SPRING-FORD AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD ABUSE

ADOPTED: March 25, 1991

REVISED: September 24, 2007

806. CHILD ABUSE

1. Authority 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq	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 law.
2. Definitions	The following definitions are for purposes of this policy.
23 Pa. C.S.A. Sec. 6351	**Administrator -** the person responsible for the administration of a district 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.
23 Pa. C.S.A. Sec. 6303	**Applicant** - an individual who applies for a position as a school employee. The term includes an individual who transfers from one classification of employment to another classification of employment within the school district.
23 Pa. C.S.A. Sec. 6303	**Child Abuse** - means any of the following: 1. Any recent act or failure to act by a perpetrator that 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 that 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 that 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, that endangers a child's life or development or impairs the child's functioning. 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.
23 Pa. C.S.A. Sec. 6303	**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 a paramour of a child's parent/guardian. The term does not include a person who is employed by or provides services or programs in district schools.
23 Pa. C.S.A. Sec. 6303	**School Employee -** an individual employed in a district school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.
23 Pa. C.S.A. Sec. 6303	**Serious Bodily Injury -** bodily injury that creates a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.
23 Pa. C.S.A. Sec. 6303	**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 a child's ability to accomplish age-appropriate developmental and social tasks.
23 Pa. C.S.A. Sec. 6303	**Serious Physical Injury -** an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.
23 Pa. C.S.A. Sec. 6303	**Sexual Abuse or Exploitation -** includes any of the following: the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct or simulation of sexually explicit conduct for the purpose of producing visual depiction, including

	photographing, videotaping, computer depicting, or filming; 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.
23 Pa. C.S.A. Sec. 6303	**Student -** an individual enrolled in a district school under eighteen (18) years of age.
3. Delegation of Responsibility 23 Pa. C.S.A. Sec. 6301 et seq Pol. 302, 404, 405, 406, 504, 505	In accordance with Board policy, the Superintendent shall require each applicant for employment, including each covered employee being transferred, to submit, among other background checks, an official child abuse clearance statement issued within the preceding year, except for those exempted by law.
4. Guidelines	**CHILD ABUSE BY PERPETRATOR**
	Duty to Report
23 Pa. C.S.A. Sec. 6311, 6313	School employees who in the course of 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 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.
23 Pa. C.S.A. Sec. 6311 42 Pa. C.S.A. Sec. 5945	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, such that school communications to school staff are not likely to be considered privileged or otherwise make school staff not required to report.
23 Pa. C.S.A. Sec. 6311	School employees required to report suspected child abuse shall include, but are not limited to, a school administrator, school teacher, and/or school nurse.
	Immunity
23 Pa. C.S.A. Sec. 6318	Any person required to report child abuse who, in good faith, reports or causes a report to be made and or a person who cooperates with an investigation and or legal proceedings arising out of a report shall have immunity from civil and criminal liability related to those actions as provided by law.

	Penalties
18 Pa. C.S.A. Sec. 4304	A school employee required to report suspected child abuse who, acting in an official capacity, prevents or interferes with a report of suspected child abuse may be charged by law enforcement authorities with a misdemeanor of the first degree.
23 Pa. C.S.A. Sec. 6319	A school employee or official required to report suspected child abuse or make a referral to the appropriate authorities who willfully falls to do so may be charged by law enforcement authorities with a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.
	Reporting Procedures
	School employees who suspect child abuse shall immediately notify the school principal. Upon notification, the principal shall report the suspected child abuse.
23 Pa. C.S.A. Sec. 6313	Reports of child abuse shall immediately be made by telephone to the Childline Abuse Registry and in writing to the county Children and Youth Agency within forty-eight (48) after the oral report.
	Investigation
23 Pa. C.S.A. Sec. 6346	School officials shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.
23 Pa. C.S.A. Sec. 6314	A school official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is the subject of a report and, if deemed professionally appropriate, refer the child for medical treatment and examination or other cause medical examinations and tests to be performed on the child.
	STUDENT ABUSE BY SCHOOL EMPLOYEE
	Duty to Report
23 Pa. C.S.A. Sec. 6352	A school employee shall immediately contact the principal 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.

23 Pa. C.S.A. Sec. 6352	If the accused school employee is the principal, the school employee shall immediately report to law enforcement officials and the district attorney.
23 Pa. C.S.A. Sec. 6353	The principal who receives a report from a school employee or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials and the appropriate district attorney. The principal shall exercise no discretion but has an absolute duty to report when receiving notice from a school employee.
	<u>Immunity</u>
23 Pa. C.S.A. Sec. 6352, 6353	A school employee or principal who refers a report of student abuse shall be immune from civil and criminal liability arising out of the report as provided by law.
	<u>Penalties</u>
23 Pa. C.S.A. Sec. 6352	A school employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report may be charged by law enforcement authorities with a summary offense or a misdemeanor of the third degree.
23 Pa. C.S.A. Sec. 6353	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 may be charged by law enforcement authorities with a misdemeanor of the third degree.
	<u>Reporting Procedures</u>
23 Pa. C.S.A. Sec. 6353	The principal's report to law enforcement officials and the district attorney 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; and any specific comments or observations directly related to the alleged incident and the individuals involved; and or other information required by law enforcement and or child welfare authorities.
23 Pa. C.S.A. Sec. 6352	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 reporting is required under this policy.

	Law Enforcement And Child Welfare Investigation Procedures And Expectations
23 Pa. C.S.A. Sec. 6353.1	Upon receipt of a report of suspected student abuse, law enforcement officials, in cooperation with the district attorney, are to conduct an investigation.
23 Pa. C.S.A. Sec. 6353.1	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 are to notify the county agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.
23 Pa. C.S.A. Sec. 6346	School 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.
23 Pa. C.S.A. Sec. 6353.1	Law enforcement officials and the county agency are expected to coordinate their respective investigations and conduct joint interviews with students. But law enforcement officials are expected to interview school employees prior to the county agency.
	Independent School Investigation Requirement
	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.
	References:
	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
	PA Statutes, Title 42, Judiciary and Judicial Procedure - 42 Pa. C.S.A. Sec. 9795.1, 9795.4, 9798.1
	Board Policy - 302, 404, 405, 406, 504, 505