

# EASTON AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED: December 21, 2006

REVISED: March 27, 2012

<p>1. Authority 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq</p> <p>2. Guidelines</p> <p>23 Pa. C.S.A. Sec. 6311, 6313 42 Pa. C.S.A. Sec. 5945</p>	<p style="text-align: center;">806. CHILD/STUDENT ABUSE</p> <p>The Board adopts this policy to affirm district employees' obligation to assist in identifying possible child abuse as well as victimization of students by other school employees, and to establish procedures for reporting such in compliance with the Child Protective Services Law of 1990 and its amendments.</p> <p style="text-align: center;"><b><u>CHILD ABUSE</u></b></p> <p><b>DUTY TO REPORT</b></p> <p>District employees who in the course of their employment come into contact with children shall report or cause a report to be made when the person has reasonable cause to suspect that a child under the care, supervision, guidance or training of that person or another student of the district is a victim of child abuse.</p> <p>Such employees shall report suspected instances of child abuse, which shall include: serious physical injury; sexual abuse; sexual exploitation, serious emotional injury; instances of actions or failures to act by a parent or guardian or other individual that pose an imminent risk of serious physical injury, sexual abuse or sexual exploitation; or serious physical neglect involving prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.</p> <p>The Superintendent or designee shall develop administrative regulations that provide guidance as to what constitutes child abuse and what is a reportable offense or suspected offense under the Child Protective Services Law. Employees who are uncertain as to whether a particular incident, event or instance is reportable under this policy must discuss it with the building principal, who will assist in making the determination.</p> <p>Privileged communication between any professional person required to report and a child shall not apply to situations involving child abuse and shall not constitute grounds for failure to report.</p>
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<p>23 Pa. C.S.A. Sec. 6311</p>	<p>District employees required to report suspected child abuse shall include, but are not limited to, school administrators, teachers, guidance counselors, cafeteria staff, coaches, activity advisors, bus drivers and school nurses.</p>
<p>23 Pa. C.S.A. Sec. 6318</p>	<p>Any person required to report child abuse who, in good faith, reports or causes the report to be made has immunity under the Child Protective Services Law from civil and criminal liability related to those actions.</p>
	<p>A person or official required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.</p>
	<p><b>REPORTING PROCEDURES</b></p>
	<p><u>Employee Reports To Building Principal</u></p>
	<p>District employees who suspect child abuse shall immediately notify the building principal. The following information must be provided:</p>
	<ol style="list-style-type: none"> <li>1. The student's name;</li> <li>2. The nature of the suspected abuse;</li> <li>3. The alleged or suspected abuser (if known);</li> <li>4. How and when the employee learned of the suspected abuse;</li> <li>5. Whether the employee has communicated to the parents/guardians regarding the suspected abuse;</li> <li>6. Where the suspected abuse has been reported to the employee by a 3<sup>rd</sup> party, whether the employee has seen evidence of or has other cause to suspect that the abuse has occurred or is occurring.</li> </ol>
	<p><u>Building Principal Reports To ChildLine Or Children And Youth Services (CYS)</u></p>
	<p>Upon notification, the building principal shall report the suspected child abuse. Such reports shall either be made to ChildLine where required under the CPSL or to Children and Youth Services as a general referral for those cases that do not rise to the level of child abuse but where the safety and/or welfare of a child is in question. Where necessary, the principal shall have the employee present during the ChildLine or CYS reporting. The building principal, however, shall be responsible for making the actual reports. The Superintendent or designee shall develop administrative regulations setting forth the requirements for ChildLine reporting as well as general</p>

	<p>Children and Youth Services referrals. Reports that meet the requirements set forth under the mandatory reporting provisions of the Child Protective Services Law, as indicated in the administrative regulations, shall be made directly to ChildLine, as required by law. All other reports shall be made to Children and Youth Services as a general referral. Where it is unclear whether a referral should be made to ChildLine or to Children and Youth as a general referral, the building administrator shall make the report to ChildLine.</p> <p><u>Development Of Administrative Regulations For Reporting</u></p> <p>The Superintendent or designee shall develop administrative regulations setting forth the specific requirements for reporting abuse, including the requirements for mandatory reporting to ChildLine and the requirements for making general reports to Children and Youth Services for incidents that do not meet the qualifications of ChildLine reporting.</p>
<p>23 Pa. C.S.A. Sec. 6346</p>	<p><b>INVESTIGATION</b></p> <p>District officials shall cooperate with the Department of Public Welfare, Children and Youth Services, or other county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.</p>
<p>23 Pa. C.S.A. Sec. 6314</p>	<p>The building principal, who is required to report cases of suspected child abuse, may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child.</p>
<p><b><u>STUDENT ABUSE BY DISTRICT EMPLOYEE</u></b></p>	
<p>23 Pa. C.S.A. Sec. 6352</p>	<p><b>DUTY TO REPORT</b></p> <p>A district employee must immediately contact the principal or immediate supervisor when the employee has reasonable cause to suspect that a student coming before the employee in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by an employee.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>If the accused district employee is the principal or supervisor, the employee shall immediately report to law enforcement officials, ChildLine, the District Attorney, the Superintendent and the district's solicitor.</p>

<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The principal who receives a report from an employee or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials, ChildLine, the District Attorney, and the appropriate district’s solicitor. The building administration shall exercise no discretion but has an absolute duty to report when receiving notice from a school employee.</p>
<p>23 Pa. C.S.A. Sec. 6352, 6353</p>	<p>An employee or building administrator who, in good faith, refers a student abuse report is immune under the Child Protective Services Law from civil and criminal liability arising out of the report.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>An employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report commits a criminal offense.</p>
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>An administrator who willfully fails to report immediately to law enforcement officials and the appropriate district’s solicitor any report of serious bodily injury or sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student commits a misdemeanor of the third degree.</p>
	<p>Failure to report suspected abuse, as per this policy, may result in employment action, including, but not limited to, dismissal.</p>
	<p><b>REPORTING PROCEDURES</b></p>
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The principal's report to law enforcement officials, ChildLine, the District Attorney, the Superintendent and the district’s solicitor shall include: name, age, address, and school of the student; name and address of the student's parent/guardian; name and address of the principal; name, work, and home address of the school employee; nature of the alleged offense; details regarding why the abuse is suspected (events that gave rise to the suspicion); and any specific comments or observations directly related to the alleged incident and the individuals involved.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>The employee making a report of student abuse or injury by another employee shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.</p>
	<p><b>INVESTIGATION</b></p>
<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p>Upon receipt of a report of suspected student abuse, an investigation shall be conducted by law enforcement officials, in cooperation with the district’s solicitor.</p>

<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p>If law enforcement officials have reasonable cause to suspect, on the basis of initial review, that there is evidence of serious bodily injury, sexual abuse or sexual exploitation committed by a school employee against a student, the officials shall notify the county agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.</p>
<p>23 Pa. C.S.A. Sec. 6346</p>	<p>District officials shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected student abuse, including permitting authorized personnel to interview a student while in attendance at school.</p>
<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p>Law enforcement officials and the county agency shall coordinate their respective investigations. They shall conduct joint interviews with students, but law enforcement officials shall interview school employees prior to the county agency.</p>
<p>Pol. 317, 417, 517</p>	<p>The principal 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 principal'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.</p>
<p>Pol. 302, 303, 404, 405, 504, 505</p>	<p><b>EMPLOYEE CLEARANCES AND NOTIFICATION OF ARREST, CHARGES AND/OR CONVICTIONS</b></p> <p>In accordance with Board policy, the Superintendent shall require each applicant for employment, including each covered employee being transferred, to submit an official clearance statement issued within the preceding year by the Department of Public Welfare, except for those exempted by law.</p> <p>No applicant may be hired who is named as the perpetrator in a founded report or is named as an individual responsible for injury or abuse in a founded report for a school employee. The district has discretion whether to hire someone who has been named on an indicated report.</p> <p>Employees must immediately notify the Superintendent if they are arrested for, charged with and/or convicted of a crime that involves abuse or alleged abuse of a child.</p>

References:

Department of Public Welfare Regulations – 55 PA Code Sec. 3490.1 et seq.

Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304

Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945

Registration of Sex Offenders – 42 Pa. C.S.A. Sec. 9795.1, 9795.4, 9798.1

Board Policy – 302, 303, 317, 404, 405, 417, 504, 505, 517