

806-AR CHILD ABUSE REPORTING

Purpose

It is the purpose of this procedure to affirm district employees' obligation to assist in identifying possible child abuse and student abuse; to provide complete reporting of suspected child abuse and student abuse, and to establish procedures in compliance with the Child Protective Services Law of 1990, and the amendments thereto, known as the Act.

The Superintendent shall develop and publish procedures in compliance with this policy and the Act. Such procedures shall advise all district employees of their obligations and rights with regard to the reporting of suspected child abuse/student abuse as follows:

1. Inform in writing all staff members having contact with students of their legal responsibility to report all cases of abuse, abandonment, cruelty or neglect resulting in physical or mental injury to students.
2. Provide all staff members with written notice of the school district procedures for reporting child abuse or the abuse of a student by another district employee.
3. Designate the building principal as the staff member who shall report suspected instances of child abuse/student abuse to the appropriate county agency.
4. Require prompt attention to student injuries which result from abuse so as to protect the health and well being of the child.
5. Advise staff members of their immunity from liability for making a report of suspected child abuse/student abuse in good faith.
6. Inform staff members that any person required by this act to report a case of suspected child abuse/student abuse, who willfully fails to do so, shall be subject to prosecution for a summary offense under the Pennsylvania Criminal Code.

The Child Protective Services Law mandates that:

"Any person(s) who, in the course of their employment, occupation, or practice of their profession come into contact with children shall report or cause a report to be made when they have reasonable cause to suspect, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is an abused child." Privileged communication between any professional person and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report.

Definitions

A. Child Abuse

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 18 years of age.
2. Any act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
3. Any recent act, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
4. Serious physical neglect by a perpetrator constituting 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.

B. Sexual Abuse or Exploitation

1. The employment, use persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct; or,
2. Any simulation or any sexually explicit conduct for the purpose of producing any visual depiction of any sexually explicit conduct or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

C. Serious Bodily Injury

Bodily injury, which creates a substantial risk of death or which, causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

D. Serious Physical Injury

An injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.

E. Serious Mental Injury

A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

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; or,
2. seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks.

F. Student

An individual enrolled in public or private school, intermediate unit or area vocational-technical school who is under 18 years of age.

G. School Employee

An individual employed by a public or private school, intermediate unit, or area Vocational/Technical School. The term includes any independent contractor and employees. The term excludes an individual who has no direct contact with students.

H. Applicant

An individual who applies for a position as a school employee. The term includes an individual who moves from a position as a school employee in one district to a position as a school employee in another district.

I. Perpetrator of Child Abuse

A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, an individual residing in the same home as a child, or a paramour of a child's parent. An individual residing in the same home as a child is a person who is fourteen (14) years of age or older and who resides in the same home as the child. A person responsible for the child's welfare is an individual 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 does not include a person who is employed by or provides services or programs in any public school, or private school, intermediate unit or area vocational/technical school.

J. Persons Required to Report

Any person, who in the course of his/her employment, occupation or profession, comes into contact with children and has a reason to believe that a child coming before him/her is a victim of child abuse, is required to report.

K. Individual Reporting

Nothing herein shall be deemed to prohibit persons required or permitted to report from reporting incidents of suspected child abuse/student abuse directly to the Department or the County Child Protective Services by oral and written report

L. County Agency

The county children and youth services agency supervised by the Department of Public Welfare under the Public Welfare Code.

M. Oral Report - Toll Free Number

An oral report must be made to the Department of Public Welfare as follows:
Childline, Pennsylvania Central Registry: 1-800-932-0313

N. Montgomery Child Sexual Abuse Center – To report child sexual abuse, call the Intake Unit at Children and Youth Services at 610-278-5800 and also call the Pennsylvania Child Line at 1-800-932-0313.

O. Montgomery County Children and Youth Services - To report physical abuse & neglect, call the Intake Unit at Children and Youth Services at 610-278-5800 and also call the Pennsylvania Child Line at 1-800-932-0313

P. Founded Report (Child Abuse)

A child abuse report resulting from any judicial adjudication based upon a finding that a child who is a subject of the report has been abused. This includes the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.

Q. Founded Report for School Employee (Student Abuse)

A student abuse report made by the county agency regarding a school employee's conduct related to a student, if there has been any judicial adjudication based on a finding that the victim has suffered serious bodily injury or sexual abuse or exploitation. This includes the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegations of the report.

R. Indicated Report (Child Abuse)

A child abuse report resulting from an investigation by the county agency or the Department of Public Welfare with a determination that substantial evidence of the alleged abuse exists based on any of the following:

1. Available medical evidence
2. The Child Protective Service investigation
3. An admission of the acts of abuse by the school employee

S. Indicated Report for School Employee (Student Abuse)

A student abuse report made by the county agency regarding a school employee's conduct related to a student if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on any of the following:

1. Available medical evidence
2. The Child Protective Service investigation
3. An admission of the acts of abuse by the school employee

T. Unfounded Report

Any report made pursuant to the Child Protective Services Law unless the report is a founded report or an indicated report.

Reporting Procedures:

A. School Employees

1. School employees required to report suspected child abuse shall include but are not limited to school administrators, teachers, nurses and other professional and support staff employees.
2. Any person required to report child abuse who, in good faith, makes or causes the report to be made, shall have immunity from civil and criminal liability related to those actions.
3. A person or official required to report a case of suspected child abuse who willfully fails to do so is subject to prosecution for a summary offense for the first violation, and a misdemeanor of the third degree for a second or subsequent violation.
4. Persons who are considered required reporters must report suspicion of abuse. Any other individual who is a school employee may report suspicion of abuse.
5. The school employee shall immediately contact the building principal when the individual has reasonable cause to suspect, based on training or other experience, that a student is a victim of serious bodily injury, sexual abuse or sexual exploitation by another school employee. This applies whenever an individual is functioning in the role of a school employee regardless of when or where the abuse or injury occurred.
6. If the accused school employee is the building principal, then the school employee must immediately report the suspicion of abuse to the superintendent who shall then report to law enforcement officials and the district attorney.
7. When a school employee learns of suspected abuse from another person, the school employee must first have contact with the student and then make a report of suspected student abuse to the principal who shall make a report to the Department of Public Welfare and the County Child Protective Services agency. If the school employee suspects that the student was a victim of serious bodily injury, sexual abuse or sexual exploitation by another school employee the same procedures will be followed.

B. Building Principal

1. The building principal shall immediately make an oral report to the Department of Public Welfare by telephone, to the single statewide child abuse toll free number, to the County Child Protective Services and to the Superintendent.
2. The building principal shall submit a written report to the Department of Public Welfare, to the County Child Protective Services and to the Superintendent within forty-eight (48) hours of the oral report. Written reports shall be made on the form supplied by the Department of Public Welfare.

3. The building principal will provide a response to the employee who first reported the suspected abuse, indicating what action has been taken in the required reporting process.

Act 151 makes it a criminal offense for any school district or school official to fail to cooperate with the Department of Public Welfare or the county agency investigating a report of suspected child abuse. Cooperation includes permitting authorized personnel from the department or agency to interview the child while s/he is in attendance at school.

A person or official 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.

Upon receipt of a complaint of suspected child abuse, the Department of Public Welfare shall maintain a record of the complaint of suspected child abuse in the pending complaint file.

When a report of suspected child abuse or of suspected student abuse by a school employee is determined by the appropriate county agency to be a founded report, or an indicated report, the information concerning that report shall be expunged immediately from the pending complaint file, and an appropriate entry shall be made in the Statewide Central Register maintained by the Department of Public Welfare.

Notice of the determination of a founded report or an indicated report must be given to the subjects of the report, and to the parent or guardian of the affected child or student, along with an explanation of the implications of the determination. Notice given to perpetrators of child abuse and to school employees who are subjects of indicated or founded reports shall include a warning that their ability to obtain employment in a child care facility or public or private school may be adversely affected by entry of the report into the Statewide Central Register. The notice shall also inform the recipient of his/her right, within forty-five (45) days after being notified of the status of the report, to appeal an indicated report, and his/her right to a hearing if the request is denied.

Any school employee, who has reasonable cause to suspect that a student is a victim of serious bodily injury, sexual abuse or sexual exploitation by another school employee, must immediately notify the building principal.

C. Investigation of Student Abuse

1. Upon receipt of a report of suspected student abuse, an investigation shall be conducted by law enforcement officials, in cooperation with the district attorney.

If local 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, local law enforcement 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 of the alleged abuse or injury.

Act 151 makes it a criminal offense for the school district or any school official to fail to cooperate with the Department of Public Welfare or the county agency investigating a report of suspected student abuse. Cooperation includes permitting authorized personnel from the department or agency to interview a student while s/he is in attendance at school.

Law enforcement officials and the county agency shall coordinate their respective investigations. In respect to interviews with the student, they shall conduct joint interviews. In respect to an interview with the school employee, law enforcement officials shall interview prior to the county agency.

Prior to interviewing a subject of the report, the county agency shall orally notify the subject of the report of the existence of the report, and the subject's rights with regard to amendment or expungement.

The county agency shall complete its investigation within sixty (60) days.

2. The building principal has an independent duty to report to the Superintendent or his/her designee that an employee has allegedly abused or otherwise victimized a student or students. The requirement not to divulge the existence of the report or its content should not be read as limiting the administrator's responsibility to use the information s/he 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.
 3. The Board of School Directors will take any action deemed appropriate based on the findings of the investigation in accordance with the provisions of the Public School Code and district policies. Disciplinary action, if appropriate, may include termination of employment.
- D. Effective July 1, 1996, the school district will require, as a condition of employment, each individual extended an offer of employment, to submit an official Act #151 clearance statement issued within the preceding year by the Department of Welfare.
- E. Volunteers whose position entails having direct unsupervised contact with students on more than an incidental basis must submit an Act 34 criminal history report and an Act # 151 clearance statement issued within the preceding year by the Department of Welfare.

- F. No applicant will be hired or volunteer permitted to serve who is named as a perpetrator of an indicated report or a founded report or is named as an individual responsible for injury or abuse in an indicated or founded report for school employees.

- G. Individuals who meet the following criteria may be hired without the clearance statement provided the person demonstrates they have applied for the official clearance statement and attests in writing, under oath, that they are not disqualified under this requirement, when the administrator has no knowledge to the contrary, and the hiring does not take place during an authorized strike:
 - 1. School personnel under 21 years of age participating in a job development or training program for less than 90 days; or
 - 2. School employees from Pennsylvania hired on a provisional basis for 30 days; or
 - 3. School employees from another state hired on a provisional basis for 90 days.

- H. No current school employee, as of July 1, 1996, shall be required to obtain an official clearance statement as a condition of continued employment.