



2007-2008 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

CAMPBELL UNION HIGH SCHOOL DISTRICT LACKS KNOWLEDGE AND TRAINING OF MANDATED CHILD ABUSE REPORTING REQUIREMENTS

Introduction

The 2007-2008 Santa Clara County Civil Grand Jury (Grand Jury) received a complaint regarding a failure to follow suspected child abuse reporting procedures in the Campbell Union High School District (CUHSD).

Background

California Penal Code Sections 11164 through 11174.3 contain the Child Abuse and Neglect Reporting Act. The Penal Code lists 37 categories of mandated reporters, among which are teachers, instructional aides, teachers' aides or teachers' assistants, classified employees of any public school, administrative officers or supervisors of child welfare and attendance, and certificated employees of any public or private school. Thus, most school employees are mandated reporters of suspected child abuse. Mandated reporters who know or reasonably suspect a child has been abused or neglected are legally required to immediately report the matter to the appropriate government agency. The mandated reporter must transmit a written follow-up report within 36 hours. The reporting duties are individual and cannot be delegated to anyone else.

The school district must obtain a signed statement by the mandated reporter that he/she understands the reporting obligation and agrees to comply with this obligation, prior to commencing employment. The school district must retain copies of these signed statements.

The Child Abuse and Neglect Reporting Act also states that school districts are strongly encouraged to provide their mandated reporters with training, and those school districts that do not train their employees shall report to the State Department of Education why this training is not provided. This training shall include child abuse identification and reporting.

The California School Boards Association and the California Department of Social Services have documented policies and procedures on mandated reporting to supplement the Penal Code, which may be used by school districts in the state.

Discussion

The Grand Jury conducted an investigation into the complaint regarding CUHSD's failure to follow child abuse reporting procedures. The aim of this investigation was to review:

- 1) CUHSD policy and procedures regarding mandated reporting
- 2) Training provided to CUHSD mandated reporters

CUHSD Policy and Procedures

CUHSD has a written Board Policy (BP 5141.4) that covers the requirements for school employees reporting suspected child abuse. Associated with this policy is an Administrative Regulation (AR 5141.4) describing the procedures to be followed. The policy and procedures are in accordance with those provided by the California Department of Social Services and include the following:

- References to the Penal Code and Education Code
- A definition of child abuse
- A definition of mandated reporters to include "virtually all school employees"
- Procedures that include the requirement "shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours." Included is a reference to the specific California Department of Justice (DOJ) form to be completed.
- Responsibility for training of mandated reporters is assigned to the Superintendent or designee

Interviews with three CUHSD District Office administrators, the principal at each of the six schools in the District, as well as a dean at five of the schools, yielded the following:

- Of three District Office administrators interviewed, two were unable to demonstrate familiarity with the District's policy and procedures.
- Only two of the six principals interviewed provided copies of the district policy and procedures to the Grand Jury.
- The agency to be notified by mandated reporters was not clear to the principals and deans in the District, and two of the principals and two of the deans made it a practice to involve the Dean of Students before a report was made.

CUHSD Mandated Reporting Training

The three District Office administrators stated that all new CUHSD employees receive mandated reporting training during their orientation that is provided by the District Office at the start of the school year.

CUHSD provided training agendas for new teachers from 2004 that listed mandated reporting but the District was unable to provide more recent documentation in support of the training. No attendance records from the training sessions were available.

During their new employee orientation, “classified” employees (those who do not hold teaching or administrative credentials or are not in jobs requiring credentials) receive training on mandated reporting as one of 12 topics covered in 50 minutes. The mandated reporting training for “certificated” employees, however, is one of two topics covered in 30 minutes in their new employee orientation.

Six principals and five deans were interviewed; two reported that they did not receive new employee orientation.

All three District office administrators interviewed stated that annual training is carried out at the schools. Although some of the principals and deans stated that mandated reporting is covered annually during staff meetings of certificated employees, only one of the six schools was able to produce training documentation. At four of the schools, classified employees do not receive any annual training or reminders.

No training is provided by CUHSD for school volunteers, although the Penal Code states that employers are encouraged to provide training to volunteers.

During its investigation into these issues, the Grand Jury learned of training sessions being provided by the Santa Clara County Department of Family and Children’s Services (DFCS). This training is available at no cost to school districts, as well as other mandated reporting agencies.

Conclusion

Although CUHSD has a written policy and documented procedures regarding mandated reporting of suspected child abuse, which are in accordance with state law and the Education Code, they do not clearly define the local agency to which reporting is to be made. Not all District Office administrators, principals, and deans are knowledgeable about the policy and procedures. Training of school employees cannot be verified. These issues could result in inconsistent application of the policy, some cases not being reported as soon as they should be, or possibly some cases not being reported at all.

Finding 1

The information in the CUHSD child abuse reporting policy and administrative regulations is not understood by all District administrators, school principals, and deans.

Recommendation 1

All CUHSD administrators, principals, and deans need to be given specific training on the mandated reporting policy and administrative regulations. Copies of the policy, administrative regulations, and DOJ reporting form should be provided to each trainee.

Finding 2

The Superintendent or designee(s) responsible for training CUHSD employees have not been overseeing the provision for training per Board Policy, either as a part of new employee orientation or annual training. No District training materials are available, and training rosters have not been maintained.

Recommendation 2a

All new employees must receive specific training on mandated reporting, to include copies of the District policy and procedures and the DOJ form to be completed, as part of their new employee orientation. The same training must be given to both classified and certificated employees.

Recommendation 2b

All current District employees are to be given specific training annually on mandated reporting, to include copies of the District policy and procedures and the DOJ form to be completed. Both classified and certificated employees are to receive this training.

Recommendation 2c

CUHSD should modify their policy and procedures to include a procedure to create training records, including training dates, materials provided, and attendance records. These records should be maintained by the District.

Finding 3

The Santa Clara County DFCS has developed a training program for mandated reporters, to ensure that a consistent set of procedures is used when child abuse is suspected.

Recommendation 3

CUHSD should use the Santa Clara County DFCS training program as a resource.

Finding 4

CUHSD volunteers are not provided training on mandated reporting.

Recommendation 4

CUHSD should include volunteers in mandated reporter training.

The Findings in this report were reviewed by CUHSD and Santa Clara County DFCS.

Key References

Documents

- California School Boards Association, *CSBA Sample Administrative Regulation AR5141.4(a), (b), (c), (d), (e), (f), (g), (h), (i), (11/04 3/07) 3/08*
- California School Boards Association, *CSBA Sample Board Policy BP5141.4(a), (b), (3/01 7/02) 11/04*
- Campbell Union High School District, *Administrative Regulation AR5141.4(a), (b), (c), (d), (e), Child Abuse Reporting Procedure, Aug 11, 1994*
- Campbell Union High School District, *Board Policy BP5141.4(a), (b), Child Abuse Prevention, Aug 11, 1994*
- Campbell Union High School District, *Board Policy BP5141.41, Child Abuse Prevention, Aug 11, 1994*
- Campbell Union High School District, *Branham High School Responsibilities, 2007-08*
- Campbell Union High School District, Del Mar High School, *Faculty Handbook 2007-2008*
- Campbell Union High School District, Leigh High School, *Leigh Administrative Responsibility Chart 2007-2008 (2 pages)*
- Campbell Union High School District, Leigh High School, *Welcome Leigh Teachers, August 27, 2007 (5 pages)*
- Campbell Union High School District, *New Classified Employee Orientation, Friday, October 15, 2004*
- Campbell Union High School District, *New Teacher Employee Orientation, Tuesday, August 24, 2004*
- Campbell Union High School District, Prospect High School, *Mandated Reporting*
- Campbell Union High School District, Prospect High School, *Mandated Reporting Procedures/Statement of Confidentiality*
- Campbell Union High School District, *Statement Pursuant to Penal Code Section 11166.5*
- Campbell Union High School District, Westmont High School, *Child Abuse Reporting Protocol*

Documents – continued

Campbell Union High School District, Westmont High School, *Faculty Manual, Page 43, Child Abuse and Neglect, Some Physical & Behavioral Indicators of Child Abuse & Neglect*

Child Abuse Council of Santa Clara County, Hard Copy of Web Page, *Child Abuse reporting Guidelines for Sexual Activity Between and with Minors* (3 pages)

Child Abuse Council of Santa Clara County, Hard Copy of Web Page, *What Is Child Abuse?* (2 pages)

Child Abuse Prevention Council of Sacramento, Inc. 9/2005, *Child Abuse Reporting Protocol*

Girad & Unison, *Navigating the Student Discipline Maze*, Campbell Union High School District, Sept 16, 2004

Greater Bay Area Child Abuse Prevention Council Coalition, *California Abuse and Neglect Reporting Law, 2007*

Jane Smithson, J.D., Social Services Consultant/Trainer, *Training Exercises* (13 pages)

Jane Smithson, J.D., Social Services Consultant/Trainer, *Training Material* (7 pages)

National Center for Youth Law, *When Mandated Reporters in California Must Report Consensual Disparate Age Sexual Activity to Child Abuse Authorities*, July 2003

Santa Clara County, Department of Family & Children's Services, *Handout Material* (54 pages)

Santa Clara County, Department of Family & Children's Services, *It Is Your Business When A Child Is Being Abused*, April 2007

Santa Clara County, Lead Deputy County Counsel, *When to Contact Child Protective Services (CPS) in Domestic Violence Cases: A Guide for Mandated Reporters*, Revised May 2003 (2 pages)

State of California, Department of Justice, *Suspected Child Abuse Report, Form SS8572* (Rev 01/04)

State of California, Department of Social Services, Office of Child Abuse Prevention, *The California Child Abuse & Neglect Reporting Law, Issues and Answers for Mandated Reporters*, Pub 132 (1/05)

State of California, Penal Code Section 11164 through 11174.3

Interviews

December 3, 2007 Superintendent, Campbell Union High School District

December 3, 2007 Assistant Superintendent, Human Resources, Campbell Union High School District

January 9, 2008 Principal, Leigh High School

January 9, 2008 Dean of Students, Leigh High School

January 9, 2008 Resource Officer, Leigh High School, San Jose Police Department

January 9, 2008 Principal, Westmont High School

January 9, 2008 Dean of Students, Westmont High School

January 9, 2008 Resource Officer, Westmont High School, San Jose Police Department

January 14, 2008 Principal, Camden Community Day School

January 14, 2008 Resource Officer, Camden Community Day School, San Jose Police Department

January 14, 2008 Principal, Del Mar High School

January 14, 2008 Dean of Students, Del Mar High School

January 15, 2008 Director, Student Assessment, Research and Evaluation, Campbell Union High School District

January 16, 2008 Principal, Prospect High School

January 16, 2008 Dean of Students, Prospect High School

January 16, 2008 Resource Officer, Prospect High School, Office of the Sheriff, Reserve Deputy Sheriff

January 16, 2008 Principal, Branham High School

January 16, 2008 Dean of Students, Branham High School

January 16, 2008 Resource Officer, Branham High School, San Jose Police Department

Interviews – continued

January 23, 2008 Director, Department of Family and Children's Services

February 11, 2008 Lieutenant, Community Services, San Jose Police Department

February 13, 2008 Attorney at Law, Atkinson, Andelson, Loya, Ruud & Romo

February 22, 2008 Social Services Consultant/Trainer

Meetings Attended

March 03, 2008 – MRT (Mandated Reporter Training) Presentation, Santa Clara County Office of Education, Rouleau Cluster. Presentation by Social Services Consultant/Trainer

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 8th day of May, 2008.

Raymond A. Blockie, Jr.
Foreperson

Tim Cuneo
Foreperson pro tem

Kathryn C. Philp
Secretary