

AMENDED IN ASSEMBLY APRIL 11, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1338

Introduced by Assembly Member Buchanan

(Principal coauthor: Senator Padilla)

(Coauthor: Assembly Member Muratsuchi)

February 22, 2013

An act to add Section 44692 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1338, as amended, Buchanan. School employees: child abuse: reporting.

Existing law requires the State Office of Abuse Prevention to develop and disseminate information to all school districts and district school personnel regarding the detection of child abuse. Existing law, the Child Abuse and Neglect Reporting Act, requires mandated reporters, which includes teachers, to make a report if the person has knowledge of or observes a child whom the person knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would require the governing ~~body~~ *board* of each school district, ~~charter school~~, and county office of education, *and the governing body of each charter school*, to adopt a policy on the reporting of child abuse and the responsibilities of mandated reporters. The bill would require each school district, charter school, and county office of education to review the mandated reporting requirements of school employees with all school personnel within the first 6 weeks of each

school year. By expanding the duty of school districts, charter schools, and county offices of education, the 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 44692 is added to the Education Code,
2 immediately following Section 44691, to read:

3 44692. (a) The governing ~~body~~ *board* of each school district;
4 ~~charter school~~; and county office of education, *and the governing*
5 *body of each charter school*, shall adopt a policy on the reporting
6 of child abuse and the responsibilities of mandated reporters, as
7 defined in Section 11165.7 of the Penal Code, in accordance with
8 the requirements of the Child Abuse and Neglect Reporting Act
9 (Article 2.5 (commencing with Section 11164) of Chapter 2 of
10 Title 1 of Part 4 of the Penal Code).

11 (b) Each school district, charter school, and county office of
12 education shall review the mandated reporting requirements of
13 school employees with all school personnel within ~~in~~ the first six
14 weeks of each school year.

15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

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