



## LAW UPDATE LABOR AND EMPLOYMENT

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### CHILD ABUSE AND NEGLECT MANDATED REPORTER TRAINING - TIMING AND OPTIONS

As you know, as of January 1, 2015, Assembly Bill (AB)1432 requires school districts and county offices of education to train employees who are mandated reporters regarding child abuse and neglect detection and identification, mandated reporter obligations, and procedures under the Child Abuse and Neglect Reporting Act (CANRA).<sup>1</sup> We have had several questions regarding the timing of the required CANRA training, and available options to satisfy the training requirements.

#### 1. Timing

AB 1432 requires that districts and county offices provide annual training to all employees who are mandated reporters and that each district and county office develops a process for employees to provide timely proof of training completion.<sup>2</sup> Existing employees must provide proof of completion within the first six weeks of "each school year," and employees hired after the start of a school year, must show proof within the first six weeks of their employment. The law provides that proof of completion can include the use of a sign-in sheet or certificate of completion.

Since the law took effect January 1, 2015, long after the first six weeks of the 2014-15 school year, the annual training for existing employees must be provided within the first six weeks of the 2015-16 school year.<sup>3</sup> Any new employees hired after January 1, 2015 must be trained within six weeks of their hire dates.

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<sup>1</sup> Penal Code section 11164 and following. The training must also specifically include information that the failure to report an incident of known or reasonably suspected child abuse or neglect, as required, 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.

<sup>2</sup> Penal Code section 11165.7 includes over 40 categories of mandated reporters. The list is so broad that, with limited exception, all school districts and county office employees will fall into one or more categories and should be trained in accordance with AB 1432's requirements.

<sup>3</sup> See Education Code section 44691(b). While districts could opt to train all existing employees within the first six weeks after the bill took effect on January 1, 2015, this does not appear to be mandated by the legislation. Rather, the legislation requires CANRA training within the first six weeks of each school year, which we believe translates to the first six weeks of the first school year after the law took effect (2015-16). The office of AB 1432's author, Assembly Member Gatto, confirms our interpretation meets the author's understanding and is also the California Department of Education's interpretation of the timing requirement.

## 2. Training Options

The new legislation calls for the California Department of Social Services and the California Department of Education to develop and provide an online training module to satisfy the requirements of AB 1432. Unfortunately, the State-approved free online training module is not yet available and is expected to launch “Late-January 2015.”<sup>4</sup> Although there is no minimum duration required in the statute, this training is rumored to take approximately four hours to complete.

There are a variety of reasons an employer may choose an alternative method of training under AB 1432, including effectiveness, efficiency, time constraints, and cost. Alternative training methods are permitted under the law, so long as they address the content required in the statute. If a district or county office chooses to use an alternative method, it must notify the California Department of Education of the method used, on a form to be developed.

For those districts and county offices of education which are members of SISC II, an online module has been developed which meets the requirements of AB 1432 and can be used now. It requires approximately 30 minutes to complete. To log in and access this module or for questions regarding it, please visit the following website: <http://www.getsfafetytrained.com> and/or contact Ms. Sandi Harville, SISC Property & Liability at (661) 636-4604.

If your district or county office of education would prefer a live presentation or would be interested in viewing a pre-recorded live presentation or a webinar satisfying the requirements of AB 1432 and providing staff members the opportunity to ask district or office-specific questions, please contact Schools Legal Service. Our attorneys are happy to present to a single district or a group of neighboring districts.

If you have any questions concerning this issue, please do not hesitate to contact our office.

– Melissa H. Brown

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*Labor and Employment Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.*

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<sup>4</sup> For updates as to when the module will be available, please visit <http://www.mandatedreporterca.com>.