BRIEF

## Local Educational Agencies Must Provide Staff Training on How to Recognize and Report Suspected Child Abuse and Neglect

For years, mandated reporters were held legally responsible for reporting suspected instances of child abuse or neglect regardless of whether the employee was trained on what to look for or on the process for reporting. With the recent passage of Assembly Bill (AB) 1432, mandated reporters in the field of education must now receive annual training on how to fulfill their legal obligation to help protect children.

Under the new law, both the California Department of Education (CDE) and local educational agencies will have new responsibilities in the training of mandated reporters. As of January 1, 2015, a new version of Education Code section 44691 will charge the CDE with developing and disseminating information on how to recognize and report suspected child abuse. This information will be directed towards school districts, county offices of education, charter schools and state special schools and diagnostic centers. The CDE will also be responsible for developing an online training module that can be used by local educational agencies to train their staff as to their mandated reporting obligations.

AB 1432 states that within the first six weeks of each school year or of new employment, educational agencies must provide annual training to their employees who are mandated reporters. Educational agencies either must use the online training module developed by the CDE or they must report to the CDE the kind of training that is being used in its place. In either situation, the annual training must include information explaining that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six months in county jail, or by fine of one thousand dollars, or by both imprisonment and a fine.

The new law does not address whether these further obligations will be reimbursed, but states that the Commission on State Mandates will make that determination pursuant to law. The new law is also ambiguous regarding when employees in certain circumstances need to complete their training. For instance, AB 1432 does not expressly address whether a new employee who completed the required training at a previous school district is required to complete the training within the first six weeks of arriving at a new school district. A strict reading of AB 1432 suggests new employees may need to complete the second training. Another ambiguity has to do with the specific time frame in which the training must occur. The new statute states that "all persons required to receive training pursuant to this section (must) provide proof of completing the training within the first six weeks. . . ." Does this mean that the training has to be completed in the six week period, or that both the training and the providing of proof have to happen within the six week period? Additionally, can the training take place just prior to the start of the school year, or must it literally take place within six weeks after the school year begins?

We have discussed these situations with the office for the author of AB 1432, and they indicate that the intent of the new law is to require one current training,

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and school districts should be free to make decisions regarding how to achieve that result. Although the author's intent does not necessarily reflect how a court may interpret the new law, it at least suggests that an employee who has received training from a prior employer within the required timeframe may not need a second training that year. Regarding the other questions, educational agencies may wish to consult with legal counsel regarding implementation of the new law.

As the CDE develops the new training module, school administrators should start preparing to comply with these new obligations, which will affect most school district employees.

If you have any questions about the new law, or mandated child abuse reporting in general, please contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).