

CLIENT NEWS BRIEF

Local Educational Agencies Must Disseminate New Guidance on How to Recognize and Report Child Abuse

In an effort to promote student safety, State Superintendent of Public Instruction Tom Torlakson recently issued revised “Child Abuse Reporting Procedures for Parents and Guardians.” These new guidelines educate parents on the types of injuries that should be reported to local authorities as a result of suspected child abuse or neglect. The guidelines also address the types of injuries that are not considered “child abuse” under the law.

Under the new guidelines, parents have the right to file a complaint when the parent suspects that their child was abused at a school site. The guidelines also inform parents that they may file these complaints with an appropriate local law enforcement agency, as well as with the school district or county office of education.

School administrators should be prepared to promptly respond to any such parent complaints filed under these new guidelines, and recognize that such reports may trigger other obligations such as reporting the suspected abuse. Pursuant to the Child Abuse and Neglect Reporting Act (Pen. Code, §§ 11164, et seq.), most school district employees are “mandatory” reporters, meaning they must report suspected child abuse to appropriate authorities. ***Failure to report constitutes a crime under California law and carries civil liability.***

Although the guidelines are directed at parents, local educational agencies are required to disseminate these new guidelines “upon request”. (Ed. Code, § 48987.) The law is unclear on how soon the guidelines must be disseminated, or which format satisfies the notice requirement. Further, the guidelines must be disseminated in the primary language of the parent or guardian, and interpretation services must be provided for oral communications with a parent or guardian regarding a report of abuse or questions about the reporting procedures. School districts may wish to consult with their legal counsel regarding how to approach noticing parents and guardians.

If you have any questions about these new guidelines, or mandated child abuse reporting in general, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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