

General Institution

AP 3518 CHILD ABUSE REPORTING**References:**

Education Code Sections 76200 et seq. and 87044;
Penal Code Sections 11164;
Health and Safety Code Section 1596.866 and 1596.8662

The Superintendent/President recognizes the responsibility of employees to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty members, educational and classified administrators, and classified staff members. Volunteers are not mandated reporters but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse, or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe or general neglect of a child (definitions contained in Penal Code Section 11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position drawing when appropriate on his/her/their training and experience, to suspect child abuse” (Penal Code Section 11166 subdivision (a)).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. District Police departments are not child protective agencies (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172 subdivision (a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her/their identity to the employer (Penal Code Section 11166 subdivision (h)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and up to a \$1,000 fine (Penal Code Section 11172 subdivision (e)).

Mandated reporters must report immediately any reasonable suspicion of child abuse to local law enforcement and/or the Marin County Child Protective Services Department and follow up with a written report within 36 hours. The follow-up report may be mailed or submitted by facsimile or electronic transmission.

Child abuse reporting forms are available from the Marin County Child Protective Services Department.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false (Penal Code Section 11172 subdivision (a)).

When the Senior Vice President of Student Learning and Student Services or designee releases a minor to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code Section 11165, or pursuant to Welfare and Institutions Code Section 305. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act or the California Student Records Act (Education Code Sections 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167 subdivision (b)).

The District shall provide a mandated reporter with a statement informing the employee that he/she/they is a mandated reporter and inform the employee of his/her/their reporting obligations under Penal Code Section 11166 and of his/her/their confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his/her/their employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code Section 11166.5).

Pursuant to California State licensing requirements for child day care facilities, any person whose duties bring them into direct contact and supervision of children is required to complete the online Mandatory Child Abuse Reporting Training (and provide a Certificate of Completion) within 90 days of accepting a position or student teacher placement at the District and prior to any work conducted at the District's Child Development Program facility, and to renew the training every two years.

The District will distribute this procedure to all employees.

Offices of Primary Responsibility: District Police Department, Child Development Center, and Human Resources

Date Approved: April 20, 2010; February 12, 2019

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