



Book	Policy Manual
Section	800 Operations
Title	Child/Student Abuse
Code	806
Status	Active
Adopted	May 3, 2010
Last Revised	February 1, 2016

### **Authority**

The Board adopts this policy to affirm district employees' obligation to assist in identifying and reporting possible child abuse as well as victimization of students by other school employees, and to establish procedures for reporting such in compliance with law.[\[28\]](#)[\[29\]](#)

### **Definitions**

**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.[\[2\]](#)[\[3\]](#)

**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.[\[3\]](#)

**Child Abuse** - means any of the following:[\[4\]](#)

1. Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under eighteen (18) years of age.
2. Any act or failure to act by a perpetrator which causes nonaccidental 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.

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.

**Direct contact with children:** the care, supervision, guidance or control of children, or routine interaction with children.[\[30\]](#)

**Independent Contractor** - an individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children.

**Mandated Reporter** - a person who is required by the Amendment active as of December 31, 2014 (Act 33) to make a report of suspected child abuse.

Amended §6311 (A) (relating to mandated reporters) to specify who is a mandated reporter including:

1. Any school employee
2. Any independent contractor or contracted agency service provider.
3. Administrator
4. Any individual paid or unpaid; who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
5. Any employee of a social services agency, who has direct contact with children in the course of employment.

**Perpetrator** - a person who has committed child abuse and is a parent/guardian of a child, spouse or former spouse or paramour of the child's parent, a person 14 years of age or older responsible for the welfare of a child, individuals 18 years of age or older who does not reside in the same home as the child and is related within the third degree of blood, marriage or adoption to the child, or a paramour of a child's parent/guardian. The term now (12/31/14) includes School employees and independent contractors are now included as persons responsible for a child's welfare.

**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.[\[4\]](#)

**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.[4]

**Serious Mental Injury** - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:[4]

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.[4]

**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 any sexually explicit conduct or simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and 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.[4]

**Student** - an individual enrolled in a district school under eighteen (18) years of age.[4]

### **Delegation of Responsibility**

In accordance with Board policy, the Superintendent or designee shall:

1. Require each applicant for employment to submit an official child abuse clearance statement issued within the preceding year, except for those exempted by law.[31][32][5][6][7][8][9][10][11]
2. Require each applicant for transfer or reassignment to 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 of this district and the applicant has already obtained an official child abuse clearance statement.[33][34][12][13][14]

### **Guidelines**

#### **CHILD ABUSE BY PERPETRATOR**

##### **Required Duty to Report**

Any individual qualifying as a mandated reporter, 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 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.[15][19]

A mandated reporter is required to make a report of suspected child abuse if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

1. The mandated reporter comes into contact with the child in the course of employment, occupation and 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, or is affiliated with an agency, institution, organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

The child suspected of being abused shall not be required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

#### Reporting Procedures

Mandated reporters are to report immediately in accordance with Section 6313 and shall immediately thereafter notify the person in charge of the facility (Building Principal) or the designated agent should the Building Principal not be available that day.

#### *Suggested line of reporting:*

Mandated Reporter  
Building Principal (or acting agent) and/or Social Worker  
School Counselor  
Certified School Nurse

The procedures for reporting suspected child abuse are to be followed as indicated below:

1. The school employee who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to the Department of Human Services via a written report using electronic technology as provided by the Department of Human Services or by oral report using the State-wide telephone number, 1-800-932-0313. The school employee's report may be made in the presence of a district administrator, District Social Worker, or School Counselor, or Certified School Nurse if such an individual is immediately available. Under no circumstances may the unavailability of a School Administrator or Social Worker delay the reporting of suspected child abuse by a school employee.
2. School employees who have made a report of suspected child abuse must immediately thereafter notify the building principal or assistant principal, or the school employee's immediate supervisor when he/she is not under the direct supervision of a building-level administrator, of the suspected child abuse. The school employee making a



report, oral or electronic, shall also complete Form CY-47 and deliver to District Social Worker within 24 hours of making a report of suspected abuse. (Employee will need to print this from when making electronic report)

3. Within forty-eight (48) hours, the District Social Worker as a follow-up to the oral report, make a written report to OCY, Montgomery County Office of Children and Youth, 1430 DeKalb Street, P.O. Box 311, Norristown, PA 19401-0311. To the extent that such information is known, the written report shall contain the following:
  - The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
  - Where the suspected abuse occurred.
  - The age and sex of each subject of the report. ADM. REG. 5147 12-18-14 srk 5147(c)
  - The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
  - The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
  - Family composition.
  - The source of the report.
  - The name, telephone number and e-mail address of the person making the report.
  - The actions taken by the person making the report.
4. Once notified by a school employee that a report of suspected child abuse has been made, the building principal or assistant principal or other supervisor of school employees shall facilitate the cooperation of the district with the investigation of the report.
5. When there is a concern about the immediate safety of a child, the local police should be notified. Note: only police officers and judges are permitted to take children into protective custody.
6. In the event OCY requests a student be interviewed on school site, for child abuse/neglect, the principal/designee shall take the following action:
  - Examine interviewer's identification
  - Participate in the interview to provide support for student, if necessary
  - Keep a record of the names of participants, dates, and times of all in-school interviews and place in counselor's file.

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.[15][16]

Any person required to report child abuse who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions.[17]

A school employee required to report suspected child abuse who, acting in an official capacity, prevents or interferes with the making of a report of suspected child abuse commits a misdemeanor of the first degree.[28]

A school employee or official required to report suspected 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.[18]

### Investigation

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.[20]

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.[21]

## **STUDENT ABUSE BY SCHOOL EMPLOYEE**

### Required 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.[22]

If the accused school employee is the principal, the school employee shall immediately report to law enforcement officials and the district attorney.[22]

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.[23]

A school employee or principal who refers a student abuse report shall be immune from civil and criminal liability arising out of the report.[22][23]

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.[22]

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.[23]



## Reporting Procedures

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.[23]

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.[22]

## 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.[24]

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.[24]

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.[20]

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.[24]

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.[25][26][27]

Legal	2. 23 Pa. C.S.A. 6351
	3. 23 Pa. C.S.A. 6354
	4. 23 Pa. C.S.A. 6303
	5. Pol. 302
	6. Pol. 303
	7. Pol. 404
	8. Pol. 405

9. Pol. 406
10. Pol. 504
11. Pol. 505
12. Pol. 309
13. Pol. 409
14. Pol. 509
15. 23 Pa. C.S.A. 6311
16. 42 Pa. C.S.A. 5945
17. 23 Pa. C.S.A. 6318
18. 23 Pa. C.S.A. 6319
19. 23 Pa. C.S.A. 6313
20. 23 Pa. C.S.A. 6346
21. 23 Pa. C.S.A. 6314
22. 23 Pa. C.S.A. 6352
23. 23 Pa. C.S.A. 6353
24. 23 Pa. C.S.A. 6353.1
25. Pol. 317
26. Pol. 417
27. Pol. 517
28. 18 Pa. C.S.A. 4304
29. 23 Pa. C.S.A. 6301 et seq
- 55 PA Code 3490.1 et seq
- 42 Pa. C.S.A. 9795.1
- 42 Pa. C.S.A. 9795.4
- 42 Pa. C.S.A. 9798.1
30. 24 P.S. 1205.6
31. 24 P.S. 111
32. 23 Pa. C.S.A. 6344
33. 23 Pa. C.S.A. 6344.3
34. 23 Pa. C.S.A. 6344.4