



**FOOTHILL-DE ANZA
Community College District**

Book	Administrative Procedures
Section	Chapter 3 - General Institution
Title	Child Abuse Reporting
Code	AP 3518
Status	New
Legal	Family Code Sections 7802, 7807, 7808 Family Code Sections 7820-7829 Family Code Sections 7890 and 7892 Penal Code Sections 261 and 264.1 Penal Code Sections 273a and 273d Penal Code Sections 285, 286, 288, 288a, 289 Penal Code Section 647a Penal Code Sections 11164-11174.3 Welfare and Institutions Code Section 300 Welfare and Institutions Code Section 318 Welfare and Institutions Code Section 601
Origin	Legally advised - APM review 6/9/17 (CCLC template), 10/16/19 (D. Novotny revision - Referred to senates for feedback/approval.

The District recognizes the responsibility of its staff 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 all employees who, within the scope of their employment, have contact with minor students on a regular and continuous basis; this includes faculty, administrators and classified staff. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child.

DEFINITIONS:

Child abuse is defined as physical abuse, neglect, sexual abuse and/or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, and/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 and/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 training and experience, to suspect child abuse” (Penal Code Section 11166(a)).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. The District Police Department is considered a child protective agency (Penal Code Section 11165.9).

IMMUNITY:

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(a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her identity to the employer (Penal Code Section 11166(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/or up to a \$1,000 fine (Penal Code Section 11172(e)).

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 report was false. (Penal Code Section 11172(a)).

REPORTING AND FOLLOW UP:

Mandated reporters must report immediately any reasonable suspicion of child abuse to District Police or a local child protective agency (Department of Family and Children Services Child Abuse and Neglect Center - San Jose Area 408-299-2071/Palo Alto Area 650-493-1186) and follow up with a written report within 36 hours. The written report may be mailed or submitted by facsimile or electronic transmission.

Child abuse reporting forms are available from the District Police Department.

When a college or district administrator releases a minor student to a police officer for the purpose of removing the student from the campus, the administrator shall take immediate steps to notify the parent or guardian regarding the release of the student to the officer, and regarding the place to which the student is reportedly being taken (Education Code Section 87044). This procedure shall apply except when a student 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 administrator shall provide the police officer with the address and telephone number of the student'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 or police officer who is investigating the known or suspected cause of child abuse (Penal Code Section 11167(b)).

NOTICE TO EMPLOYEES:

The District shall provide all employees with a statement informing the employee that they may be a mandated reporter and the definition of positions included as mandated reporters. The District will inform the employee of their reporting obligations under Penal Code Section 11166 and of 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 their employment and as a prerequisite to that employment, employee shall sign and return the statement to the District. The signed statements shall be retained by the District Office of Human Resources in the employee's official personnel file (Penal Code Section 11166.5).

The District will distribute this procedure to all employees and will provide Mandated Reporter information and training on an annual basis