
San Bernardino Community College District
Administrative Procedure
Chapter 3 – General Institution

AP 3518 CHILD ABUSE REPORTING

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 faculty, educational administrators and classified staff. 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 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. School district police or security departments are not child protective agencies (Penal Code Section 11165.9).

Mandated reporters are required by law to report child abuse and neglect when suspected and receive annual training on the mandated reporting requirements (AB1432). Mandated reporters are identified as persons who have regular or intermittent contact with minors (Penal Code 11165.7 (a)).

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

44 punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code Section
45 11172(e)).

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47 Mandated reporters must report immediately any reasonable suspicion of child abuse to
48 a local child protective agency and follow up with a written report within 36 hours. [*List*
49 *local child protective services*]. The written report may be mailed or submitted by facsimile
50 or electronic transmission.

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52 Child abuse reporting forms are available at the District Police Department.

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

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61 When the mandated reporter releases a minor pupil to a peace officer for the purpose of
62 removing the minor from the campus, the District official shall take immediate steps to
63 notify the parent or guardian regarding the release of the minor to the officer, and
64 regarding the place to which the minor is reportedly being taken (Education Code Section
65 87044), except when a minor has been taken into custody as a victim of suspected child
66 abuse, as defined in Penal Code Section 11165 or pursuant to Welfare and Institutions
67 Code Section 305. In those cases, the official shall provide the peace officer with the
68 address and telephone number of the minor's parent or guardian.

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

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

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

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88 The District will distribute this procedure to all employees.

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90 **References:** Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289,
91 647a, and 11164-11174.3;
92 Welfare and Institutions Code Sections 300, 318, and 601;
93 Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892
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Approved: 5/12/16

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