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Introduction Date	11/18/15
Enactment Number	15-1852
Enactment Date	11-18-15



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel

**Board Meeting Date** November 18, 2015

**Subject** **Amendments to Board Policy 5141.4 - Child Abuse Prevention And Reporting**

**Action Requested** **Approval of Amendments to Board Policy 5141.4 - Child Abuse Prevention And Reporting**

**Background and Discussion** Assembly Bill 1432, signed by the Governor in October 2014 requires annual mandated reporter training for all school district employees within the first six weeks of each school year or within six weeks of employment. Staff is recommending the following changes in the Board Policy:

- 1) Annually, at the first regular Board of Education meeting in January of each year, the Superintendent shall report to the Board the status of the District compliance with AB 1432.
- 2) Any employee who has been employed by the District for more than 60 days who has not completed mandated reporter training within the first 60 days of employment or annually after January 1<sup>st</sup> of any year **and** who is employed at a school site or has contact with students may be placed on administrative leave without pay pending completion of the training offered by the District.

**Recommendation** **Approval of Amendments to Board Policy 5141.4 - Child Abuse Prevention And Reporting**

**Fiscal Impact** N/A

**Attachments** • Redline of Board Policy 5141.4 - Child Abuse Prevention And Reporting

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### Students

BP 5141.4

#### Child Abuse Prevention And Reporting

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

#### Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

#### Child Abuse Reporting and Prevention

Assembly Bill 1432 requires annual mandated reporter training for all school district employees within the first six weeks of each school year or within six weeks of employment. Annually, at the first regular Board of Education meeting in January of each year, the Superintendent shall

report to the Board of Education the status of the District compliance with AB 1432. Any employee who has been employed by the District for more than 60 days who has not completed mandated reporter training within the first 60 days of employment or annually after January 1<sup>st</sup> of any year **and** who is employed at a school site or has contact with students may be placed on administrative leave without pay pending completion of the training offered by the District.

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The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters. In addition to the existing authority vested in the Superintendent to implement Board Policies, the Superintendent shall issue appropriate discipline to any employee, who after appropriate notice and opportunity to complete the mandatory training, does not complete the required training described in the Child Abuse and Neglect Reporting Act.

#### Legal Reference:

##### EDUCATION CODE

32280-32288 Comprehensive school safety plans  
33195 Heritage schools, mandated reporters  
33308.1 Guidelines on procedure for filing child abuse complaints  
44252 Teacher credentialing  
44691 Staff development in the detection of child abuse and neglect  
44807 Duty concerning conduct of students  
48906 Notification when student released to peace officer  
48987 Dissemination of reporting guidelines to parents  
49001 Prohibition of corporal punishment  
51220.5 Parenting skills education  
51900.6 Sexual abuse and sexual assault awareness and prevention

##### PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act  
273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
288 Definition of lewd or lascivious act requiring reporting  
11164-11174.3 Child Abuse and Neglect Reporting Act

##### WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting  
CODE OF REGULATIONS, TITLE 5  
4650 Filing complaints with CDE, special education students  
UNITED STATES CODE, TITLE 42  
11434a McKinney-Vento Homeless Assistance Act; definitions  
COURT DECISIONS  
Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

[http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

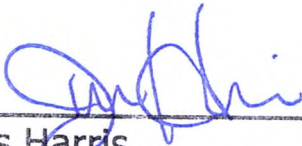
California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

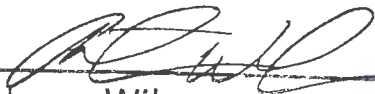
U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

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**James Harris**  
President, Board of Education



**Antwan Wilson**  
Secretary, Board of Education

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