

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1913 (Addis) – As Amended April 16, 2024

**SUBJECT:** Pupil safety: child abuse prevention: training

**SUMMARY:** Requires school districts, county offices of education (COEs), state special schools, and charter schools to include information regarding child abuse prevention, including sexual abuse, by school personnel or in an a school-sponsred program, in the existing annual mandated reporter training required for school personnel. Specifically, **this bill:**

- 1) Adds to the requirements for the California Department of Education (CDE), in consultation with the Office of Child Abuse Prevention (OCAP) in the California Department of Social Services (CDSS), to do the following:
  - a) Develop and disseminate information to all school districts, COEs, state special schools and diagnostic centers operated by CDE, charter schools, and their school personnel in California, to include information regarding the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on CDE’s internet website links to existing training resources; and,
  - b) Develop appropriate means of instructing school personnel in the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.
- 2) Strikes the requirement for CDE, in consultation with OCAP, to establish best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on CDE’s website links to existing training resources.
- 3) Commencing July 1, 2025:
  - a) Strikes the provision for school districts, COEs, state special schools and diagnostic centers operated by CDE, and charter schools, to be encouraged to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and to also be encouraged to provide all school employees with that training at least once every three years.
  - b) Adds to the requirements for school districts, COEs, state special schools and diagnostic centers operated by CDE, and charter schools when providing annual training using the online training module provided by CDSS or training used in its place, to their employees and persons working on their behalf who are mandated reporters, to include the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on CDE’s internet website links to existing training resources.
- 4) States legislative intent that the training provided will not add to the duration of existing training requirements but instead only alter the content of those training requirements.

**EXISTING LAW:**

- 1) Requires CDE, in consultation with OCAP, to do all of the following:
  - a) Develop and disseminate information to all school districts, COEs, state special schools and diagnostic centers, charter schools, and their school personnel in California, regarding the detection and reporting of child abuse;
  - b) Provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with the Child Abuse and Neglect Reporting Act (CANRA). Requires this guidance to include, but not necessarily be limited to, both of the following:
    - i) Information on the identification of child abuse and neglect; and,
    - ii) Reporting requirements for child abuse and neglect.
  - c) Develop 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, including, but not limited to, an online training module to be provided by CDSS;
  - d) Establish best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on the CDE's internet website links to existing training resources. (Education Code [EDC] § 44691(a))
- 2) Requires school districts, COEs, state special schools and diagnostic centers, and charter schools to do both of the following:
  - a) Provide annual training, using the online training module provided by CDSS, or a training used in its place, to their employees and persons working on their behalf who are mandated reporters, on the mandated reporting requirements. Requires this training to be provided to school personnel hired during the course of the school year. Requires this training to 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, by a fine of \$1,000, or by both imprisonment and fine; and,
  - 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 school year or within the first six weeks of that person's employment. Permits the process to include, but 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 or body of the school district, COE, state special school and diagnostic center, or charter school. (EDC § 44691(b))
- 3) Requires school districts, COEs, state special schools and diagnostic centers, and charter schools that do not use the online training module provided by CDSS to report to CDE the training being used in its place. (EDC § 44691(c))
- 4) Encourages school districts, COEs, state special schools and diagnostic centers, and charter schools to participate in training on the prevention of abuse, including sexual abuse, of

children on school grounds, by school personnel, or in school-sponsored programs, and are also encouraged to provide all school employees with that training at least once every three years. (EDC § 44691(d))

- 5) Establishes the CANRA which specifies the following types of people are mandated reporters, among others:
  - a) A teacher;
  - b) A teacher's aide or teacher's assistant employed by a public or private school;
  - c) A classified employee of a public school;
  - d) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school;
  - e) An administrator of a public or private day camp;
  - f) An administrator or employee of a public or private youth center, youth recreation program, or youth organization;
  - g) 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;
  - h) An employee of a COE or CDE whose duties bring the employee into contact with children on a regular basis;
  - i) A licensee, an administrator, or an employee of a licensed community care or child daycare facility; and,
  - j) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school. (Penal Code [PEN] §§ 11164-11174.3.)
- 6) Defines "child abuse and neglect" to mean physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse, as defined, neglect, as defined, the willing harming or injuring of a child or the endangering of the person or health of a child, as defined, and unlawful corporal punishment or injury, as defined. (PEN § 11165.6)
- 7) Requires school districts, COEs, state special schools and diagnostic centers, and charter schools to annually train their employees and persons working on their behalf 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. (PEN § 11165.7(d))
- 8) Requires any mandated reporter, with the exception of child visitation monitors, prior to commencing their employment, and as a prerequisite to that employment, to sign a statement on a form provided to them by their employer to the effect that they have knowledge of the mandated reporting procedures and will comply with those provisions; and, requires that the

statement inform the employee that they are a mandated reporter and inform the employee of their reporting obligations and of their confidentiality rights. (PEN § 11166.5(a))

- 9) Requires, when a person is issued a state license or certificate to engage in a profession or occupation that is a mandated reporter, the state agency issuing the license or certificate to send a statement regarding mandated reporting to the person at the same time as it transmits the document indicating licensure or certification to the person; requires the statement to indicate that failure to comply with the requirements is a misdemeanor, punishable by up to six months in a county jail, by a fine of \$1,000, or by both that imprisonment and fine; and, specifies as an alternative, a state agency may cause the required statement to be printed on all application forms for a license or certificate printed on or after January 1, 1986. (PEN § 11166.5(b))
- 10) Authorizes any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, evidenced by states of being or behavior, including, but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, to report to an agency, as specified. (PEN § 11166.05)

**FISCAL EFFECT:** Unknown, this bill has not been analyzed by a fiscal committee.

**COMMENTS:**

**Background:** *Child Abuse.* Child abuse and neglect is a pervasive issue that affects millions of children nationwide. According to the Centers for Disease Control and Prevention, at least one-in-seven children have experienced child abuse, including physical, sexual, emotional, and neglect in the past year in the United States (U.S.). These adverse childhood experiences (ACEs) leave profound and lasting impacts on their well-being and development, increasing their risk of experiencing future violence victimization and perpetration, substance use disorders, sexually transmitted infections, delayed brain development, lower educational attainment, and limited employment opportunities. Chronic abuse may result in toxic stress, which can change brain development and increase the risk of problems like posttraumatic stress disorder and learning, attention, and memory difficulties. The estimated cost of child abuse is about \$592 billion in the U.S. in 2018.

While child abuse and neglect can happen to anyone, there are certain risk factors at the individual, relational, community and societal level that have been found to increase risk. At the individual level, risk factors encompass various personal factors, including gender, age, educational attainment, income level, presence of disabilities, impaired cognitive development, psychological disorders, alcohol or substance misuse, and a history of aggression or maltreatment. Relational level risk factors involve lack of emotional bonding, ineffective parenting practices, familial discord and separation, affiliation with delinquent peers, exposure to domestic violence involving the mother or stepmother, and early or coerced marriage. Community-level risk factors pertain to the characteristics of settings such as schools, workplaces, and neighborhoods, such as poverty rates, high population density, transient populations, limited social cohesion, unsafe physical environments, elevated crime rates, and the presence of local drug markets. Society-level risk factors include legal and social norms that perpetuate or normalize violence, such as policies that uphold economic, gender, or social disparities; absent or inadequate social safety nets; inadequate governance and ineffective law enforcement measures.

On the flip side, protective factors may lessen the likelihood of children being abused or neglected, such as creating safe, positive relationships with children, having families with strong social support networks, and communities where families have access to safe, engaging after school programs and activities.

*Mandated Reporting.* Mandated reporting refers to the legal obligation of certain individuals, known as mandated reporters, to report suspected cases of child abuse or neglect to designated authorities, such as law enforcement or a county child welfare agency. Mandated reporting laws require professionals who regularly come into contact with children as part of their job, such as teachers and school administrators, to report such suspicions of child abuse or neglect.

While the purpose of mandated reporting is to ensure that children who may be at risk of harm receive timely intervention and protection from further abuse or neglect, failure to report suspected abuse or neglect, as mandated by existing law, can result in legal consequences, including fines, professional discipline, and in some cases, criminal charges. As a result, according to the California Child Welfare Indicators Project by the University of California, Berkeley there were over 433,571 allegation calls in 2023, with only 13% (or 56,364) cases being substantiated. A mandated reporter's fear of personal and organizational liability that is reinforced by policy, training, and legislation, as well as uncertainty about what constitutes abuse or neglect are driving factors in the decision to report suspected maltreatment.

Additionally, the current state of practice results in the child welfare system's over surveillance and harm of marginalized communities of color, often conflating neglect with poverty. Mandated reporting can overburden the system with families who do not require an intervention from the child welfare system, but may benefit from community-based services and supports to meet their needs. Interactions and involvement with the child welfare system, such as investigations, can be, and are for many, a source of active harm, even when no child abuse and neglect is found. These investigations can chip away at critical protective factors that help to ensure child safety by disrupting trusting relationships, which can cause a family to isolate and avoid seeking help or support in times of need.

Mandating reporting, following conducting investigations by child protective services agencies, is an example of tertiary prevention, which focuses on responding to cases of abuse or neglect that have already occurred, with the goal of minimizing harm and preventing recurrence.

*Mandated Reporting Training Requirements in Schools.* Existing law requires schools to annually train teachers regarding their duties as a mandated reporters. Existing law also encourages schools to train teachers regarding child abuse prevention every three years. CDSS' OCAP, in partnership with CDE, created a free online mandated reporter training for school personnel that is up to four hours in length and available in Spanish. The training covers all of the following:

- What the law requires of you as a mandated reporter;
- How to spot indicators of possible child abuse or neglect;
- How to talk to children about suspected abuse;
- How to make a report;

- What happens after a report is filed; and,
- Special issues related to child abuse reporting in the school environment.

At the conclusion of the training, school staff and educators must take a final exam consisting of 20 questions, which will test the information learned during the training. CDE also has a list of training resources on its internet website regarding child abuse prevention.

According to the Los Angeles County Board of Supervisors, “Existing mandated reporter training fails to adequately educate reporters on child abuse and neglect and does not provide the concrete guidance needed to make sound reporting decisions, including how to distinguish poverty from neglect. The decision to report suspected maltreatment is influenced by personal biases - both implicit and explicit, based on race and socioeconomic status. Finally, the decision to report a family to the [Department of Children and Family Services Child Protection] Hotline is often due to mandated reporters having insufficient access to alternative, community-based supportive options for families who are in need, but do not require an intervention by the DCFS.”

This bill adds child abuse prevention to the existing annual training requirement for teachers, which is a form of primary prevention that focuses on raising awareness about child abuse and neglect, as well as educating about risk factors and protective factors. These efforts often involve trainings, public awareness campaigns, and outreach activities aimed at equipping individuals, in this case mandated reporters, with the knowledge and skills needed to prevent abuse.

*Mandated Reporting to Community Supporting.* Mandatory reporting reform has garnered momentum throughout the state in the last several years.

- In its 2021 annual report, the California Citizen’s Review Panel proposed a restructuring of mandated reporting procedures within the state;
- Following this recommendation, in 2022, CDSS’ OCAP commissioned and funded the production of a report titled *Creating a Child & Family Well-Being System: A Paradigm Shift from Mandated Reporting to Community Support*, aimed at providing counties and community stakeholders with insights into transitioning towards a new approach concerning mandatory reporting;
- The passage of AB 2085 (Holden), Chapter 770, Statutes of 2022, provided that general neglect does not include a parent’s economic disadvantage; and,
- In March 2023, the California Child Welfare Council established the Mandated Reporting to Community Supporting Task Force with the aim of offering direction and practical suggestions to revamp the mandated reporting framework across the state. These endeavors, which involve renaming Mandated Reporters as Mandated Supporters, signify a transformation in our approach to the mandated reporting system.

These reforms are centered on establishing a system that advocates for the well-being of children and families by delivering community-based services and assistance whenever feasible, all while maintaining a primary focus on ensuring the health and safety of children. In fact, Los Angeles County is currently creating a standardized Mandated Supporter training and training guidelines to build off the state’s efforts and investments. Key guiding questions include:

- Does the family have the resources to provide the care and protection they want to provide?
- What strengths exist within this caregiving system?
- What are this family's priorities for their children, and how can we support them in a culturally appropriate and humble way?

Mandated reporting to community supporting initiatives represents secondary prevention interventions, which aim to identify and support families at risk of experiencing abuse or neglect before harm occurs. These interventions may involve community-based home visiting programs, parenting classes, counseling services, and other supports designed to strengthen families' protective factors and mitigate risk factors. By providing early intervention and support, these programs aim to prevent the escalation of risk and reduce the likelihood of child abuse or neglect.

*Child Abuse on School Grounds.* While reforms are underway to transition away from mandated reporting to providing community support for families, child abuse by school personnel continues to be rampant on school grounds. For example, as a result of AB 218 (Gonzalez), Chapter 861, Statutes 2019, which extended the civil statute of limitations for childhood sexual assault by 14 years, revived old claims for three years, and increased certain penalties for childhood sexual assault, the *San Francisco Chronicle* reported in September 2023 that an unprecedented wave of 52 lawsuits were filed against 51 Bay Area schools, confronting educators who raped or sexually abused students and their administrators for not taking basic steps to protect these students. In 2022, a California school district was required to pay \$18 million to the family of a boy who was 8 years of age with Down Syndrome who died after staff strapped him to a chair and left him unsupervised where he fell back in his chair and fatally cracked his head. In September 2023, Union School District in Santa Clara County owed two former students \$102.5 million because school officials failed to prevent a middle school teacher from grooming and abusing them, despite repeated complaints from parents.

There are several factors that contribute to the risk of child abuse occurring on school grounds by personnel:

- Power imbalance: School personnel hold positions of authority and trust over students, creating a power dynamic that can be exploited by perpetrators to manipulate and coerce them into silence;
- Access and opportunity: School personnel typically have unrestricted access to students, both during and outside of school hours, providing ample opportunity for abuse to occur without detection;
- Lack of oversight: Inadequate supervision, lax policies and procedures, and a culture of silence or indifference within educational institutions can contribute to an environment where abuse goes unchecked and unrepeated;
- Grooming tactics, such as establishing rapport, building trust, and gradually escalating boundary violations to gain the confidence of children and evade detection; and,
- Stigma and shame: Children who have been abused may feel ashamed, embarrassed, or fearful of the consequences of speaking out (even school personnel may be fearful of the

consequences of reporting a colleague), particularly if the school personnel is a respected or influential member of the school community.

Reporting child abuse by school personnel on school grounds, such as grooming, exploitation, and coercion, may not be explicitly covered by the mandated reporting training, which this bill aims to do. This bill specifically requires school employees to be trained on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel.

**Author’s Statement:** According to the Author, “[This bill], the Child Abuse Prevention Act, fills an urgent need to ensure safe learning environments for California’s students. [This bill] will protect children by providing mandated reporters with important education so that they can recognize the signs of grooming and potential abuse before it occurs. School professionals are on the front lines of ensuring children have a safe environment to learn, it’s critical they possess the right knowledge to do this. [This bill] enhances the ability of mandated reporters to prevent harm by giving them the knowledge to do so.”

**Equity Implications:** Ensuring that all educators and school staff receive comprehensive training on child abuse prevention regardless of their school’s location or socioeconomic status promotes equity in access to essential resources. By requiring this training across all schools, the policy aims to prevent abuse and protect children in both affluent and disadvantaged communities.

The Mandated Reporting to Community Supporting Task Force aims to release a report later this year providing recommendations for reforming the mandated reporting system. These suggestions may include overhauling the current training requirements, potentially resulting in additional legislation to enact these proposals.

Overall, this bill underscores a recognition of the critical role that educators and school personnel play in safeguarding children’s welfare and creating safe learning environments. By integrating child abuse prevention training into the mandated reporter requirements, this bill seeks to educate educators with the knowledge and skills necessary to identify, respond to, and ultimately prevent instances of abuse, including sexual abuse, within educational settings.

**Double referral:** This bill was previously heard in the Assembly Committee on Education, on March 20, 2024, and was approved on a 7-0 vote.

#### **RELATED OR PRIOR LEGISLATION:**

**AB 2085 (Holden), Chapter 770, Statutes of 2022**, redefined “general neglect” for purposes of CANRA by excluding a person’s economic disadvantage, as specified.

**AB 1963 (Chu), Chapter 243, Statutes of 2020**, made a human resource employee of a business that employs five or more employees, including minors, a mandated reporter of child abuse or neglect, and a person whose duties require direct contact with and supervision of minors in the performance of the minors duties in the workplace a mandated reporter of sexual abuse for purposes of CANRA.

**AB 506 (Gonzalez), Chapter 169, Statutes of 2021**, required an administrator, employee, or regular volunteer of a youth service organization to complete child abuse and neglect identification training and to undergo a background check.

*AB 218 (Gonzalez), Chapter 861, Statutes of 2019*, extended the civil statute of limitations for childhood sexual assault by 14 years, revived, for three years, old claims, and increased certain penalties for childhood sexual assault.

*AB 1058 (Baker), Chapter 748, Statutes of 2015*, encouraged school districts, COEs, state special schools, and diagnostic centers, and charter schools to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and also encourages schools to provide all school employees with that training at least once every three years.

*AB 1432 (Gatto), Chapter 797, Statutes of 2014*, required LEAs to annually train employees on their duties regarding the mandated reporting of child abuse and neglect, as specified.

*AB 1338 (Buchanan) of 2013*, would have required the governing board of a school district and COE and the governing body of a charter school, to adopt a policy on the reporting of child abuse and the responsibilities of mandated reporters in accordance with CANRA and review the mandated reporting requirements with all school personnel within the first six weeks of each school year. *AB 1338 was held on the Assembly Appropriations Committee suspense file.*

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Association of California School Administrators (Co-Sponsor)  
Schools Excess Liability Fund (SELF) (Co-Sponsor)  
Alameda County Office of Education  
American Academy of Pediatrics, California  
California Academy of Child and Adolescent Psychiatry  
California Association of Joint Powers Authorities  
California Teachers Association  
Generation Up  
Junior Leagues of California State Public Affairs Committee  
Office of The Riverside County Superintendent of Schools

### **Opposition**

None on file.

**Analysis Prepared by:** Bri-Ann Hernández / HUM. S. / (916) 319-2089