

COUNCIL ROCK SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED: February 5, 1998

REVISED: June 21, 2007

<p>1. Purpose 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq</p> <p>2. Definitions 23 Pa. C.S.A. Sec. 6303</p>	<p style="text-align: center;">806. CHILD/STUDENT ABUSE</p> <p>It is the purpose of 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 in compliance with the Child Protective Services Law of 1990 and its amendments, and Act 179 of 2006.</p> <p>Child Abuse - The term child abuse shall mean any of the following:</p> <ol style="list-style-type: none"> 1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under eighteen (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 eighteen (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 eighteen (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. <p>No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.</p>
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<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Serious Mental Injury - A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:</p> <ol style="list-style-type: none"> 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 Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened. 2.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.
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Serious Physical Injury - An injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Sexual Abuse or Exploitation - The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist another individual to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction including photographing, videotaping, computer depicting or filming of any sexually explicit conduct; or any of the following offenses committed against a child: rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, sexual abuse or sexual exploitation.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Perpetrator - A person who has committed child abuse and is a parent/guardian of a child, a person responsible for the welfare of a child, an individual residing in the same home as a child, or is a paramour of a child's parent/guardian. This term does not include a person who is employed by or provides services or programs in district schools.</p>
	<p>County Agency - The county children and youth services agency supervised by the Department of Public Welfare under the Public Welfare Code.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6351</p>	<p>Administrator - The person responsible for the administration of a public or private school, intermediate unit, or area vocational/technical school. The term includes a person responsible for employment decisions in a school and an independent contractor. The principal of the school where the abused student is enrolled will serve as the administrator under this policy.</p>

<p>23 Pa. C.S.A. Sec. 6303</p>	<p>School Employee - An individual employed by a public or private school, intermediate unit, or area vocational/technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Student - An individual enrolled in a public or private school, intermediate unit, or area vocational/technical school who is under eighteen (18) years of age.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Subject of the Report - Any child, parent/guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator or school employee named in a report made to the Department of Public Welfare or a county agency.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Founded Report - A child abuse report resulting from any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including 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.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Founded Report for School Employee - A 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, including 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.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Indicated Report - 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:</p> <ol style="list-style-type: none"> 1. Available medical evidence. 2. The child protective service investigation. 3. An admission of the acts of abuse by the perpetrator.
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Indicated Report for School Employee - A 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:</p> <ol style="list-style-type: none"> 1. Available medical evidence. 2. The county agency's investigation.

<p>23 Pa. C.S.A. Sec. 6303</p>	<p>3. An admission of the acts of abuse by the school employee.</p> <p>Applicant - An individual who applies for a position as a school employee. The term includes an individual who transfers from one position as a school employee to another position as a school employee.</p>
<p>3. Guidelines</p>	<p style="text-align: center;">CHILD ABUSE BY PERPETRATOR</p>
<p>23 Pa. C.S.A. Sec. 6311, 6313</p>	<p><u>Duty To Report</u></p> <p>School employees who in the course of their employment 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 under the care, supervision, guidance or training of district employees is a victim of child abuse, including child abuse by an individual who is not a perpetrator.</p>
<p>23 Pa. C.S.A. Sec. 6311 42 Pa. C.S.A. Sec. 5945</p>	<p>Except as stated in law, privileged communication between any professional person required to report 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.</p>
<p>23 Pa. C.S.A. Sec. 6311</p>	<p>School employees required to report suspected child abuse shall include but are not limited to a school administrator, school teacher, and/or school nurse.</p>
<p>23 Pa. C.S.A. Sec. 6318</p>	<p>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.</p>
<p>18 Pa. C.S.A. Sec. 4304</p>	<p>A person or official required to report a case of suspected child abuse who willfully prevents or interferes with the making of a report of suspected child abuse, commits a misdemeanor of the first degree.</p>
<p>23 Pa. C.S.A. Sec. 6319</p>	<p>A school employee or official required to report child abuse or make a referral to the appropriate authorities who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.</p>
	<p><u>Reporting Procedures</u></p> <p>School employees who suspect child abuse shall immediately notify the school principal or the principal's designated agent. Upon notification, the principal or the designated agent shall report the suspected child abuse.</p>

<p>23 Pa. C.S.A. Sec. 6313</p>	<p>Reports of child abuse shall be made immediately by telephone and in writing within forty-eight (48) hours after the oral report. Oral reports shall be made to the Department of Public Welfare and may be made to the appropriate county agency. Written reports shall be made on the form supplied by the Department of Public Welfare.</p>
<p>23 Pa. C.S.A. Sec. 6346</p>	<p><u>Investigation</u></p> <p>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.</p>
<p>23 Pa. C.S.A. Sec. 6314</p>	<p>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.</p> <p>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.</p>
<p>23 Pa. C.S.A. Sec. 6331, 6353.2, 6353.3</p>	<p><u>Statewide Central Register</u></p> <p>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.</p> <p>Notice of the determination must be given to the subjects of the report, other than the abused child or student, and to the parent/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 reports for school employees or founded reports for school employees shall include notice 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 in 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.</p>

<p>23 Pa. C.S.A. Sec. 6301 et seq Pol. 302, 303, 404, 405, 406, 504, 505</p>	<p><u>Clearance Statement/Employment Conditions</u></p> <p>Beginning July 1, 1996, 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. Such clearance statements include information as to whether the applicant, including covered employee, is named as: the perpetrator of an indicated or a founded report related to child abuse, or as the individual responsible for injury or abuse to a student(s) in an indicated reported for school employee or a founded report for school employee.</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 school employee. The school district has discretion as to whether to hire someone who has been named on an indicated report.</p> <p>The requirement to submit an official clearance statement does not apply to a school employee under twenty-one (21) years of age participating in a job development or training program who is employed for not more than ninety (90) days or to a school employee from Pennsylvania hired on a provisional basis for thirty (30) days, or from another state on a provisional basis for ninety (90) days, who demonstrates s/he applied for an official clearance statement, attests in writing under oath s/he is 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.</p> <p>No person employed by the district as of July 1, 1996, shall be required to obtain an official clearance statement as a condition of continued employment.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p style="text-align: center;">STUDENT ABUSE BY SCHOOL EMPLOYEE</p> <p><u>Duty To Report</u></p> <p>A school employee shall immediately contact the administrator when the school employee has reasonable cause to suspect, on the basis of his/her professional or other training and experience, that a student coming before the school employee in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>If the accused school employee is the administrator, then the school employee shall immediately report to law enforcement officials and the district attorney.</p>

<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The administrator who receives a report from a school employee or who has independent cause to suspect said injury or abuse shall report immediately to law enforcement officials and the appropriate district attorney. The administrator shall exercise no discretion but has an absolute duty to report when s/he receives notice from a school employee.</p>
<p>23 Pa. C.S.A. Sec. 6352, 6353</p>	<p>A school employee or administrator who refers a student abuse report shall be immune from civil and criminal liability arising out of the report.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>A school employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report commits a summary offense. A school employee who, after being sentenced for such violation, does so again, commits a misdemeanor of the third degree.</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 attorney 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><u>Reporting Procedures</u></p>	
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The administrator's report to law enforcement officials and the district attorney shall include: (a) name, age, address, and school of the student; (b) name and address of the student's parent/guardian; (c) name and address of the administrator; (d) name, work, and home address of the school employee; (e) nature of the alleged offense; and (f) any specific comments or observations that are directly related to the alleged incident and the individuals involved.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>The school 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 the reporting is required under this policy.</p>
<p><u>Investigation</u></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 attorney.</p>
<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p>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.</p>

<p>23 Pa. C.S.A. Sec. 6346</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p>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 interviews with the school employee, law enforcement officials shall interview prior to the county agency.</p> <p>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.</p> <p>The county agency shall complete its investigation within sixty (60) days.</p> <p>The administrator 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.</p> <p>Immediately after receiving a report of suspected student abuse by a school employee, the county agency shall notify the Department of Public Welfare of the report, which is to be filed in the pending complaint file.</p> <p>References:</p> <p>Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304</p> <p>Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945</p> <p>PA Statutes, Title 42, Judiciary and Judicial Procedure – 42 P.S. Sec. 9795.1, 9795.4, 9798.1</p> <p>Board Policy – 302, 303, 404, 405, 406, 504, 505</p>