

Countywide Personnel Meeting AGENDA

Marin County Office of Education
 Wednesday, February 25, 2015
 Board Room, 8:30 a.m. – 11:00 a.m.

<ul style="list-style-type: none"> • Introductions 	
<ul style="list-style-type: none"> • BTSA (8:30-8:35) <ul style="list-style-type: none"> • Induction Program Update 	BETH KRADEPHOL Discussion
<ul style="list-style-type: none"> • Education Services (8:35-8:45) <ul style="list-style-type: none"> • Professional Development Opportunities 	CHRIS SPORES Discussion
<ul style="list-style-type: none"> • Business (8:50-9:30) <ul style="list-style-type: none"> • Sick Leave for Substitute Teachers and Extra Hire 	KATE LANE/ALL Discussion/Handouts
<ul style="list-style-type: none"> • 2015 HR Requirements <ul style="list-style-type: none"> • Mandated Reporter (Samples: Sub Website posting and CTC Application) • TB Requirement (Sample) • Measles (Sample) 	ALL Discussion/Handouts
<ul style="list-style-type: none"> • Roundtable Job Faire <ul style="list-style-type: none"> • Survey results, Set Date 	ALL
<ul style="list-style-type: none"> • Credentials <ul style="list-style-type: none"> • Reminder: Revised CTC 41-4 Application Form (1/2015) • Reminder: Application is a legal document; please review for accuracy • Reminder: Channel all applications to C.A. for review/TCC issuance • Reminder: Added Authorizations must have CSET and pedagogy, except for additional science(s), foreign language(s), SS:FLMath upgrade to SS:Math 	LINDA RITTENBERRY Discussion/Handouts
<ul style="list-style-type: none"> • CTC Updates <ul style="list-style-type: none"> • Coded Correspondence/Credential Information Alerts • CTC Credential Info Guide/Mailing Lists/CIG & SEID user names & passwords 	LINDA RITTENBERRY Discussion/Handouts
<ul style="list-style-type: none"> • Countywide Substitute Status <ul style="list-style-type: none"> • Current Registered Substitutes: <u>640 with 10 in the pipeline</u> • Interest in possible Substitute Training (classroom management, etc.) • Process for Consideration of Sub Removal, from classroom, from District List, from Countywide List • SubCaller Best Practices share out (monitoring, transitioning to new year, etc.; what you need more of from C.A. as the gatekeeper) 	DEANNE CARTER Discussion/Handouts

<ul style="list-style-type: none"> ● Documents for Review and Update <ul style="list-style-type: none"> ● Countywide Personnel Committee Contact list serve sheet ● Countywide Substitute Teacher District Coordinator/Contact list serve sheet ● Countywide Substitute Pay Rate and Sign Up Instruction sheet 	
<ul style="list-style-type: none"> ● Posted on the Countywide Personnel Website under Credentials <ul style="list-style-type: none"> ● Administrators Handbook ● CTC Applications, Forms, Leaflets and Manuals ● CTC Online Renewal ● Declaration of Need for Fully Qualified Educators CL-500 (filed with the CTC; cc C.A.) http://www.ctc.ca.gov/credentials/cig2/CIG-leaflets/cl500.pdf ● Annual Statement of Need for Substitutes CL-505a (filed at the DO; cc C.A.) http://www.ctc.ca.gov/credentials/cig2/CIG-leaflets/cl505a.pdf ● Affidavit of Application / Temporary County Certificate (revised) ● 2014-2016 Cycle Monitoring Calendar ● Hiring Priorities ● Local Assignment Options Summary Sheet ● Limited Assignment Summary Sheet ● Short Term Waivers http://www.ctc.ca.gov/credentials/cig2/manuals/WaiverHandbook.pdf ● District New Hire Report Form (Send with cc's of credential(s) to Credentials Analyst monthly when hiring) (Reminder: Send renewed credentials to back-check CTC download into database) 	
<ul style="list-style-type: none"> ● Future Meeting Dates <ul style="list-style-type: none"> ● Wednesday, May 20, 2015 ● Save the Dates <ul style="list-style-type: none"> ● Annual Credentials Counselors and Analysts of California Fall Conference CCAC (new emphasis & inclusion of HR workshops) – October 14 – 16, 2015, Sacramento DoubleTree ● Spring Credential Webcast – Tuesday, March 24, 2015 ● Assignment Webcast – Wednesday, April 29, 2015 	



MARIN COUNTY

OFFICE OF EDUCATION

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SAN RAFAEL, CA 94913-4925
marincoe@marin.k12.ca.us

MARY JANE BURKE
MARIN COUNTY
SUPERINTENDENT OF SCHOOLS

(415) 472-4110
FAX (415) 491-6625

May 20, 2008

MEMORANDUM

To: District Superintendents

From: Mary Jane Burke *MJB*

Subject: **Receipt of Repeval Notification from the California Commission on Teacher Credentialing (CTC)**

From time to time, my office is notified by the California Commission on Teacher Credentialing that a teacher has received a public reproof from the Commission for specific conduct. A public reproof is a public warning from the Commission that the conduct is not appropriate for a credential holder. Commission of the same or similar misconduct may result in a more serious adverse action. Public Repeval is one step below credential suspension and two steps below credential revocation.

Before issuing a public reproof, the teacher involved is afforded due process rights that include submission of written documentation, recommendations and other party testimony as well as the right to appear before the CTC if a formal hearing is held before a final determination is made. The CTC conducts its own investigation. Should the teacher involved disagree with the CTC's decision, he/she may request a hearing before an Administrative Law Judge.

Upon receipt of a Notification of Public Repeval from the CTC, any teacher who is publicly reproofed and is on the Countywide Substitute List will be removed from the list. Districts will be notified of such action. Each district can make its own decision regarding employment of such individuals removed from the Countywide Substitute List and may request further review.

Please let me know if you have any questions.

Process for consideration of removing substitute teacher from Marin County list:

1. District completes feedback form (or writes narrative of incident)
2. District shares their concerns with substitute teacher and lets them know the reasons they will no longer be used as substitute teacher.
3. District informs substitute it is forwarding concerns to MCOE for follow-up
4. MCOE receives district report, and completes the following:
 - Contact substitute when district feedback received
 - Shares negative feedback
 - Provides substitute teacher an opportunity to share additional information about the situation/ circumstance prior to making a recommendation.
 - Notifies referring district of contact with substitute teacher
 - Reviews additional information provided by substitute teacher
 - Makes decision; notifies substitute teacher of decision with copy to referring district
 - Notifies all districts, if substitute teachers name is removed from countywide substitute teacher list

10/22/07

The FISCAL REPORT an informational update

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Volume 35

For Publication Date: January 09, 2015

No. 1

Ask SSC . . . What Is the Effective Date of the New “Sick Leave for All” Law?

Q. Can you clarify the effective date of the new “sick leave for all” law imposed by Assembly Bill 1522? Also, what are the penalties for noncompliance, and what operational advice can you provide?

A. The “effective date” is questionable. In California, when no effective date provision is included in a law, the effective date is most often January 1 of the year following enactment (Article 4 of the Constitution). This new law did not contain an effective date but does reference January 1, 2015 or July 1, 2015. The Labor Commission is taking the position that the written notice to employees must be provided beginning January 1, 2015. The Labor Commissioner’s new poster states that “accrual shall begin on the first day of employment or July 1, 2015, whichever is later.” The Paid Sick Leave Poster Template can be found [here](#).

The penalties associated with the posting and implementation of the new law are as follows:

- The penalty for violating the posting requirement is up to \$100 per offense.
- The penalties for withholding paid sick days is the dollar amount of the paid sick days multiplied by three or \$250, but not to exceed an aggregate penalty of \$4,000.
- The penalty for other violations, including failing to provide written notice each time wages are paid, is \$50 per day, not to exceed an aggregate of \$4,000.
- The Labor Commissioner has the authority to impose fines upon the employer of \$50 for each day or part of a day a violation occurs or continues per employee or other person whose rights were violated, and there is no maximum amount for the fine.
- The Labor Commissioner also can “take any appropriate enforcement action to secure compliance, including the filing of a civil action.”

In terms of some operational advice, below is a list of recommended actions local educational agencies (LEAs) should be taking now:

- Download the poster template and get your posters displayed in key areas before January 1. For remote workers, make sure you have a plan to get the information to them. The Notice to Employee form will need to be given to all employees and comes with a set of questions regarding how you will comply with the law. Review the questions along with your policies.
- Ensure your payroll and benefits system will properly track and calculate the sick leave. You should also ensure that the employee’s pay warrant will display the amount of paid sick leave available or, if this is not possible, that a separate notice is included with the warrant.
- Check your board policies and collective bargaining agreements (CBAs) to be sure you are in compliance with the provisions of the law. In particular, you want to ensure that the definition of “family” is consistent with the new law and that your CBA includes language that provides an

employee the ability to use the time off if he/she is a victim of domestic violence, sexual assault, or stalking. Because it is always difficult to ensure the CBA keeps pace with changes in law, you may not want to restate these entitlements in your contract language and rather state that “employees will be eligible for paid and unpaid leaves as provided for in state and federal law.” You may also consider adding to your board policies a “reasonable minimum” (such as two-hour increments) for use of the time by eligible employees.

LEAs may also want to consider “frontloading” the sick leave for eligible employees in order to reduce the tracking requirements for the time earned. It may be less expensive in the long run given the administrative costs associated with tracking for eligibility purposes. LEAs should also ensure that they are retaining records documenting hours worked and sick leave uses and accruals for three years. We would recommend four years to be sure you are covered for the entire time.

Check with your legal counsel to be sure you are in compliance with the law as you make changes to policy and procedures and negotiate changes to your CBAs.

—*Debbie Fry and Suzanne Speck*

posted 12/19/2014

Tuberculosis Testing Information

New Employees

All new employees must provide the “Certification of Completion” signed by a licensed health care provider to show that he or she is free of infectious tuberculosis (TB).

The certificate of completion will not be accepted if the certificate is more than 60 days from the date a licensed health care provider signed it. (Education Code § 49406 and Health and Safety Code § 121525)

Current Employees

The TB assessment questionnaire is required every four years for current Marin County Office of Education (“MCOE”) employees. A TB skin test may be completed instead of submitting to a TB assessment questionnaire.

You may have the TB skin test done at the Marin County Immunization Clinic or go a licensed health care provider for the TB assessment questionnaire or TB skin test. A TB assessment questionnaire cannot be self-administered.

Immunization Clinic

3260 Kerner Blvd
San Rafael, CA 94901
(415) 473-4400 (For immunization information and appointments)

TB skin testing is offered on a drop-in basis and requires two visits:

- First visit for the TB skin test; and
- Second visit for the results of the TB skin test two to three days after the first visit.

TB Skin Test Cost: \$20

Drop-in hours for TB skin testing are as follows:

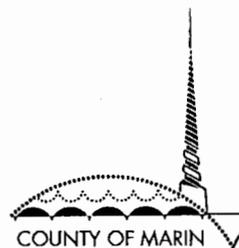
If you had a TB skin test on:		You must return for your TB skin test results on:	
Monday	9:00 AM - 11:30 AM	Wednesday	1:00 PM - 4:00 PM
Wednesday	1:00 PM - 4:00 PM	Friday	1:00 PM - 4:00 PM
Friday	1:00 PM - 4:00 PM	Monday	9:00 AM - 11:30 AM

If you have had a positive TB skin test reading in the past, you will not be given a TB skin test through the Immunization Clinic. You must come to the Clinic to obtain a chest x-ray referral during the designated drop-in times.

Chest X-Ray Referral Cost: \$27

Drop-in times for Chest X-Ray Referrals:

Monday - Friday 9:00 AM - 11:00 AM and 2:00 PM - 4:00 PM



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.

February 6, 2015

Dear Faculty/Staff/Volunteer,

I would like to take this opportunity to provide an update on the current measles outbreak in California, to encourage that all unvaccinated individuals receive the measles vaccine as soon as possible, and to outline the expectations should there be a case of measles in a Marin school, childcare or preschool.

As of this writing, there have been 99 confirmed cases of measles in California in the current outbreak, many of which have been linked to Disneyland. Several Bay Area counties have reported cases in this outbreak, including Marin, which has had two confirmed cases.

Measles is a very contagious airborne illness and is highly preventable through vaccination. The virus is spread by sharing the same area with an infected person, especially if that person coughs or sneezes. Individuals are usually contagious starting 4 days before they develop symptoms, and may unknowingly make others ill.

Measles usually starts with a high fever, runny nose, red and irritated eyes, and a rash. The rash is red and bumpy, starts on the face and moves down the rest of the body. Some people may suffer complications such as pneumonia or swelling of the brain and may require hospitalization.

The best way to prevent measles is to receive the MMR (measles, mumps, rubella) vaccine. **If you were born before 1957, have documented proof of having at least one (1) dose of MMR vaccine, or have documented laboratory confirmation of immunity to measles, you are considered immune, and it is safe for you to be in a school setting with children of any age. If you are not immune and there is a case in your school, childcare or preschool, you will be excluded from working or volunteering for up to 21 days to limit further spread of disease.** This will be by order of the Health Officer.

It takes two weeks to develop immunity after receiving a measles vaccine. If you are not immune (see above) you should be vaccinated as soon as possible so you will have protection and avoid future exclusion from work.

As Public Health Officer, I would like to thank you for doing your part to keep our Marin families healthy.

Sincerely,

Matt Willis, MD, MPH
Marin County Public Health Officer



Larry Meredith, Ph.D.
DIRECTOR

Matthew Willis, M.D., MPH
PUBLIC HEALTH OFFICER

899 Northgate Drive
Suite 104
San Rafael, CA 94903
415 473 4163 T
415 473 2326 F
415 473 3232 TTY
www.marincounty.org/hhs

Request for Vaccination Information

mcoeall-owner@marin.marin.k12.ca.us on behalf of
Mary Jane Burke <mjburke@marinschools.org>

Fri 2/13/2015 3:26 PM

Inbox

To: mcoeall@marin.k12.ca.us <mcoeall@marin.k12.ca.us>;

 2 attachments

Documentation of Measles Immunization.pdf; Ltr Measles to School STAFF 02.06.2015.pdf;

February 13, 2015

Dear MCOE Staff:

You have all been kept apprised of the recent measles outbreak in our area and across the state. This situation has prompted all schools in Marin County to take extra precautions in an effort to protect our students and staff from the spread of the disease – see attached letter from Dr. Matt Willis, Public Health Officer. The nature of this issue has created a need to collect the information to ensure that the most appropriate individuals are able to care for students on campus.

I know that you have devoted your careers to the mission of providing a quality education for the students of Marin County, as such, we can all agree that in order to provide that experience, we must first provide a safe environment in which students can learn. **Therefore, I am asking that all staff at school campuses and administrative offices provide documentation of measles immunization.**

Proof should be submitted to the MCOE personnel department along with the attached form as soon as possible.

Acceptable proof would include any of the following:

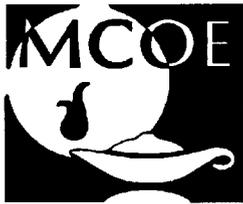
1. A current immunization record showing at least one measles, mumps, rubella (MMR) vaccination from your medical provider;
2. Blood test results confirming immunity; or
3. Birthdate prior to 1957 – a copy of a government issued document (i.e., birth certificate, passport, driver's license).

Please note that medical records (including vaccinations) are confidential and will be placed in your personal file.

If you have any questions or need additional resources, contact our personnel office at (415) 499-5854.

Sincerely,

Mary Jane Burke
Marin County Superintendent of Schools



MARIN COUNTY OFFICE OF EDUCATION

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CHILD AND DEPENDENT ADULT ABUSE OR NEGLECT REPORTING REQUIREMENTS

California law requires that school employees who fall within certain statutorily defined categories be familiar with the laws relating to abuse or neglect of children and dependent adult reporting requirements. As a condition of employment you must sign a statement signifying that you have knowledge of the reporting requirements and will comply with them (Penal Code, Section 11166 and Welfare and Institution Code, Section 15630).

The Child Abuse and Neglect Reporting Act also specifies that employers provide their employees who are mandated reporters with training in the duties imposed, including training in child and dependent adult abuse and neglect identification and training in child and dependent adult abuse and neglect reporting within the first six weeks of each school year or within the first six weeks of the person's employment. (Education Code, Section 44691)

Please visit the Marin County Office of Education's Employee Resources website (<http://www.marinschools.org/Personnel/Employee-Resources/Pages/default.aspx>) and watch the Reporting Suspected Abuse or Neglect of Children and Dependent Adult Training Video. Please read the material below and on the attached page which explains your responsibilities regarding the reporting of any suspected instances of child and dependent adult abuse or neglect and the procedures for doing so. After you have done so, sign as indicated on the form.

Receipt and Acknowledgement of Child and Dependent Adult Abuse or Neglect Reporting Requirements

Section 11166 of the Penal Code and Section 15630 of the Welfare and Institution Code require any child and dependent adult care custodian, medical practitioner, nonmedical practitioner, employee of a child protective agency, child visitation monitor, firefighter, animal control officer, Humane Society officer, commercial film and photographic print processor, or clergy who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of abuse to report such known or suspected instance to a child protective agency or adult protective agency respectively immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For purposes of the reporting law, educators and other school employees fall into the categories of childcare custodian and health care practitioners.

On the attached page are copies of "Mandatory Reporting: 10 Things You Need to Know", Penal Code Section 11166 and Welfare and Institution Code, Section 15630, which explain the procedures for reporting.

I have read the attached "Mandatory Reporting: 10 Things You Need to Know," Penal Code Section 11166 and Welfare and Institution Code Section 15630, and I agree to comply therewith. By signing below, I certify that I fully reviewed the content of the entire online training and materials approved by the Marin County Office of Education.

(Employee's Name – Please Print)

Date: _____

(Employee's Signature)

MANDATORY REPORTING: 10 THINGS YOU NEED TO KNOW



1. YOU are a Mandated Reporter

Anyone who works for the organization should keep their eyes and ears open to protect children!

Reporting suspected abuse is part of your job.

Not reporting suspected child abuse can create a liability for your organization and yourself, as the primary goal is to keep our children safe.



2. WHAT is Reportable?

If you reasonably suspect any of the following, REPORT IT!

- Child Abuse
- Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Activity between a Minor and Adult
- Unjustified Punishment
- Unlawful Corporal Punishment
- Willful Cruelty

Rumors: If unsure, err on the side of caution, report it and allow the agency to investigate and make the final conclusion.



3. WHEN AND WHERE Do I Report?

Immediately, or as soon as possible!

By Phone (Child Protective Services or Local Police) To be safe, you may want to report to both.

By Fax/Email within 36 hours.

Submit a written follow up report within 36 hours to the same agency you contacted by phone.

Remember: Telling your supervisor does NOT satisfy your obligation to report!

YOU ARE OBLIGATED TO REPORT.



4. WHERE Do I Find the Report?

Form 8572: SCAR/Suspected Child Abuse Report

http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

Or CPS Website.

You will need:

- Your name, child's name
- Location of child, school, grade
- Involved parties
- What happened? Why the concern?

Keep a record of date, time and who you spoke with when filing.



5. Can I Share the Report with Others?

The report can only be given to:

- The agency you called the report in to:
Police or Sheriff's Department (not school police), or Child Protective Services
- Report may also be given to designated personnel within your organization, such as:
Superintendent, Assistant Superintendent, Human Resources Administrator

DO NOT give the report to any others without consulting legal counsel as you may lose your immunity.



6. Your Protection

Confidentiality

- Your identity will be kept confidential. Know that if the case is criminally prosecuted, your identity most likely will be disclosed.

Immunity

- Mandated Reporters have immunity under California law from civil and criminal liability for reporting suspected child abuse.



7. What if I Choose NOT to Report?

A mandated reporter who knowingly and willfully fails to report:

- Is **GUILTY** of a misdemeanor
- Punishable by up to 6 months in jail
- Fine of \$1,000 or both

Other possible implications:

- Loss of license or credential
- Civil Lawsuit
- Loss of Job



8. Remember, YOU Signed a Statement

Those working with and around children are required to sign a statement that they have knowledge of their mandatory reporting requirements.

Your signed document is in your personnel file.

It states that **YOU KNOW** that reporting suspected child abuse is part of your job and it's your obligation to report any misconduct or child abuse.



9. Self - Protection

Here are a few tips to help you avoid situations that could lead to fraudulent allegations of inappropriate conduct.

- Avoid child contact that involves hugging, touching, grabbing, or rubbing/massaging.
- When privacy with children is necessary, leave the doors and windows open when possible.
- For teachers, classroom arrangement should not have sections for privacy.



10. Resources

California Department of Social Services (CDSS)
<http://www.cdss.ca.gov/cdssweb/Default.htm>

Child Abuse and Neglect Reporting Act (CANRA)
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>

The CA Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters
www.mandatedreporter.ca.com/images/Pub132.pdf

Remember, it's **YOUR** obligation to **NOT** ignore child abuse and misconduct.

REPORT IT TO THE PROPER AUTHORITIES!



FOR MORE INFORMATION
PLEASE VISIT KEENAN'S ABUSE PREVENTION CENTER

www.keenan.com/abusepreventioncenter

PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315]

(Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11460]

(Title 1 added by Stats. 1953, Ch. 1385.)

CHAPTER 2. Control of Crimes and Criminals [11150 - 11199.5]

(Chapter 2 added by Stats. 1953, Ch. 70.)

ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3]

(Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1.)

11166.

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written

report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or material are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a

written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(Amended by Stats. 2013, Ch. 76, Sec. 165. Effective January 1, 2014.)

WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18996]

(Division 9 added by Stats. 1965, Ch. 1784.)

PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15766]

(Part 3 added by Stats. 1965, Ch. 1784.)

CHAPTER 11. Elder Abuse and Dependent Adult Civil Protection Act [15600 - 15675]

(Heading of Chapter 11 amended by Stats. 1991, Ch. 774, Sec. 1.)

ARTICLE 3. Mandatory and Nonmandatory Reports of Abuse [15630 - 15632]

(Heading of Article 3 renumbered from Article 4 by Stats. 1994, Ch. 594, Sec. 5.)

15630.

(a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

(b) (1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section 15658, within two working days.

(A) If the suspected or alleged abuse is physical abuse, as defined in Section 15610.63, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the following shall occur:

(i) If the suspected abuse results in serious bodily injury, a telephone report shall be made to the local law enforcement agency immediately, but also no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

(ii) If the suspected abuse does not result in serious bodily injury, a telephone report shall be made to the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

(iii) When the suspected abuse is allegedly caused by a resident with a physician's diagnosis of dementia, and there is no serious bodily injury, as reasonably determined by the mandated reporter, drawing upon his or her training or experience, the reporter shall report to the local ombudsman or law enforcement agency by telephone, immediately or as soon as practicably possible, and by written report, within 24 hours.

(iv) When applicable, reports made pursuant to clauses (i) and (ii) shall be deemed to satisfy the reporting requirements of the federal Elder Justice Act of 2009, as set out in Subtitle H of the federal Patient Protection and Affordable Care Act (Public Law 111-148), Section 1418.91 of the Health and Safety Code, and Section 72541 of Title 22 of California Code of Regulations. When a local law enforcement agency receives an initial report of suspected abuse in a long-term care facility pursuant to this subparagraph, the local law enforcement agency may coordinate efforts with the local ombudsman to provide the most immediate and appropriate response warranted to investigate the mandated report. The local ombudsman and local law enforcement agencies may collaborate to develop protocols to implement this subparagraph.

(B) Notwithstanding the rulemaking provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, or any other law, the department may implement subparagraph (A), in whole or in part, by means of all-county letters, provider bulletins, or other similar instructions without taking regulatory action.

(C) If the suspected or alleged abuse is abuse other than physical abuse, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, a telephone report and a written report shall be made to the local ombudsman or the local law enforcement agency.

(D) With regard to abuse reported pursuant to subparagraph (C), the local ombudsman and the local law enforcement agency shall, as soon as practicable, except in the case of an emergency or pursuant to a report required to be made pursuant to clause (v), in which case these actions shall be taken immediately, do all of the following:

(i) Report to the State Department of Public Health any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.

(ii) Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult day program, as

defined in paragraph (2) of subdivision (a) of Section 1502 of the Health and Safety Code.

(iii) Report to the State Department of Public Health and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.

(iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.

(v) Report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred.

(E) (i) If the suspected or alleged abuse or neglect occurred in a state mental hospital or a state developmental center, and the suspected or alleged abuse or neglect resulted in any of the following incidents, a report shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and also to the local law enforcement agency:

(I) A death.

(II) A sexual assault, as defined in Section 15610.63.

(III) An assault with a deadly weapon, as described in Section 245 of the Penal Code, by a nonresident of the state mental hospital or state developmental center.

(IV) An assault with force likely to produce great bodily injury, as described in Section 245 of the Penal Code.

(V) An injury to the genitals when the cause of the injury is undetermined.

(VI) A broken bone when the cause of the break is undetermined.

(ii) All other reports of suspected or alleged abuse or neglect that occurred in a state mental hospital or a state developmental center shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local law enforcement agency.

(iii) When a local law enforcement agency receives an initial report of suspected or alleged abuse or neglect in a state mental hospital or a state developmental center pursuant to clause (i), the local law enforcement agency shall coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide the most immediate and appropriate response warranted to investigate the mandated report. The designated investigators of the State Department of State Hospitals or the State Department of Developmental Services and local law enforcement agencies may collaborate to develop protocols to implement this clause.

(iv) Except in an emergency, the local law enforcement agency shall, as soon as practicable, report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

(v) Notwithstanding any other law, a mandated reporter who is required to report pursuant to Section 4427.5 shall not be required to report under clause (i).

(F) If the abuse has occurred in any place other than a long-term care facility, a state mental hospital, or a state developmental center, the report shall be made to the adult protective services agency or the local law enforcement agency.

(2) (A) A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of elder or dependent adult abuse during a penitential communication is not subject to paragraph (1). For purposes of this subdivision, "penitential communication" means a communication that is intended to be in confidence, including, but not limited to, a sacramental confession made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(B) This subdivision shall not be construed to modify or limit a clergy member's duty to report known or suspected elder and dependent adult abuse if he or she is acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency.

(C) Notwithstanding any other provision in this section, a clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an elder or dependent adult shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a reasonably prudent person having no specialized training or experience in elder or dependent care.

(3) (A) A mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report, pursuant to paragraph (1), an incident if all of the following conditions exist:

(i) The mandated reporter has been told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect.

(ii) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.

(iii) The elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.

(iv) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

(B) This paragraph shall not be construed to impose upon mandated reporters a duty to investigate a known or suspected incident of abuse and shall not be construed to lessen or restrict any existing duty of mandated reporters.

(4) (A) In a long-term care facility, a mandated reporter shall not be required to report as a suspected incident of abuse, as defined in Section 15610.07, an incident if all of the following conditions exist:

(i) The mandated reporter is aware that there is a proper plan of care.

(ii) The mandated reporter is aware that the plan of care was properly provided or executed.

(iii) A physical, mental, or medical injury occurred as a result of care provided pursuant to clause (i) or (ii).

(iv) The mandated reporter reasonably believes that the injury was not the result of abuse.

(B) This paragraph shall not be construed to require a mandated reporter to seek, nor to preclude a mandated reporter from seeking, information regarding a known or suspected incident of abuse prior to reporting. This paragraph shall apply only to those categories of mandated reporters that the State Department of Public Health determines, upon approval by the Bureau of Medi-Cal Fraud and Elder Abuse and the state long-term care ombudsman, have access to plans of care and have the training and experience necessary to determine whether the conditions specified in this section have been met.

(c) (1) Any mandated reporter who has knowledge, or reasonably suspects, that types of elder or dependent adult abuse for which reports are not mandated have been inflicted upon an elder or dependent adult, or that his or her emotional well-being is endangered in any other way, may report the known or suspected instance of abuse.

(2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsman program. Except in an emergency, the local ombudsman shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of State Hospitals or the State Department of Developmental Services or to a local law enforcement agency. Except in an emergency, the local law enforcement agency shall report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.

(5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.

(d) If two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an elder or a dependent adult for which a report is or is not mandated have occurred, and there is agreement among them, the telephone report or Internet report, as authorized by Section 15658, may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(e) A telephone report or Internet report, as authorized by Section 15658, of a known or suspected instance of elder or dependent adult abuse shall include, if known, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder or dependent adult, the names and addresses of family members or any other adult responsible for the elder's or dependent adult's care, the nature and extent of the elder's or dependent adult's condition, the date of the incident, and any other information, including information that led that person to suspect elder or dependent adult abuse, as requested by the agency receiving the report.

(f) The reporting duties under this section are individual, and no supervisor or administrator shall impede or inhibit the reporting duties, and no person making the report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting, ensure confidentiality, and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with this chapter.

(g) (1) Whenever this section requires a county adult protective services agency to report to a law enforcement agency, the law enforcement agency shall, immediately upon request, provide a copy of its investigative report concerning the reported matter to that county adult protective services agency.

(2) Whenever this section requires a law enforcement agency to report to a county adult protective services agency, the county adult protective services agency shall, immediately upon request, provide to that law enforcement agency a copy of its investigative report concerning the reported matter.

(3) The requirement to disclose investigative reports pursuant to this subdivision shall not include the disclosure of social services records or case files that are confidential, nor shall this subdivision be construed to allow disclosure of any reports or records if the disclosure would be prohibited by any other provision of state or federal law.

(h) Failure to report, or impeding or inhibiting a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. Any mandated reporter who willfully fails to report, or impedes or inhibits a report of, physical abuse, as defined in Section 15610.63, abandonment,

abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, if that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until a law enforcement agency specified in paragraph (1) of subdivision (b) of Section 15630 discovers the offense.

(i) For purposes of this section, "dependent adult" shall have the same meaning as in Section 15610.23.

(Amended by Stats. 2013, Ch. 673, Sec. 3. Effective January 1, 2014.)