



Book	Policy Manual
Section	800 Operations
Title	Child Abuse
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Legal

- 1. 23 Pa. C.S.A. 6301 et seq
- 2. 24 P.S. 1205.6
- 3. Pol. 333
- 4. Pol. 818
- 5. 23 Pa. C.S.A. 6303
- 6. 23 Pa. C.S.A. 6344.2
- 7. 23 Pa. C.S.A. 6344
- 8. 24 P.S. 111
- 9. Pol. 302
- 10. Pol. 304
- 15. 24 P.S. 2070.1a
- 16. 23 Pa. C.S.A. 6311
- 17. 23 Pa. C.S.A. 6318
- 18. 23 Pa. C.S.A. 6319
- 19. 18 Pa. C.S.A. 4906.1
- 20. 18 Pa. C.S.A. 4958
- 21. 23 Pa. C.S.A. 6320
- 22. 23 Pa. C.S.A. 6305
- 23. 23 Pa. C.S.A. 6313
- 24. 23 Pa. C.S.A. 6314
- 25. 22 PA Code 10.2
- 26. 22 PA Code 10.21
- 27. 22 PA Code 10.22
- 28. 24 P.S. 1302.1-A
- 29. 24 P.S. 1303-A
- 31. 23 Pa. C.S.A. 6346
- 32. 23 Pa. C.S.A. 6368
- 34. 23 Pa. C.S.A. 6344.4
- 35. Pol. 433
- 36. 23 Pa. C.S.A. 6304
- 37. Pol. 404
- 38. Pol. 405
- 39. Pol. 406
- 40. Pol. 407
- 41. Pol. 504
- 42. Pol. 505
- 43. 23 Pa. C.S.A. 6311.1
- 44. 23 Pa. C.S.A. 6339
- 24 P.S. 1301-A et seq
- 24 P.S. 1527
- 22 PA Code 10.1 et seq
- 18 Pa. C.S.A. 4304
- Pol. 317
- Pol. 417
- Pol. 517

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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][2][3][4][35]}

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.^[5]

Child - an individual under eighteen (18) years of age.^[5]

Child abuse - intentionally, knowingly or recklessly doing any of the following:^[5]

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:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one (1) year of age.
 - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
 - e. Interfering with the breathing of a child.
 - f. 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.
 - g. 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).
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.^[36]

The term **child abuse does not include** the use of reasonable force by a parent/guardian or 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.

The term **child abuse does not include** environmental factors. Specifically, no child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing, and medical care that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides.

The term **child abuse does not include** child-on-child contact as follows:

1. Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.
2. Notwithstanding paragraph (1), the following shall apply:
 - a. Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter:
 - i. rape as defined in 18 Pa.C.S. § 3121 (relating to rape);
 - ii. involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
 - iii. sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);
 - iv. aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);
 - v. indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault); and
 - vi. indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
 - b. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight, or scuffle entered into by mutual consent.

County Agency - the county children and youth social service agency established pursuant to Section 405 of the act of June 24, 1937 (P.L. 2017, No. 396), known as the County Institution District Law, or its successor, and supervised by the Department under Article IX of the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.[5]

Direct contact with children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[2]

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.[5]

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 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.[5]

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.[5]

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:[5]

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.^[5]

School employee - an individual who is employed by a school or who as a volunteer or otherwise provides a program, activity or service sponsored by a school. The term excludes an individual who has no direct contact with children.^[5]

Serious mental injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:^[5]

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:^[5]

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:^[5]

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:
 - a. 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.
 - b. 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.
 - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - d. 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.^[5]

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.^[6]

Delegation of Responsibility

The Superintendent or designee shall:

1. Require each candidate for employment or a volunteer position to submit an official child abuse clearance statement and other background checks as required by law.^{[7][8][9][10][37][38][39][40][41][42]}

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.^[34]

2. Annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.
3. 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 school district, and independent contractors of the school 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:[2][3][4][35]

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.[15]
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.[2]

The district shall provide each volunteer with training on child abuse recognition and reporting.

Duty to Report

School employees, independent contractors, attorneys affiliated with the district, and volunteers ("**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:[16]

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.[16]
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.[17]

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.[18]

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.[19]

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.[20]

The district shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse. [21]

Reporting Procedures - To Department/County Agency

A Mandated Reporter who suspects child abuse shall immediately make a written report of suspected child abuse. The report shall be an electronic report or an oral report via the statewide toll-free telephone number. A person making an initial oral report of suspected child abuse must also submit a written report (electronically) 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 reporter with a written record of the report. Receipt of such confirmation shall relieve the reporter of any duty to make an additional oral or written report of the same suspected abuse.[16][22][23]

A Mandated Reporter other than a school principal or Superintendent or designee who makes a report of suspected child abuse shall immediately thereafter notify the school principal and when a written report is made, shall also provide the principal with a copy of the report and confirmation of receipt. The school principal shall immediately notify the Superintendent or designee

that a child abuse report was made and when the report is made electronically, shall also provide a copy of the report and confirmation of receipt.[16][22][23]

If a Mandated Reporter is uncertain of his/her responsibility to make a report under this policy, or has questions concerning interpretation of this policy, s/he shall immediately consult with the school principal or Superintendent or designee.

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 the principal, the Superintendent or designee, or another Mandated Reporter is not required to make a report.[16][22][23]

The person making an initial oral report is responsible for making the follow-up written report within forty-eight (48) hours. If the principal or the Superintendent or designee makes an initial written report based on information received from another Mandated Reporter, the principal or Superintendent or designee shall provide the other Mandated Reporter with a copy of the written report and confirmation of receipt so that the other Mandated Reporter can be assured the report has been made.

When helpful to preserve potential evidence of suspected child abuse, a Mandated Reporter may take or cause to be taken photographs of the child who is the subject of the report. Any such photographs shall be sent to the County Agency at the time a written report is sent or within forty-eight (48) hours after a written electronic report is made or as soon thereafter as possible. The school principal and Superintendent or designee shall be notified whenever such photographs are taken.[24]

Reporting to Police

If the Superintendent or designee reasonably suspects that conduct involves a crime required to be reported under the Safe Schools Act or that should otherwise be reported to police, the Superintendent or designee shall notify police.[25][26][27][28][29]

Contents of Report

A written report of suspected child abuse shall include the following information, if known:[23]

1. The names and addresses of the child, the child's parents, and any other person responsible for the child's welfare.
2. Where the suspected abuse occurred.
3. The age and sex of each subject of the report.
4. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
5. The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
6. Family composition.
7. The source of the report.
8. The name, telephone number, and email address of the person making the report.
9. The actions taken by the person making the report, including those actions taken under Section 6314 (relating to photographs, medical tests, and X-rays of the child subject to report).
10. Any other information required by federal law or regulation.
11. Any other information the Department requires by regulation

Privileged Communications

The privileged communications between a Mandated Reporter and a patient or client of the Mandated Reporter shall not:[43]

1. Apply to a situation involving child abuse.
2. Relieve the Mandated Reporter of the duty to make a report of suspected child abuse.

Confidentiality of Reports

Except as otherwise provided in this policy, the Pennsylvania Rules of Juvenile Court Procedure, or other applicable law, reports made pursuant to this policy shall be confidential.[44]

Investigation

The school principal shall facilitate cooperation with the Department or the County Agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.[16][31]

Upon notification that an investigation involves suspected child abuse by a school employee, the principal in collaboration with the Superintendent or designee 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.[32]

The principal has an independent duty to report to the Superintendent or designee if an employee has allegedly abused or otherwise victimized a student. The requirement not to divulge the existence of a report or its content shall not limit the principal's responsibility to use the information received to initiate and conduct an independent school investigation of 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 appropriate to curtail wrongdoing.