

7000 General Policies

7020 Required Reports of Child Abuse, Clearances, and Training

I. 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.

Child - an individual under eighteen (18) years of age.

Child abuse - intentionally, knowingly, or recklessly doing any of the following:

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:
 - i. Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child.
 - ii. Unreasonably restraining or confining a child, based on consideration of the method, location, or the duration of the restraint or confinement.
 - iii. Forcefully shaking a child under one (1) year of age.

- iv. Forcefully slapping or otherwise striking a child under one (1) year of age.
- v. Interfering with the breathing of a child.
- vi. 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 the violation is being investigated by law enforcement.
- vii. 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); **or has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).**

9. Causing the death of a child through any act or failure to act.

10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

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. Also excluded from the meaning of the term child abuse is the use of reasonable force by a 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.

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

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.

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, a person responsible for the child's welfare, an individual residing in the same home as the child, an individual fourteen (14) years of age or older who is responsible for the child's welfare or who resides in the same home as the child, ~~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, **or an adult who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102). Only the following may be considered a perpetrator solely based upon a failure to act: 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 adult responsible for the child's welfare; or an adult who resides in the same home as the child.**

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.

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:

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.

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

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.
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:

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:

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.

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.

II. Clearances

1. Each candidate for employment shall submit an official child abuse clearance statement and criminal background checks (state and federal) as required by law.
2. Each applicant for transfer or reassignment shall submit an official child abuse clearance statement unless the applicant is applying for a transfer from one position as a District employee to another position as a District employee and the applicant's official child abuse clearance statement is current.
3. Each volunteer shall submit an official child abuse clearance statement and criminal background checks (state and federal, unless all of the requirements to exempt the volunteer from the federal criminal history check are met) as required by law.
4. Independent contractors shall obtain an official child abuse clearance statement and criminal background checks (state and federal) as required by law and provide copies to the District

In addition to the preceding requirements, school employees, independent contractors, and volunteers shall also obtain and submit new criminal background checks (state and federal) and child abuse clearances every sixty (60) months as required by law.

III. Training and Posters

The District, and independent contractors of the 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:

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.
3. District policy related to reporting of suspected abuse and sexual misconduct.

1 4. Maintenance of professional and appropriate relationships with students.

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3 Employees are required to complete a minimum of three (3) hours of training every five (5)
4 years.

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6 While training on child abuse recognition and reporting is not mandated for volunteers,
7 volunteers shall be permitted to attend any training session on child abuse recognition and
8 reporting that are provided by the District to its employees.

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10 **The Superintendent or his/her designee shall ensure that the poster, developed by PDE,**
11 **displaying the statewide toll-free telephone numbers for reporting suspected child abuse,**
12 **neglect and school safety issues is posted in a high-traffic, public area of each school that is**
13 **readily accessible and widely used by students.**

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15 **IV. Duty to Report**

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17 School employees, independent contractors and volunteers shall make a report of suspected child
18 abuse if they have reasonable cause to suspect a child is the victim of child abuse under any of
19 the following circumstances:

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21 1. The school employee, independent contractor or volunteer comes into contact with the
22 child in the course of employment, occupation and the practice of a profession or through a
23 regularly scheduled program, activity, or service.
24
25 2. The school employee, independent contractor or volunteer is directly responsible for the
26 care, supervision, guidance, or training of the child.
27
28 3. A person makes a specific disclosure to a school employee, independent contractor, or
29 volunteer that an identifiable child is the victim of child abuse.
30
31 4. An individual fourteen (14) years of age or older makes a specific disclosure to a school
32 employee, independent contractor or volunteer that he/she has committed child abuse.
33

34 A child is not required to come before the school employee, independent contractor, or volunteer
35 in order for that individual to make a report of suspected child abuse.

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37 A report of suspected child abuse does not require the identification of the person responsible for
38 the child abuse.

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

42
43 Any person who intentionally or knowingly makes a false report of child abuse or intentionally
44 or knowingly induces a child to make a false claim of child abuse may be subject to disciplinary
45 action and criminal prosecution.
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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.

V. Reporting Procedures

School employees, independent contractors, or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies or an oral report via the state-wide toll-free telephone number. A person making an initial oral report of suspected child abuse must also submit a written electronic report 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 District with a written record of the report.

A school employee, independent contractor, or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the school principal and if the initial report was made electronically, also provide the principal with a copy of the report confirmation. The school principal shall then immediately notify the Superintendent or designee that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation.

When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, the District is not required to make more than one (1) report. An individual otherwise required to make a report who is aware that an initial report has already been made by a school employee, independent contractor or volunteer is not required to make an additional report.

When necessary to preserve potential evidence of suspected child abuse, a school employee may, after the initial report is made, take or cause to be taken photographs of the child who is the subject of the report. Any such photographs shall be sent to Children and Youth Services, or other comparable county agency, at the time the written report is sent or within forty-eight (48) hours after a report is made by electronic technologies or as soon thereafter as possible. The school principal shall be notified whenever such photographs are taken.

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent or designee shall inform local law enforcement, in accordance with applicable law, regulations, Board policy, and the District's Memorandum of Understanding with law enforcement.

VI. Investigation

The school principal shall facilitate the cooperation with the Department of Human Services of the Commonwealth or Children and Youth Services, or other comparable county agency, investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.

1 Upon notification that an investigation involves suspected child abuse by a school employee, the
2 principal shall immediately implement a plan of supervision or alternative arrangement for the
3 school employee under investigation. The plan of supervision or alternative arrangement shall
4 be submitted to Children and Youth Services, or other comparable county agency, for approval.

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6 Adoption Date - January 26, 2015
7 Revision Date - September 14, 2015, **September 10, 2018**
8 Review Date -
9 Legal Reference - 24 P.S. § 111
10 24 P.S. §1205.6
11 24 P.S. §1301-A, et. seq.
12 24 P.S. §1527
13 24 P.S. §2070, et. seq.
14 22Pa. Code §10.1, et. seq.
15 18 Pa.C.S.A. §4304
16 18 Pa.C.S.A. §4906.1
17 18 Pa.C.S.A. §4958
18 23 Pa.C.S.A. §6301, et. seq.
19 Cross Reference - District Policy 5002, 5404, 7115, 7610, and 9646