

PENN MANOR SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED: February 8, 1999

REVISED:

<p>1. Authority 23 Pa. CSA 6301</p> <p>2. Definition</p>	<p style="text-align: center;">806. CHILD/STUDENT ABUSE</p> <p>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 the Child Protective Services Law of 1990 and its amendments.</p> <p>The following definitions are for purposes of this policy.</p> <p>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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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 Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.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 Injury - an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual Abuse or Exploitation - 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 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 the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

Perpetrator - 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. The term does not include a person who is employed by or provides services or programs in district schools.

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.

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.

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.

<p>3. Guidelines</p> <p>42 P.S. CSA 5944</p>	<p>Student - an individual enrolled in a district school who is under eighteen (18) years of age.</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>Applicant - an individual who applies for a position as a school employee. The term includes an individual who transfers from one position to another position as a school employee.</p> <p>CHILD ABUSE/BY PERPETRATOR</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 coming before them in their professional or official capacity is an abused child.</p> <p>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>School employees required to report suspected child abuse shall include but are not limited to school administrator, school teacher, school nurse.</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>A person or official required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.</p> <p><u>Reporting Procedures</u></p> <p>School employees who suspect child abuse immediately shall notify the school principal. Upon notification, the principal shall report the suspected child abuse.</p>
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Reports of child abuse immediately shall be made by telephone and in writing on the required form 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.

Investigation

School officials shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected child abuse, including permitting those authorized personnel to interview the child while s/he is in attendance at school.

The school 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.

STUDENT ABUSE BY SCHOOL EMPLOYEE

Duty To Report

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.

If the accused school employee is the principal, the school employee immediately shall report to law enforcement officials and the district attorney.

The principal who receives a report from a school employee or who has independent cause to suspect injury or abuse immediately shall report to law enforcement officials and the appropriate district attorney. The principal shall exercise no discretion but has an absolute duty to report when s/he receives notice from a school employee.

A school employee or principal who refers a student abuse report shall be immune from civil and criminal liability arising out of the report.

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.

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.

Reporting Procedures

The principal's report to law enforcement officials and district attorney shall include: name, age, address, and school of the student; name and address of the student's parent or 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 that are directly related to the alleged incident and the individuals involved.

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.

Investigation

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 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 shall notify the county agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.

School officials shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected student abuse, including permitting those authorized personnel to interview a student while s/he is in attendance at school.

Law enforcement officials and the county agency shall coordinate their respective investigations. They shall conduct joint interviews with students, but law enforcement officials shall interview school employees prior to the county agency.

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 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.

CLEARANCE STATEMENT/EMPLOYMENT

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, except for those exempted by law.

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.