

Palmyra Area School District

SECTION: OPERATIONS

TITLE: CHILD ABUSE REPORTING
AND INVESTIGATIONS

ADOPTED: November 9, 1995

REVISED: January 11, 2007

<p>1. Purpose</p> <p>23 Pa. CSA 6301</p> <p>2. Definition</p>	<p style="text-align: center;">806. CHILD ABUSE REPORTING AND INVESTIGATIONS</p> <p>The purpose of this policy is to provide for compliance with the Child Protective Services Law, as amended (“CPSL”). Under the CPSL, school employees have an obligation to report instances of child abuse. In addition, effective July 1, 1996, certain school employees are required to obtain an Official Clearance Statement. The actions which are necessary to comply with the CPSL are set forth in this policy.</p> <p>The CPSL contains many defined terms which are also utilized in this policy.</p> <p>“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.</p> <p>“Child Abuse” – The term “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 nonaccidental serious physical injury to a child under eighteen (18) years of age.2. An 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.
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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.

“Cooperation with an investigation or assessment” – includes, but is not limited to, permitting authorized personnel from the Department or county agency to interview a student while the student is in attendance at school.

“County Agency” – The Lebanon County Children and Youth Services.

“Department” – The Department of Public Welfare of the Commonwealth.

“Family Members” – Spouses, parents and children or other persons related by consanguinity or affinity.

“Founded Report” – A child abuse report if there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of child abuse.

“Founded report for school employee” – A report if there has been any judicial adjudication based on a finding that a student is a victim of serious bodily injury or sexual abuse or exploitation by a school employee, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegations of the report.

“Indicated Report” – A child abuse report if an investigation by the county agency or the Department determines that substantial evidence of the alleged abuse exists.

“Indicated report for school employee” – A report if an investigation by the county agency determines that there is substantial evidence that a student is a victim of serious bodily injury or sexual abuse or exploitation by a school employee.

“Individual residing in the same home as the child” – An individual who is fourteen (14) years of age or older and who resides in the same home as the child.

“Official Clearance Statement” – A written report from the Department which will state whether the person who is the subject of the report is named as the person responsible for mistreatment of a child. The report will include any founded or indicated reports.

“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.

“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 does not include a person who is employed by or provides services or programs in any public or private school, intermediate unit or area vocational-technical school.

“Recent acts or omissions” – Acts or omissions committed within two years of the date of the report to the Department or county agency.

“School Employee” – An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term “school employee” includes teachers and all other employees. The term also includes an independent contractor and the independent contractor’s employees. The term excludes an individual who has no direct contact with students.

“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.

“Serious Mental Injury” – A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

- a. 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
- b. seriously interferes with a child’s ability to accomplish age appropriate developmental and social tasks.

“Serious Physical Injury” – An injury that:

- a. causes a child severe pain; or
- b. significantly impairs a child’s physical functioning, either temporarily or permanently.

“Serious Physical Neglect” – consists of conduct 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. However, serious physical neglect does not include situations that result solely from environmental factors that are beyond the control of the parent or person responsible for the child’s

Reports

In the case of child abuse by a non-school employee, the school employee has an obligation to report the matter immediately to the building principal. The building principal is required to immediately make a report of the child abuse by telephone to the Department and may also make a report to the county agency. The report must be confirmed in writing to the county agency within forty-eight (48) hours. The written report shall include the following information if available:

1. The names and addresses of the child and the parents or other person responsible for the care of the child if known.
2. Where the suspected abuse occurred.
3. The age and sex of the subjects of the report.
4. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.
5. The name and relationship of the person or persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by that person or persons.
6. Family composition.
7. The source of the report.
8. The person making the report and where that person can be reached.
9. The actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child or notifying the medical examiner or coroner.
10. Any other information which the Department may require by regulation.

Investigation: Obligation to Cooperate

The school district and each school employee shall cooperate with the county agency and the Department in any investigation or assessment by providing upon request such information as is consistent with law. Such cooperation shall include permitting authorized personnel from the county agency or the Department to interview a student while the student is in attendance at school.

**CONDUCT OBLIGATION OF SCHOOL EMPLOYEES TO REPORT
COMMITTED BY PERSONS WHO ARE SCHOOL EMPLOYEES**

Duty of School Employees

School employees have an obligation to report when they have reasonable cause to suspect that a student coming before them in their professional or official capacity is a victim of serious bodily injury or sexual abuse or exploitation by a school employee. The reporting obligation (a) arises notwithstanding that the information is received by the school employee in confidence and (b) applies to misconduct which occurred on or off school property.

The report is to be made to the Superintendent unless the Superintendent is the person who is suspected of the improper conduct, in which event the report must be made by the school employee directly to the local police and to the district attorney. In the case of reporting to the local police, the report should be made to the police department which has jurisdiction over the location where the improper conduct occurred. If there is any doubt as to which law enforcement agency the report should be made to, the matter should be reported first to the district attorney and then the advice of the district attorney should be followed in reporting the matter to the local police. If a school employee reports suspected misconduct by a school employee to a person other than the Superintendent (for example, the report is made to the school nurse or to the building principal), the person to whom the report is erroneously made shall also have the obligation to report the matter to the Superintendent.

Duty of Superintendent

If the Superintendent either (a) has reasonable cause to suspect that a student is a victim of serious bodily injury or sexual abuse or exploitation by a school employee or (b) receives from a school employee a report that a student is a victim of serious bodily injury or sexual abuse or exploitation by a school employee, the Superintendent has no discretion and must report the matter to law enforcement officials and to the district attorney.

Investigation: Obligation to Cooperate

In investigating improper conduct by a school employee and interviewing the school employee who is suspected of improper conduct, unless there are unusual and compelling reasons why the school district cannot delay in investigating the matter, the school district should defer its investigation until after the District Attorney's Office has had a reasonable opportunity to investigate the matter. However, when faced with a report of suspected improper conduct by a school employee, the school district has an independent duty to conduct its own investigation and to take appropriate action.

Report

The report shall include the following information :

1. Name, age, address and school of the student.
2. Name and address of the student’s parent or guardian.
3. Name and address of the Superintendent.
4. Name, work and home address of the school employee.
5. Nature of the alleged offense.
6. Any specific comments or observations that are directly related to the alleged incident and the individuals involved.

BACKGROUND CHECKS: OFFICIAL CLEARANCE STATEMENT

The Superintendent shall require each applicant to submit an official clearance statement obtained from the Department within the immediately preceding year as to whether the applicant is named as the perpetrator of a founded report, an indicated report, a founded report for school employee or an indicated report for school employee.

The official clearance statement shall not be required for an applicant who transfers from one position as a school employee to another position as a school employee of the same school entity and who has obtained the official clearance statement within the immediately preceding year.

An applicant shall not be hired if the department verifies that the applicant is named as the perpetrator of a founded report or is named as the individual responsible for injury or abuse in a founded report for school employee.

The requirement to obtain the official clearance certificate shall not apply to:

1. A school employee is (a) under twenty-one (21) years of age; (b) participating in a job development or job training program; and (c) employed for not more than ninety (90) days; or
2. A school employee who is hired on a provisional basis pending receipt of the official clearance certificate if all of the following apply:
 - a. The applicant has applied for the official clearance statement.
 - b. The applicant attests in writing by oath or affirmation that the applicant has not been named as the perpetrator of a founded report or the individual responsible for injury or abuse in a founded report for school employee.
 - c. The administrator has no knowledge of information which would disqualify the applicant from employment.

- d. The provisional period does not exceed ninety (90) days for an applicant from another state and thirty (30) days for all other applicants.
- e. The hiring does not take place during a strike under the act of July 23, 1970 (P.L. 563, No. 195), known as the Public Employee Relations Act.

IMMUNITY

A school employee who refers or makes a report under the CPSL shall be immune from civil and criminal liability arising out of the report. In a civil or criminal proceeding, the good faith of the person required to report pursuant to the CPSL is presumed.
