

SWACC

Statewide Association of Community Colleges

# WELCOME TO THE 2024 SWACC ANNUAL CONFERENCE



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**SWACC**

Statewide Association of Community Colleges

**EVOLVING**  
**WITH CHANGING TIMES:**

**SOLUTIONS**  
**FOR THE FUTURE**

**Managing Minors: Mastering Mindful Measures in  
Community College Programs**



# Introduction



**April Marin**

Executive Director, Contracts, Procurement, & Risk Management Services  
Santa Clarita Community College District



**Brian Bock**

Managing Partner  
Proactive Legal - The Bock Law Group, PC

# Topics

1. Types of College Programs that Involve Minors
2. Claims Involving Minors
3. Special Considerations when Minors are Involved
4. Best Practices for Mitigating Risks of Interactions with Minors

# Overview

- Approximately 132,500 Students Enrolled in California Community Colleges in Fall 2022 Were Under the Age of 18 (almost 10%).
- Declining Enrollment = More College Interactions with Minors, Both On and Off Campus
- Additional Programs for Minors to Introduce Them to the College Campus

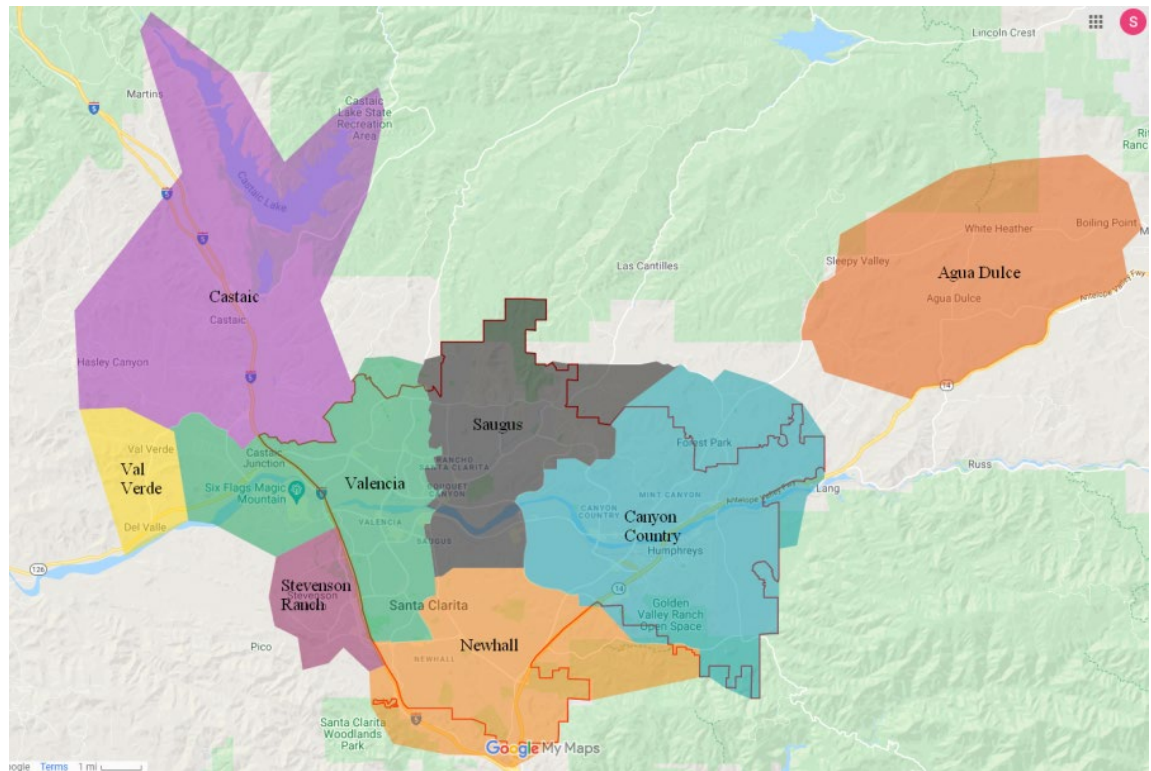
# Laws Pertaining to Minors

- California Education Code
- California Family Code
- California Health & Safety Code
- California Penal Code
- FERPA
- COPPA?
- Mandated Reporting

# College Programs Involving Minors

# SCCCD Programs Involving Minors

- 1 High School District
  - Wm. S Hart
- 4 Elementary School Districts
  - Castaic
  - Newhall
  - Saugus
  - Sulphur Springs





# SCCCD Programs Involving Minors

- **Dual Enrollment (CCAP)**

- High School Students (Grades 9<sup>th</sup> – 12<sup>th</sup>) Attend College Classes On High School Campus During Regular School Day
  - 5 CCAP Agreements Completed, 1 Pending
- Closed to the Public
- High School Teachers Who Meet Minimum Quals are Hired to Teach College Classes During Their Free Period
- Requires Approval from Parent, Counselor, and Principal
- College Has No Responsibility to Implement IEPs
- Districts Jointly Draft Notice to Parents Outlining Students' Rights and Responsibilities

# SCCCD Programs Involving Minors

- **College NOW! & Concurrent Enrollment**
  - High School Students (Grades 11<sup>th</sup> – 12<sup>th</sup>) Outside of the Regular Day
  - College NOW!
    - Held On the High School Campus
    - Before or After School
    - Open to the Public
  - Concurrent Enrollment – On the College Campus
  - Requires Approval from Parent, Counselor, and Principal
  - College Sends All Final Grades to High School District

# SCCCD Programs Involving Minors



- **Academy of the Canyons (AOC)**
  - Middle College High School
  - One AOC on College Campus, One iCAN on High School Campus
  - 9<sup>th</sup> – 12<sup>th</sup> Graders Attend High School Classes & College Classes Each Day
  - Students Graduate High School with a Diploma and Associate's Degree
  - Students Have Access to All College Programs, Including the Library, Computer Labs, Gym, and Tutoring Center

# SCCCD Programs Involving Minors

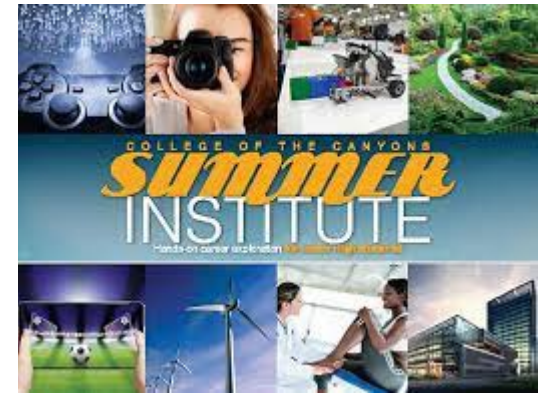
- **Day Care Operations - Center for Early Childhood Education (ECE)**
  - Valencia & Canyon Country Campuses
  - 2 ½ to 5 Years Old
  - Licensed for 124 Children
  - Full and Half Day Programs, Monday - Friday
  - Demonstration Site for College Students Majoring in ECE, Psychology, Sociology, Nursing, etc.



# SCCCD Programs Involving Minors

- **Career Exploration Camps On Campus**

- Winter, Spring & Summer Breaks
- 6<sup>th</sup> – 8<sup>th</sup> Graders
  - Photography, Cybersecurity, Electronic Music,
  - Podcasting, Sports Medicine, Robotics,
  - Auto Technology, Babysitting, Esports
- 9<sup>th</sup>-12<sup>th</sup> Graders
  - Nuts, Bolts, and Thingamijigs (Welding)
- Camp T-Shirt Must be Worn Every Day



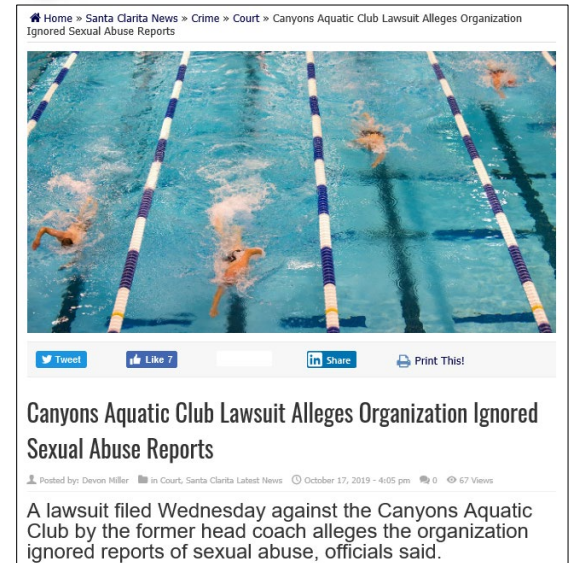
# SCCCD Programs Involving Minors

- **Athletic Sports Camps**
  - Fundraisers Operated by Coaches and Players
  - Cross Country Running Series
  - Soccer (Kindergarten – 8<sup>th</sup> Graders)
  - Basketball (3<sup>rd</sup>- 8<sup>th</sup> Graders)
  - Swimming (Ages 8 to 14 and 15 to 18 - separate sessions)
- **K-12 Arts Education Outreach Program**
- **Onboarding from Local High Schools**

# SCCCD Programs Involving Minors

- **Facility Use On Campus**

- Football Stadium, Soccer Field
- Indoor Pool (Canyons Aquatics)
- Farmer's Market
- Auto Fair
- City of Santa Clarita
- Private Youth Basketball Training
- Upcoming - Boys & Girls Club Afterschool Program



# SCCCD Programs Involving Minors

- **Facility Use Off Campus**
  - Facility Use at Elementary Schools – Non-Credit ESL
  - Career Coaches at High Schools
  - College Student Field Work/Observation of K-12 Students for College Classes
    - ECE
    - Community-Based Learning



# Claims Involving Minors

# Claims Involving Minors

- **Case of the Unharmonious Instructor**
  - College Received Grant, Contracted with Local K-12 Schools to Provide Arts Education to Students
  - College Also Contracted with “Teaching Artists” as Independent Contractors
  - Children Decorated Instruments Created Out of PVC Pipes or Bamboo, Stuffed with Messages, Sent to Haiti, Honduras, Philippines
  - Teaching Artist Filmed Himself Ejaculating Into The Instruments
  - Took Photos of Children Using the Instruments

# Claims Involving Minors

- **Case of the Unharmonious Instructor**
  - Expressed Romantic Interest in Girl Under 16:
    - Sent Money to her Relatives in the Philippines
    - Asked her for Sexually Explicit Images
    - Captured Sexually Explicit Images During A Video Chat
  - USPS Investigation Involved District's Agreement and Emails
  - Grand Jury Subpoena from Orange County DA



# Claims Involving Minors

- **Case of the Unharmonious Instructor**
  - College Received a Claim, Rejected by Board.
  - Tendered Claim to School District:
    - “School District shall be solely responsible to view or review the content of the program or material to be presented, and evaluate and determine such content’s appropriateness for School District’s students prior to student participation.”
  - Claimant Unable to Show Evidence of Having a Contaminated Instrument or Any Losses Due to the Instrument.

# Claims Involving Minors

- **Case of the Unharmonious Instructor**
  - No Lawsuits Were Filed Within 6 Months Of Board Rejection.
  - Plead Guilty To 1 Federal Count Of Production Of Child Pornography and 6 State Charges Of Lewd Acts With A Minor Under 14.
  - Sentenced to 15 Years in Federal Prison and 18 Years in State Prison.

# Claims Involving Minors

- **Non-Credit Training at Elementary School**
  - Instruction was Provided by College.
  - College Signed School District's Facility Use Agreement.
  - Elementary School Staff Provided Childcare.
  - Allegation: Molestation in a Bathroom of Two Brothers (Ages 4 and 6) by Another Child.
  - Lawsuit was filed.
  - School District was Responsible for Supervision of the Child.
  - Plaintiff Focused on School District and College was Dismissed from Lawsuit.

# Minor Considerations

# Minor Considerations

## District Liability for First Aid

District is not liable for rendering reasonable medical treatment without parental consent if parent cannot be reached (Ed Code 76407).



## Medical Treatment

Minors have access to medical care on campus, including family planning, infectious, contagious, communicable disease & STD services :

- Minor (any age) may consent to care related to the prevention or treatment of pregnancy, including contraception.



# Minor Considerations

## Medical Treatment

- Minors age 12 and older may consent to medical care related to:
  - HIV testing and treatment.
  - Drug- or alcohol-related problem.
  - Rape or sexual assault.
- Parents may not be able to receive information about health care that their minor student consented to unless the minor authorizes the parent to receive that information.

# Minor Considerations

## Sex Offenders on Campus

- There will be convicted sex offenders and/or child abusers on campus occasionally.
- There may be also be unregistered sex offenders.
- There may also be others on campus who have been convicted of other serious or violent crimes, theft, controlled substance offenses.
- Community college districts are not required to exclude from employment persons who have been convicted of serious or violent felonies (unlike K-12 districts [Ed Code 44830.1]).



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# Minor Considerations

## Confidentiality

- Counseling: Any information of a personal nature disclosed by a minor age 12 or older in the process of receiving counseling is confidential (Ed Code 72621).
- Medical Records: Generally, health care providers cannot release medical information without written consent.
- Student Records: School may release information to the parent in three circumstances:
  1. If the parent claims the student as a dependent for income tax purposes (34 CFR 99.31(a)(8)).
  2. If there is a health and safety emergency (34 CFR 99.31(a)(10)).
  3. If the student has committed a disciplinary violation regarding the use or possession of controlled substances and the student is under 21 (34 CFR 99.31 (a)(15)).

# Best Practices for Management of Minors

# Best Practices for Management of Minors

- **Employee Training**

- Reporting suspected abuse is part of their job.
- Faculty and staff are **Mandated Reporters** and are required to complete annual training.
- Avoid maintaining personal contact with a minor outside of school by phone, email, instant messenger, chat rooms, or social networking websites beyond homework or other legitimate school business without including the parent/guardian.
- Avoid posting minors' images online.

# Best Practices for Management of Minors

- **Employee Training**

- Avoid being alone with the minor out of the view of others.
- Avoid contact that involves hugging, touching, grabbing, or rubbing/massaging.
- When privacy with minors is necessary, leave the doors and windows open when possible. No “closed door” policy outside of class time.
- Do not single out a particular student for continuous personal attention and friendship.
- Avoid exchange of personal gifts, cards, or letters.
- Avoid using personal terms of endearment, pet names, or address students in an otherwise unprofessional manner.

# Best Practices for Management of Minors

- **Parent and Student Checklist and Acknowledgement**
  - Academic Rigor / Adult Discussions in Class
  - Parent May Not Accompany Student to Class
  - Student's Work Must be His or Her Own
  - Student is Establishing a College Transcript
  - Megan's Law / Convicted Offenders
  - Student Records, Medical Records
  - Medical Treatment



# Best Practices for Management of Minors

- **Disruption/Emergency On Campus**
  - Requires a structured approach with the high school district, on-site principals/teachers and parents.
  - Establish contact information with high school and communication protocol.
  - Establish assembly points for minors on campus during emergencies and supervise accordingly.
  - Parents should be advised of the locations.



# Best Practices for Management of Minors

- **Field Trips Involving Minors**

- Provide parents with the Itinerary: departure time, place, major events/activities, travel arrangements, planned stops, time for return, and place for return.
- Review any Medical Concerns prior to the trip and bring copy of Medical Consent form on trip.
- Notify parents how food and drink will be provided on the trip (food allergies or special dietary requirements).
- Parent and Trip organizer should exchange Cell Phone numbers.
- Parent must sign special Waiver and Release of Liability form.

# Best Practices for Management of Minors

- **Field Trips Involving Minors**

- Minor should never be driven in a vehicle by District employees or volunteers.
  - If the minor is not being driven by their parent, arrange for professional transportation or bus services with a bus company or school district.
- Bring a first aid kit on the trip and at least one employee on the trip should be certified in CPR and first aid.
- If the minor is bringing medication on the trip, there should be written instructions from the parent clearly spelling out the frequency and amount of the dosage.

# Best Practices for Management of Minors

- **Field Trips Involving Minors**

- Ensure supervision of minors by an adult at all times.
- Consistently enforce all rules and policies.
- Restrict minors from leaving the group, from roughhousing, horseplay or other inappropriate behavior.
- Avoid being alone with the minor out of the view of others.
- Establish a process for regular accounting for all students and staff, both periodically and when activities change (such as before boarding the bus to return).
- Require reporting and a written **Incident Report** for all incidents.

# Best Practices for Management of Minors

- **Overnight Trips Involving Minors**

- Parent/guardian must attend and is responsible for supervision of the minor.
  - At least 25 years old.
  - Cleared through Live Scan fingerprinting.
- Minor should be assigned a separate sleeping room with their parent.
- Minors should remain in their assigned rooms. Prohibit minors from entering the rooms of other students.
- Any minor wishing to socialize with other students should do so in designated, supervised areas.

# Best Practices for Management of Minors

- **Overnight Trips Involving Minors**

- Minor must report any activity that violates the Code of Conduct or makes the minor uncomfortable to District employees as soon as possible.
- Staff must stay in the same hotel as the students.
- Provide emergency exit info and where/how to contact District staff.
- A curfew or “lights out” time should be established and enforced.
- Ensure parent signs waiver and understands it is an overnight trip.
- Ensure Trip Organizers complete *Overnight Trip with Minors Checklist*.

# Best Practices for Management of Minors



## OVERNIGHT TRIP WITH MINORS CHECKLIST

THESE PROCEDURES ARE DESIGNED TO ACCOMPANY BP/AP 4300 FIELD TRIPS AND EXCURSIONS, AND THE FIELD TRIPS AND EXCURSIONS OPERATING PROCEDURES. MINORS ARE THE PRIMARY RESPONSIBILITY OF THE DISTRICT'S TRIP ORGANIZER FROM THE TIME OF DEPARTURE UNTIL THE MINOR IS RELEASED TO HIS/HER/THEIR PARENT/ GUARDIAN.

### 1. GENERAL

- Identify a parent/guardian that will attend the overnight trip and be responsible for supervision of the minor where feasible (highly recommended).
  - If the parent/guardian chooses to assign a chaperone ("Chaperone"), the Chaperone must be at least 25 years old, approved through the Volunteer Bureau, and cleared through Live Scan fingerprinting.
- Ensure all District employees attending the trip have completed Mandated Reporting training within in the last 12 months.
- Obtain a District's Release of Liability and Medical Treatment Authorization form ("Waiver") signed by the parent/guardian.
- Distribute the copies of the District's Code of Conduct (BP 5529) to the minor, parent/guardian, and Chaperone (if applicable) before the trip, and ensure they understand that the same rules apply while on the trip.
- Provide parent/guardian with a planned itinerary for the trip, including departure time, place, major events/activities, travel arrangements, planned stops, lodging information, time for return, and place for return.
- Notify parent/guardian of how food and drink will be provided on the trip, and confirm whether the minor has any food allergies or special dietary requirements.
- Review any medical concerns with the parent/guardian and Chaperone (if applicable) before the trip.
- Provide parent/guardian with the cell phone number of the District contact person on the trip.
- Ensure parent/guardian provides a contact phone number in case of an incident on the trip.
  - If a Chaperone will be attending the trip, ensure the Chaperone provides a cell phone number to the Trip Organizer.
- Bring a First Aid kit on the trip. At least one District employee or Chaperone must be certified in CPR and First Aid.
- Document any incidents on the District's Incident Report form and submit to the VP of Instruction, Dean, and Risk Management within 24 hours.

### 2. TRANSPORTATION

- Verify that the minor is being driven by their parent/guardian or Chaperone.
  - If the parent/guardian or Chaperone cannot drive the minor to the trip location, arrange for professional transportation or charter bus services ("District-sponsored Vehicles").
- Confirm that each District-sponsored Vehicle is supervised by at least one District employee; however, District employees may never be one-on-one with a minor in a vehicle.
- Ensure minors are never driven in a vehicle by District employees or volunteers.

### 3. SUPERVISION

- Ensure the minor is supervised by either the parent/guardian, Chaperone, or District employees at all times.
- Restrict minors from leaving the group. Never allow a minor to explore on their own or with other students without supervision.
- Establish a process for regular accounting for all minors, both periodically and when activities change.
- Avoid being alone with the minor out of the view of others.
- Ensure District employees do not socialize or spend time with minors outside of District-sponsored activities. This includes but is not limited to activities such as going out for meals, movies, shopping, and/or recreational activities.
- Avoid posting minors' images or other personally identifiable information online.
- Avoid maintaining personal contact with a minor outside of school by phone, email, instant messenger, chat rooms, or social networking websites beyond homework or other legitimate school business without including the parent/guardian.

### 4. SLEEPING ARRANGMENTS

- Ensure the minor rooms with the parent/guardian or Chaperone.
- Prohibit minors from entering the rooms of other students. Minors should remain in their assigned rooms. Any minor wishing to socialize with other students should do so in designated, supervised areas.
- Ensure the Trip Organizer stays in the same hotel as the students.
- Provide minor and parent/guardian or Chaperone with an orientation on where/how to locate District employees and emergency exit plans.
- Communicate to minor and parent/guardian or Chaperone that any activity that occurs overnight that violates the Code of Conduct or makes the minor uncomfortable must be reported to District employees as soon as possible.
- Establish and enforce a curfew or "lights out" time.

# Best Practices for Management of Minors

- **Develop a Strong Contract**
  - Transfer Risk When Possible.
  - Define Who is Responsible for What.
    - School District Responsible for Approval of Content and Materials.
    - School District Determines Whether Background Checks are Needed and Initials on Contract.
  - Specifically state that childcare/babysitting is not being provided by the District.

# Best Practices for Management of Minors

- **Develop a Strong Contract**

- Ensure General Liability Insurance Coverage Includes Abuse and Molestation.

Contractor agrees to maintain, in full force and effect, at Contractor's expense, the following insurance coverages from an admitted carrier in the State of California with a Best Rating of A-VII or higher: (i) Commercial General Liability insurance, with limits of not less than One Million Dollars (\$1,000,000) per occurrence including bodily injury (including, but not limited to, injuries sustained as a result of an offense directly or indirectly related to Contractor employee or Contractor third-party representative including assault or abuse, sexual or otherwise), broad form property damage and blanket contractual liability, written on an "occurrence" form; (ii) Professional Liability Insurance with limits of not less than One Million Dollars (\$1,000,000); (iii) Employer's Liability with limits of not less than One Million Dollars (\$1,000,000) per occurrence; (iv) Workers' Compensation insurance as required by statutory insurance requirement of the State of California; and (v) Automobile Liability covering all owned, non-owned and



# Best Practices for Management of Minors

- **Sample Indemnity Language:**

To the fullest extent provided by law, XXX shall defend, indemnify and hold harmless the District, including its employees, directors, agents, volunteers, and affiliates, from and against any and all claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs, and expenses (including without limitation reasonable attorney's fees and costs) arising out of this Agreement, except to the extent caused by the District's sole gross negligence or intentional misconduct.

# Best Practices for Management of Minors

- **Perform Background Checks** on Employees or 3<sup>rd</sup> Parties.
- **Develop Communication Protocols and Reporting Requirements** for Concerns or Incidents.
- **Determine Who is Responsible for Supervision** of Minors.
- **Provide Training** on Interacting with Minors and Appropriate Boundaries.
- **Establish Emergency Response Plans** and Obtain Emergency Contact Information.

# Best Practices for Management of Minors

- **Develop Waivers** that Protect the District.
- **Determine How to Handle a Claim** for Partnership Activity.
  - How is liability allocated?
- **Provide a Parent/Student Handbook** that Informs Parents About College Policies and Procedures.
- **Provide Student Code Of Conduct** to Minor Students and Parents and Educate on Behavior Expectations.

Thank You!