



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

October 22, 2020

**To:** Superintendents, Member School Districts (K-12)  
**From:** Jennifer E. Nix, Associate General Counsel JEN  
**Subject:** **Mandatory Employee Trainings – Updated**  
**Memo No. 65-2020**

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While there are many available trainings offered to school employees, only some are mandated by law.

The following is a list of trainings that are mandated by law for school employees, the frequency by which they must be completed, and the relevant legal citation.

- Child Abuse Prevention

Every school employee must receive annual training regarding the duties of mandated reporters under the child abuse reporting laws. Trainings must include training in child abuse and neglect identification and child abuse and neglect reporting. Schools must develop a process whereby employees provide the school with proof of completion of the training within the first six weeks of that person’s employment, and within the first six weeks of each school year. (Education Code § 44691; Penal Code § 11165.7.)

- Sexual Harassment Prevention

By January 1, 2021, supervisory employees must receive at least two hours of interactive sexual harassment training and nonsupervisory employees must receive at least one hour of training. New nonsupervisory employees must receive training within six months of hire, and new supervisory employees must receive the training within six months of assumption of a supervisory position. Thereafter, sexual harassment training must be completed again every two years. For purposes of this law, governing board members are considered supervisory employees of the LEA. (Government Code §§ 12950 & 12950.1.)



- Title IX Coordinator

Under the new Title IX regulations (effective August 14, 2020), any individual designated by a local educational agency (“LEA”) as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, must receive training on the definition of sexual harassment under the law, the scope of the LEA’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant. Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. (34 C.F.R. § 106.45(b)(1)(iii).)

- Homeless Education Training

Any staff who provides services to students who are homeless, including certificated and classified staff, should receive annual training on their duties under the law. The Elementary and Secondary Education Act (“ESEA”), as Amended by the Every Student Succeeds Act, requires that the LEA homeless youth liaison ensure that “school personnel providing services [to homeless children and youths must] receive professional development and other support.” (42 U.S.C. § 11432(g)(6)(A)(ix).) “Services” are defined broadly in the ESEA to include education, transportation, and meals. (*See generally* 42 U.S.C. § 11432.) Non-regulatory guidance from the U.S. Department of Education has stated that school personnel should receive training “at least once annually,” and the California Department of Education has required proof of compliance with “annual” training from some LEAs. (U.S. Department of Education, *Education for Homeless Children and Youths Program Non-Regulatory Guidance*, p.18 (July 27, 2016, updated Aug. 2018).)

- Pest Management

The LEA’s Integrated Pest Management (“IPM”) coordinator and any employee or contractor who may be designated to apply a pesticide at a school site, or who handles pesticides, must receive an annual training on IPM and the safe use of pesticides in a school setting. For purposes for this law, pesticides include disinfectants and disinfecting wipes used on surfaces. (Education Code § 17614; Food and Agricultural Code § 13186.5.)

- Bloodborne Pathogens

Any employee with occupational exposure to bloodborne pathogens must receive bloodborne pathogens safety training at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. (8 C.C.R. § 5193; 29 C.F.R. § 1910.1030.)



- Food Safety and Related Training

At least one employee at each food facility or site must have successfully passed an approved and accredited food safety certification examination, and must be recertified every five years. For LEAs participating in the National School Lunch and/or Breakfast Program, directors, managers, and staff in the school's food service program must complete annual training on specified topics, including, but not limited to, training on health and safety standards. Food service directors must receive 12 hours of training annually, and food service managers must receive 10 hours of training annually. Food service staff with responsibility for school nutrition programs working an average of at least 20 hours/week must complete six hours of annual training. Staff working an average of less than 20 hours/week must complete four hours of annual training. In addition, new food service directors are required to complete at least eight hours of food safety training not more than five years prior to their starting date or within 30 days of their starting date. (Health and Safety Code §§ 113947.1-113947.3; 7 C.F.R. § 210.30.)

- Summer Food Service Program

For LEAs approved by the California Department of Education ("CDE") to serve as a program sponsor under the federally funded Seamless Summer Feeding Option ("SSFO") or Summer Food Service Program (SFSP), supervisory personnel responsible for the program must receive annual training provided by CDE in program administration and operations, and site staff must receive annual training before undertaking their responsibilities. (42 U.S.C. § 1761; 7 C.F.R. §§ 225.7 & 225.15.)

- Athletic Coaches

A coach of an athletic activity must complete a sudden cardiac arrest training course prior to beginning coaching, and every two years thereafter. (Education Code § 33479.6.)<sup>1</sup>

Any high school coach must complete a coaching education program developed by the LEA or the California Interscholastic Federation that meets the guidelines of Education Code Section 35179.1 and includes training in sport psychology, sport pedagogy, sport physiology, sport management, statewide and school regulations, and CPR and first aid, including the signs, symptoms, and appropriate response to concussions.<sup>2</sup> Once completed, the training does not need to be retaken. (Education Code §§ 49032 & 35179.1; 5 C.C.R. § 5593.)

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<sup>1</sup> By regulation, there are minimum qualifications for temporary athletic team coaches. These include competency in the care and prevention of athletic injuries, CPR, knowledge of the rules and regulation of the sport being coached, and knowledge of child or adolescent psychology. (5 C.C.R § 5593.) Note that the Superintendent or designee may waive these requirements for those enrolled in a training course to achieve these competencies, and are supervised by a qualified coach until competencies are met.

<sup>2</sup> The law allows for an individual who has not completed the education program to be assigned as a coach for no longer than one season of interscholastic competition.



- School Security Officers

Every school security officer employed by a school district for more than 20 hours a week shall complete the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training pursuant to Section 7583.45 of the Business and Professions Code. In addition, school security officers required to carry a firearm while performing their duties must satisfy the training requirements of Section 832 of the Penal Code. (Education Code § 38001.5.)

- School Police Officers

Before exercising the powers of a peace officer, district police officers shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training and shall pass the commission's examination. Within two years of the date of first employment, district police officers must complete supplementary specialized training, approved by the Commission on Peace Officer Standards and Training, on the unique safety needs of a school environment, and must pass the commission's exam. School police reserve officers shall complete a course of training directly related to the role of school police reserve officers as prescribed in Penal Code § 832.2. (Education Code §§ 38000 & 35021.5; Penal Code §§ 832 & 832.3.)

- Injury and Illness Prevention

Training related to injury and illness prevention must be provided to all new employees, and all employees given a new job assignment, whenever new substances, processes, procedures, or equipment are introduced to the workplace that present a hazard, and whenever the LEA receives notification of a new or previously unrecognized occupational safety or health hazard. (Labor Code § 6401.7; 8 C.C.R. 3203.)

- Storage and Administration of Epinephrine Auto-Injector

LEA must provide emergency epinephrine auto-injectors to school nurses or designated volunteers. Employees who volunteer to administer epinephrine auto-injectors to a person suffering, or reasonably believed to be suffering, from anaphylaxis, and have been designated by the LEA to do so, must receive initial and annual refresher training regarding the storage and emergency use of an epinephrine auto-injector from the school nurse or other qualified person designated by an authorizing physician/surgeon. (Education Code § 49414.)

- Administration of Opioid Antagonist

LEAs may provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or designated volunteers. Employees who volunteer to provide emergency naloxone hydrochloride or another opioid antagonist to a person suffering, or reasonably believed to be suffering, from an opioid overdose, and have been designated by the LEA to do so, must receive initial and annual refresher training regarding the storage and emergency use of



naloxone hydrochloride or another opioid antagonist from the school nurse or other qualified person designated by an authorizing physician/surgeon. (Education Code § 49414.3.)

- Automated External Defibrillators

If an LEA acquires and maintains an automated external defibrillator (“AED”) in an LEA site, the LEA must notify tenants of the site at least once a year of the location of the AED and who to contact to receive AED or CPR training, and offer a demonstration to at least one person associated with the site so that the person can be walked through how to use an AED properly in an emergency. (Education Code § 49417; Health and Safety Code § 1797.196.)

Please find a chart with this information attached to this Legal Update for your reference.

Note that additional trainings that are not mandated by law, but are best practice and encouraged from a policy perspective, may be adopted by the governing board as mandatory for LEA employees.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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## Mandatory Employee Trainings Chart

<b>Training</b>	<b>Staff</b>	<b>Frequency</b>
Child Abuse Prevention <i>(Education Code § 44691; Penal Code § 11165.7)</i>	All LEA employees	Annually  Must provide LEA with proof of training completion within first 6 weeks of employment and within first 6 weeks of each school year
Sexual Harassment Prevention <i>(Government Code §§ 12950 &amp; 12950.1)</i>	All LEA employees and Governing Board members	Non-supervisors – 1 hour, within 6 months of hire  Supervisors – 2 hours, within 6 months of hire and/or assuming supervisory role  Every 2 years thereafter
Title IX Training <i>(34 C.F.R. § 106.45(b)(1)(iii))</i> Homeless Education Training <i>(42 U.S.C. § 11432(g)(6)(A)(ix))</i>	Title IX Coordinator, investigators, decision-makers, or any person designated to facilitate an informal resolution process under Title IX  Any staff who provides services (including, but not limited to education, transportation, and meals) to homeless youth.	If designated, must receive this training  Annually
Pest Management <i>(Education Code § 17614; Food and Agricultural Code § 13186.5)</i>	Integrated Pest Management Coordinator and any employee that will apply pesticides, including disinfectants and disinfecting wipes.	Annually
Bloodborne Pathogens Safety <i>(8 C.C.R. § 5193; 29 C.F.R. § 1910.1030)</i>	Any employee with occupational exposure to bloodborne pathogens	At the time of initial assignment and annually thereafter



<p>Food Safety and Related Training (<i>Health and Safety Code §§ 113947-113947.3; 7 C.F.R. § 210.30</i>)</p>	<p>Food service staff - Work average of 20 hours/week or more Food service staff - Work less than 20 hours/week Food service directors Food service managers At least one employee at each food facility or site must have successfully passed an approved and accredited food safety certification examination.</p>	<p>6 hours of annual training 4 hours of annual training 8 hours of food safety training not more than five years prior to their starting date or within 30 days of their starting date; 12 hours training annually 10 hours annually Every 5 years</p>
<p>Summer Food Service Program Training (<i>42 U.S.C. § 1761; 7 C.F.R. §§ 225.7 &amp; 225.15</i>)</p>	<p>Administrative and site personnel implementing Summer Food Service Program</p>	<p>Annually</p>
<p>Sudden Cardiac Arrest Training (<i>Education Code § 33479.6; 5 C.C.R. § 5593</i>)</p>	<p>Coach of athletic activity</p>	<p>Before coaching, every 2 years thereafter</p>



<p>Coaching Training Program Including CPR and Concussion Signs and Symptoms <i>(Education Code §§ 49032 &amp; 35179.1)</i></p>	<p>High school athletic coach</p>	<p>Once before coaching (although can make exception for one season)</p>
<p>Peace Officer Standards and Training &amp; Firearm Training (if applicable) <i>(Education Code § 38001.5; Business and Professions Code § 7583.45; Penal Code § 832)</i></p>	<p>School security officers working for more than 20 hours a week</p>	<p>Once For firearm training: complete within three years of starting employment or must pass examination (some exceptions apply)</p>
<p>School Peace Officer Training <i>(Education Code § 38000; Penal Code §§ 832 &amp; 832.3)</i></p>	<p>School police officers</p>	<p>Complete introductory course before starting employment, and pass exam within three years of starting employment (some exceptions apply). Complete supplementary specialized training within first two years of employment.</p>
<p>Injury and Illness Prevention <i>(Labor Code § 6401.7; 8 C.C.R. 3203)</i></p>	<p>All LEA employees</p>	<p>Training should be given to new employees, employees in new assignment with occupational hazard, and whenever a new occupational safety or health hazard is introduced into workplace</p>





<p>Storage and Administration of Epinephrine Auto-Injector <i>(Education Code § 49414)</i></p>	<p>If volunteer designated by LEA to administer epinephrine auto-injectors to person suffering from anaphylaxis</p>	<p>Initial training and annual refresher training</p>
<p>Administration of Opioid Antagonist <i>(Education Code § 49414.3)</i></p>	<p>If volunteer designated by LEA to administer opioid antagonist to person suffering from opioid overdose</p>	<p>Initial training and annual refresher training</p>
<p>Automated External Defibrillator Use <i>(Education Code § 49417; Health and Safety Code § 1797.196)</i></p>	<p>If AED is at site, at least one person at site</p>	<p>Annually</p>

These materials have been prepared by School & College Legal Services of California for informational purposes only and are not intended to constitute legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. Persons receiving this information should not act on it without seeking professional counsel. This information is not intended to create and does not constitute an attorney-client relationship between parties.

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