

1 SB492
2 118665-1
3 By Senators Coleman, Figures, and Smitherman
4 RFD: Education
5 First Read: 03-MAR-10

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8 SYNOPSIS: Under existing law, certain persons and
9 entities are required to report suspected child
10 abuse or neglect.

11 This bill would deem a school teacher or
12 official in compliance with reporting requirements
13 upon submission of a written report to the
14 principal of the school or superintendent of the
15 employing local board of education, and would
16 require the principal or superintendent to provide
17 a copy of the report to the proper authorities.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
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23 To amend Section 26-14-3, Code of Alabama 1975,
24 relating to mandatory reporting of suspected child abuse or
25 neglect; to establish specific reporting requirements for
26 school teachers and school officials; and to provide for the

1 responsibilities of principals and local superintendents of
2 education.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 26-14-3 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§26-14-3.

7 "(a) All hospitals, clinics, sanitariums, doctors,
8 physicians, surgeons, medical examiners, coroners, dentists,
9 osteopaths, optometrists, chiropractors, podiatrists, nurses,
10 school teachers and officials, peace officers, law enforcement
11 officials, pharmacists, social workers, day care workers or
12 employees, mental health professionals, members of the clergy
13 as defined in Rule 505 of the Alabama Rules of Evidence, or
14 any other person called upon to render aid or medical
15 assistance to any child, when the child is known or suspected
16 to be a victim of child abuse or neglect, shall be required to
17 report, or cause a report to be made of the same, orally,
18 either by telephone or direct communication immediately,
19 followed by a written report, to a duly constituted authority.

20 "(b) When an initial report is made to a law
21 enforcement official, the official subsequently shall inform
22 the Department of Human Resources of the report so that the
23 department can carry out its responsibility to provide
24 protective services when deemed appropriate to the respective
25 child or children.

26 "(c) When the Department of Human Resources receives
27 initial reports of suspected abuse or neglect involving

1 discipline or corporal punishment committed in a public or
2 private school or suspected abuse or neglect in a
3 state-operated child residential facility, the Department of
4 Human Resources shall transmit a copy of school reports to the
5 law enforcement agency and residential facility reports to the
6 law enforcement agency and the operating state agency which
7 shall conduct the investigation. When the investigation is
8 completed, a written report of the completed investigation
9 shall contain the information required by the state Department
10 of Human Resources which shall be submitted by the law
11 enforcement agency or the state agency to the county
12 department of human resources for entry into the state's
13 central registry.

14 "(d) Nothing in this chapter shall preclude
15 interagency agreements between departments of human resources,
16 law enforcement, and other state agencies on procedures for
17 investigating reports of suspected child abuse and neglect to
18 provide for departments of human resources to assist law
19 enforcement and other state agencies in these investigations.

20 "(e) Any provision of this section to the contrary
21 notwithstanding, if any agency or authority investigates any
22 report pursuant to this section and the report does not result
23 in a conviction, the agency or authority shall expunge any
24 record of the information or report and any data developed
25 from the record.

26 "(f) Subsection (a) to the contrary notwithstanding,
27 a member of the clergy shall not be required to report

1 information gained solely in a confidential communication
2 privileged pursuant to Rule 505 of the Alabama Rules of
3 Evidence which communication shall continue to be privileged
4 as provided by law.

5 "(g) A school teacher or official is in compliance
6 with this section if he or she submits a written report to the
7 principal of the school or superintendent of the employing
8 local board of education, or the designee of either, by the
9 close of the next school day after the teacher or official has
10 become aware of the suspected abuse. Such principal or
11 superintendent, or his or her designee, shall provide a copy
12 of the report to the duly constituted authority pursuant to
13 subsection (a)."

14 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.