

Book	Policy Manual
Section	800 Operations
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Legal	<u>1. 24 P.S. 1205.6</u> 3. Pol. 333 4. Pol. 818 <u>7. 23 Pa. C.S.A. 6303</u> 8. Pol. 302 9. Pol. 304 10. Pol. 305 11. Pol. 306 <u>14. 23 Pa. C.S.A. 6311</u> <u>16. 23 Pa. C.S.A. 6318</u> <u>17. 23 Pa. C.S.A. 6319</u> <u>18. 23 Pa. C.S.A. 6313</u> <u>19. 23 Pa. C.S.A. 6346</u> <u>26. 23 Pa. C.S.A. 6301 et seq</u> <u>30. 18 Pa. C.S.A. 7508.2</u> <u>31. 42 Pa. C.S.A. 9799.12</u> <u>32. 42 Pa. C.S.A. 9799.24</u> <u>33. 23 Pa. C.S.A. 6344</u> <u>34. 24 P.S. 111</u> <u>35. 23 Pa. C.S.A. 6344.4</u> <u>36. 24 P.S. 2070.1a</u> <u>37. 18 Pa. C.S.A. 4906.1</u> <u>38. 18 Pa. C.S.A. 4958</u> <u>39. 23 Pa. C.S.A. 6320</u> <u>40. 23 Pa. C.S.A. 6305</u> <u>41. 22 PA Code 10.2</u> <u>42. 22 PA Code 10.21</u> <u>43. 22 PA Code 10.22</u> <u>44. 24 P.S. 1302.1-A</u> <u>45. 24 P.S. 1303-A</u> <u>46. 23 Pa. C.S.A. 6368</u> <u>18 Pa. C.S.A. 2901 et seq</u> <u>18 Pa. C.S.A. 4304</u> <u>18 Pa. C.S.A. 4906.1</u> <u>18 Pa. C.S.A. 4958</u>

22 PA Code 10.1 et seq

24 P.S. 1301-A

24 P.S. 1527

24 P.S. 2070.1a et seq

Pol. 309

Pol. 317

Pol. 805.1

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Authority

The Board requires District employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law (CPSL) and the School Code.[1][3][4][26]

Definitions

The following words and phrases, when used in this Policy, shall have the meaning given to them in this section:

Bodily injury - impairment of physical condition or substantial pain.[7]

Child - an individual under eighteen (18) years of age.[7]

Child abuse - intentionally, knowingly or recklessly doing any of the following:[7]

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating, or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 1. Striking, kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child.
 2. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.

3. Forcefully shaking a child under one (1) year of age.
4. Forcefully slapping or otherwise striking a child under one (1) year of age.
5. Interfering with the breathing of a child.
6. Causing a child to be present at a location while a violation of 18 Pa. C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.^[30]
7. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known: Is required to register as a Tier II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed; has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (relating to assessments) or any of its predecessors; or has been determined to be a sexually violent delinquent child as defined in 42 Pa. C.S. § 9799.12 (relating to definitions).^{[31][32]}
9. Causing the death of the child through any act or failure to act.

The term **child abuse** does not include physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular, or recreational activities.

The term **child abuse** does not include the use of reasonable force by a person responsible for the welfare of a child for purposes of supervision, control, or safety, provided that the use of force:

1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;
2. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;
3. Is necessary for self-defense or defense of another;
4. Is necessary to prevent the child from self-inflicted physical harm; or
5. Is necessary to gain possession of weapons, controlled substances or other dangerous objects that are on the person of the child or in the child's control.

Direct contact with children - the possibility of care, supervision, guidance, or control of children or routine interaction with children.^[1]

Independent contractor - an individual who provides a program, activity, or service who is otherwise responsible for the care, supervision, guidance, or control of children. The term does not include an individual who has no direct contact with children.^{[7][14]}

Mandated Reporter - an individual who is a school employee, independent contractor, attorney affiliated with the District, or a volunteer.

Perpetrator - a person who has committed child abuse and is a parent/guardian of the child, a spouse or former spouse of the child's parent/guardian, a paramour or former paramour of the child's parent/guardian, an individual fourteen (14) years of age or older who is responsible for the child's welfare or who resides in the same home as the child, or an individual eighteen (18) years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.^[7]

Person responsible for the child's welfare - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision, and control. The term includes any such person who has direct or regular contact with a

child through any program, activity, or service sponsored by a school, for-profit organization, or religious or other not-for-profit organization.[7]

Program, activity or service - a public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:[7]

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. An outreach program.
5. An enrichment program.
6. A troop, club, or similar organization.

Recent act or failure to act - any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency.[7]

School employee - an individual who is employed by a school or who provides a program, activity, or service sponsored by a school. The term excludes an individual who has no direct contact with children.[7]

Serious mental injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:[7]

1. Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that the child's life or safety is threatened.
2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect - any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury, or impairs a child's health, development, or functioning:[7]

1. A repeated, prolonged, or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
2. The failure to provide a child with adequate essentials of life, including food, shelter, or medical care.

Sexual abuse or exploitation - any of the following:[7]

1. The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
 1. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 2. Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 3. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 4. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming.

Paragraph 1. does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within four (4) years of the child's age.

2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Student - an individual enrolled in a District school under eighteen (18) years of age.[7]

Volunteer - an individual in an unpaid position with a program, activity, or service who is individually responsible for the welfare of one or more children or has direct contact with children.[14]

Delegation of Responsibility

In accordance with Board policy, the Superintendent or designee shall:

1. Require each candidate for employment to submit an official child abuse clearance statement and other background checks as required by law.[8][9][10][11][33][34]
2. Require each volunteer to submit an official child abuse clearance statement and other background checks as required by law.

School employees, independent contractors, and volunteers shall obtain and submit new background checks and clearances every thirty-six (36) months. Any such person with most recent checks and clearances issued prior to December 31, 2014 shall be required to obtain and provide new, updated checks and clearances within thirty-six (36) months from the date of their most recent checks and clearances, or if older than thirty-six (36) months by December 31, 2015.[35]

The Superintendent or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.

The Superintendent or designee shall annually notify District staff, independent contractors, and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

Guidelines

Training

The District, and independent contractors of the District, shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:[1][3][4]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.[36]
3. District policy related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

Employees are required to complete a minimum of three (3) hours of training every five (5) years.

The District shall provide each volunteer with information on child abuse recognition and reporting.

Duty To Report

Mandated reporters shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:[14]

1. The mandated reporter comes into contact with the child in the course of employment, occupation, and the practice of a profession or through a regularly scheduled program, activity, or service.
2. The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child.
3. A person makes a specific disclosure to a mandated reporter that an identifiable child is the victim of child abuse.
4. An individual fourteen (14) years of age or older makes a specific disclosure to a mandated reporter that the individual has committed child abuse.

The duty to report applies whether or not:

1. A child actually comes before the mandated reporter.
2. The mandated reporter can identify the person responsible for the child abuse.

Any person who, in good faith, makes a report of suspected child abuse, regardless of whether the report is required; cooperates with an investigation, testifies in a proceeding, or engages in other action authorized by law shall have immunity from civil and criminal liability related to those actions.[16]

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.[17]

Any person who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse may be subject to disciplinary action and criminal prosecution.[37]

Any person who engages in intimidation, retaliation, or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.[38]

The District shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.[39]

Reporting Procedures

A mandated reporter who suspects child abuse shall immediately make a report of the suspected abuse. The report may be made using the electronic reporting site or verbally via the statewide toll-free telephone number. A person making an initial oral report of suspected child abuse must also submit a written report within forty-eight (48) hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the District with a written record of the report.[14][18][40]

A mandated reporter who makes a report of suspected child abuse shall immediately, after making the initial report, notify the building Principal. A copy of the electronic report confirmation or a copy of the written report following verbal reporting will be given to the building Principal. The building Principal shall then immediately notify the Superintendent or designee that a child abuse report has been made providing a copy of the electronic report confirmation or written report.[14][18][40]

When a report of suspected child abuse is required to be made, no more than one (1) school employee, independent contractor, attorney, or volunteer affiliated with the District is required to

make a report. An individual otherwise required to make a report who is aware that an initial report has already been made by a mandated reporter is not required to make an additional report. When more than one mandated reporter has reasonable suspicion regarding an instance of child abuse, a copy of the written report or electronic confirmation shall be provided to all mandated reporters so they can be assured a report has been filed.[14][18][40]

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent or designee shall inform local law enforcement, in accordance with applicable law, regulations, and Board policy.[41][42][43][44][45]

Investigation

The building Principal shall facilitate cooperation with the Department of Human Services of the Commonwealth or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.[14][19]

Upon notification that an investigation involves suspected child abuse by a school employee, the principal shall immediately implement a plan of supervision or alternative arrangement for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.[46]

A District administrator has an independent duty to report to the Superintendent or designee that an employee has allegedly abused or otherwise victimized a student. The requirement not to divulge the existence of the report or its content shall not limit the administrator's responsibility to use the information received to initiate and conduct an independent school investigation into the allegations. The independent school investigation shall be conducted in cooperation with the county agency and law enforcement officials, and shall be for the purpose of ascertaining appropriate employee discipline and taking action necessary to curtail wrongdoing.