



Date: April 14, 2022

To: Board of Directors

From: Board Directors Sherris-Watt and Eileen Nottoli

Subject: Ordinance Requiring Youth Service Organization Compliance with Child Abuse Reporting and Background Check

Recommendation:

That staff prepare an ordinance to be considered by the Board to (1) require all Youth Service Organizations using District facilities to attest in writing before using District facilities that their employees, volunteers and administrators over the age of 18, who operate in Kensington, are in compliance with AB 506, (2) periodically update the attestation, and (3) provide that any youth service organization that fails to comply will be immediately prohibited from using District premises until the District has received written notification that the organization is in full compliance.

Background:

Assembly Bill 506 became law on September 16, 2021. The bill added a new Section 18975 to the California Business and Professions Code, requiring any administrator, employee, or regular volunteer of a youth service organization, to (1) complete child abuse and neglect reporting training and (2) undergo an administrative background check. The youth service organizations must also develop and implement policies to (1) ensure the reporting of suspected child abuse pursuant to California Penal Code Section 11165.9 and to outside organizations, and (2) require to the greatest extent possible the presence of at least two mandated reporters whenever administrators, employees or volunteers are in contact with children,

Discussion and Detail:

The new law, which has no grace period, requires administrators, employees and regular volunteers (persons over 18 and working more than 16 hours per month or 32 hours per year with direct contact with children) to (1) complete training in child abuse and neglect identification and reporting and (2) undergo an administrative background check pursuant to

California Penal Code 11105.3. The youth service organization must also develop policies to (1) ensure the reporting of suspected incidents of child abuse to outside organizations including required reporting pursuant to California Penal Code Section 11165.9, and (2) require, to the greatest extent possible, the presence of at least two mandated reporters whenever administrators, employees or volunteers are in contact with children.

The District contracts with the Kensington Community Council to provide a variety of recreation programs, including programs for children. Other organizations also contract with the District to provide children's programming. The District is not responsible for ensuring that these groups comply with Section 18975 but does have an interest in maintaining a safe environment for children participating in programs on District property. Future contracts with users of District property should require a written commitment to comply with Section 18975. The new ordinance would impose that requirement on groups covered by existing contracts and would also apply to groups that do not directly contract with the District.

Financial Impact:

Staff time to prepare the ordinance

Attachments:

- Link to Mandatory Training:
https://mandatedreporterca.com/training/volunteers/mc_cid/662ddd9f44/mc_eid/dcbe03b405
- [California Business and Professions Code Section 18975 \(AB 506\)](#)
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB506
- Penal Code Section 11165.7
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=11165.7