

Date of Hearing: June 15, 2016

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 1178 (Vidak) – As Introduced February 18, 2016

SENATE VOTE: 36-0

SUBJECT: Superintendent of Public Instruction: child abuse and neglect: poster

SUMMARY: Requires the California Department of Education (CDE) to create a poster informing children of the telephone number to call to report child abuse or neglect. Specifically, **this bill:**

- 1) Authorizes the CDE to partner with local, state, and federal agencies as well as nonprofit entities for purposes of the design and content of the poster.
- 2) Requires the poster to incorporate the additional following elements:
 - a) A note that directs a child to dial “911” in case of emergency.
 - b) To be no smaller than 8.5 inches by 11 inches.
 - c) To be produced in five languages, including English, Spanish, and the top three languages other than English and Spanish that are spoken in the state as determined by the Superintendent of Public Instruction (SPI).
- 3) Requires the SPI, on or before July 1, 2017, to post on the CDE's Internet Web site all five versions of the poster for public download.
- 4) Expresses the Legislature's encouragement for school districts, charter schools, and private schools to post the appropriate version or versions of the poster in an area of the school where pupils frequently congregate.
- 5) Contains an urgency clause in order for the SPI to have sufficient time to complete the poster required pursuant to this bill.

EXISTING LAW:

- 1) Requires the CDE to adopt guidelines to be disseminated to parents or guardians of pupils that describe the procedures that a parent or guardian can follow in filing a complaint of child abuse with the school or a child protective services agency against a school employee or other person that commits an act of child abuse against a pupil at a schoolsite. (Education Code (EC) Section 33308.1)
- 2) Defines "child abuse or neglect" as including physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, neglect, the willful harming or injuring of a child or the endangering of the person or health of a child, and unlawful corporal punishment or injury. (Penal Code (PC) Section 11165.6)

- 3) Specifies a list of mandated reporters, including a teacher, an instructional and teacher's aide, a classified employee, an administrative officer or supervisor of child welfare and attendance, a county office of education (COE) or CDE employee whose duties bring the employee into contact with children on a regular basis, and a school district or security department employee, and requires mandated reporters to report suspected child abuse or neglect to any police department or sheriff's department. (PC Sections 11165.7 and 11165.9)
- 4) Requires the CDE, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, to develop and disseminate information to all school districts, COEs, state special schools and diagnostic centers operated by the CDE, and charter schools, and their school personnel in California, regarding the detection and reporting of child abuse. (EC Section 44691)
- 5) Requires school districts, COEs, state special schools and diagnostic centers operated by the CDE, and charter schools to provide annual training to their employees and persons working on their behalf who are mandated reporters on mandated reporting requirements. (EC Section 44691)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS: *State mandated reporters.* Under the Child Abuse and Neglect Reporting Act, specified employees of public and private agencies, including public and private schools, are designated state mandated reporters. In education institutions, these designated officials include teachers, instructional and teacher's aides, classified employees, administrative officers or supervisors of child welfare and attendance, COE or CDE employees whose duties bring the employees into contact with children on a regular basis, and school district or security department employees. Mandated reporters are required to report any suspected incidences of child abuse and neglect to any police or sheriff department. Local educational agencies, including charter schools, are required to provide training to school employees on the mandated reporting requirements, and school employees are required to provide proof of completing the training within the first six weeks of each school year or within the first six week of employment.

Purpose of the bill. The author states, "Child abuse affects children of every age, race, and income level. It often takes place in the home and comes from a person the child knows and trusts – a parent, relative, babysitter, or friend of the family." The author further states that mandated reporting laws only work to the extent that employees are able to identify the signs of abuse and that there may be times when a victim may not display any signs.

This bill requires the CDE to create a poster to inform children of the appropriate telephone number to call to report child abuse and neglect. The bill requires the poster to be at least 8.5 inches by 11 inches, include instruction to call 911 in emergencies, and be translated in Spanish, and three other top languages, as determined by the SPI. The bill authorizes the CDE to partner with public and private agencies in the design and content of the poster, requires the CDE to post the posters on its Internet Web site, and encourages local educational agencies and private schools to post the posters in areas where pupils frequently gather.

According to the author, the Texas Department of Family and Protective Services received 38,000 more calls of suspected abuse following the 2013 enactment of a law similar to one proposed by this bill.

The Children's Advocacy Centers of California, writing in support of the bill, states, "Statistics show that most children, particularly children who have been sexually abused, are not likely to disclose their abuse at all; others wait until years after the abuse has stopped to tell someone. Any tool that lets children know it [is] okay to tell what happened to them, and that, even more, points them to a safe resource they contact, could be critical to reaching children who might otherwise stay silent or have their abuse continue un-noticed and un-reported."

REGISTERED SUPPORT / OPPOSITION:**Support**

Children's Advocacy Centers of California
Crime Victims United of California

Opposition

None on file

Analysis Prepared by: Sophia Kwong Kim / ED. / (916) 319-2087