

ALLENTOWN SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED: August 16, 2007

REVISED:

<p>806. CHILD/STUDENT ABUSE</p>	
<p>1. Authority 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq</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 law.</p>
<p>2. Definitions</p> <p>23 Pa. C.S.A. Sec. 6351</p> <p>23 Pa. C.S.A. Sec. 6303</p> <p>23 Pa. C.S.A. Sec. 6303</p>	<p>The following definitions are for purposes of this policy.</p> <p>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.</p> <p>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.</p> <p>Child Abuse - means 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.

<p>23 Pa. C.S.A. Sec. 6303</p>	<p>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> <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> <p>County Agency - the county children and youth services agency supervised by the Department of Public Welfare under the Public Welfare Code.</p> <p>Founded Report - a child abuse report resulting from 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.</p> <p>Founded Report For School Employee - a report made by the county agency regarding a school employee's conduct related to a student if there has been any judicial adjudication based on a finding that the victim has suffered serious bodily injury or sexual abuse or exploitation, 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.</p> <p>Indicated Report - a child abuse report resulting from an investigation by the county agency or the Department of Public Welfare with a determination that substantial evidence of the alleged abuse exists based on available medical evidence, the child protective service investigation or an admission by the school employee.</p> <p>Indicated Report For School Employee - a report made by the county agency regarding a school employee's conduct related to a student if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on available medical evidence, the county agency's investigation or an admission by the school employee.</p> <p>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.</p>
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<p>23 Pa. C.S.A. Sec. 6303</p>	<p>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>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Serious Mental Injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:</p> <ol style="list-style-type: none"> 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.
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Serious Physical Injury - an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Student - an individual enrolled in a district school 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>3. Delegation of Responsibility 23 Pa. C.S.A. Sec. 6301 et seq Pol. 302, 304, 305, 306</p>	<p>In accordance with Board policy, the Superintendent shall require each applicant for employment, including each covered employee being transferred, to submit an official child abuse clearance statement issued within the preceding year, except for those exempted by law.</p>
<p>4. Guidelines</p>	<p style="text-align: center;">CHILD ABUSE BY PERPETRATOR</p>
<p></p>	<p><u>Duty To Report</u></p>
<p>23 Pa. C.S.A. Sec. 6311, 6313</p>	<p>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 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.</p>
<p>23 Pa. C.S.A. Sec. 6311 42 Pa. C.S.A. Sec. 5945</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6311</p>	<p>School employees required to report suspected child abuse shall include but are not limited to a school administrator, school teacher, and/or school nurse.</p>
<p>23 Pa. C.S.A. Sec. 6318</p>	<p>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.</p>
<p>18 Pa. C.S.A. Sec. 4304</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6319</p>	<p>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.</p>
<p></p>	<p><u>Reporting Procedures</u></p> <p>School employees who suspect child abuse shall immediately notify the school principal. Upon notification, the principal shall report the suspected child abuse.</p>

<p>23 Pa. C.S.A. Sec. 6313</p>	<p>Reports of child abuse shall immediately be made by telephone to the Childline Abuse Registry at 800-932-0313 and in writing on the appropriate form to the county Children and Youth Agency within forty-eight (48) hours after the oral report.</p>
<p>23 Pa. C.S.A. Sec. 6346</p>	<p><u>Investigation</u></p> <p>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.</p>
<p>23 Pa. C.S.A. Sec. 6314</p>	<p>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.</p>
<p>STUDENT ABUSE BY SCHOOL EMPLOYEE</p>	
<p>23 Pa. C.S.A. Sec. 6352</p>	<p><u>Duty To Report</u></p> <p>A school employee shall immediately contact the principal or designee 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. Upon the receipt of a report, the principal or principal's designee shall immediately report it to the Executive Director of Community and Student Services.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>If the accused school employee is the principal, the school employee shall immediately report to the Executive Director of Community and Student Services.</p>
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The principal who receives a report from a school employee or who has independent cause to suspect injury or abuse shall immediately report to the Executive Director of Community and Student Services. Upon receipt of the report, the Executive Director of Community and Student Services shall immediately report the matter to law enforcement officials and the appropriate district attorney. The principal and Executive Director of Community and Student Services shall exercise no discretion but have an absolute duty to report when receiving notice from a school employee.</p> <p>If the accused school employee is the Executive Director of Community and Student Services, the principal shall immediately report to law enforcement officials and the district attorney.</p>

<p>23 Pa. C.S.A. Sec. 6352, 6353</p>	<p>A school employee or principal who refers a student abuse report shall be immune from civil and criminal liability arising out of the report.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>An administrator or the Executive Director of Community and Student Services, who willfully fails to report immediately to law enforcement officials and the appropriate district attorney any report of serious bodily injury, sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student, commits a misdemeanor of the third degree.</p>
<p>23 Pa. C.S.A. Sec. 6353</p>	<p><u>Reporting Procedures</u></p> <p>Within forty-eight (48) hours of the filing of an oral report, a written report shall be filed with the Executive Director of Community and Student Services by the building administrator, using the Department of Public Welfare's form. The Executive Director of Community and Student Services shall report to law enforcement officials and the district attorney. His/Her report shall include: name, age, address, and school of the student; name and address of the student's parent/guardian; name and address of the administrator; 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.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p><u>Investigation</u></p> <p>Upon receipt of a report of suspected student abuse, an investigation shall be conducted by law enforcement officials, in cooperation with the district attorney.</p>
<p>23 Pa. C.S.A. Sec. 6353.1</p>	<p>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.</p>
<p>23 Pa. C.S.A. Sec. 6346</p>	<p>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.</p>

23 Pa. C.S.A.
Sec. 6353.1

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.

Immediately after receiving a report of suspected student abuse by a school employee, the county agency will notify the Department of Public Welfare of the report, which is to be filed in the pending complaint file.

Prior to interviewing a subject of the report, the county agency shall orally notify the subject of the report of the existence of the report and the subject's rights with regard to amendment or expungement. The county agency shall complete its investigation within sixty (60) days.

The requirement not to divulge the existence of the report or its content should not be read as limiting the administrator's responsibility to use the information s/he received to initiate and conduct an independent district investigation into the allegations. Upon the receipt of a report of student abuse by an employee, the Executive Director of Community and Student Services shall notify the Deputy Superintendent. The Deputy Superintendent shall conduct an independent district investigation, which shall be conducted in cooperation with the county agency and law enforcement officials, and shall be for the purpose of ascertaining appropriate employee disciplines and taking action necessary to curtail wrongdoing.

Statewide Central Register

When a report of suspected child abuse or of suspected student abuse by a school employee is determined by the appropriate county agency to be a founded report or an indicated report, the information concerning that report shall be expunged immediately from the pending complaint file; and an appropriate entry shall be made in the Statewide Central Register maintained by the Department of Public Welfare.

Notice of the determination must be given to the subjects of the report, other than the abused child or student, and to the parent/guardian of the affected child or student along with an explanation of the implications of the determination. Notice given to perpetrators of child abuse and to school employees who are subjects of indicated reports for school employees or founded reports for school employees shall include notice that their ability to obtain employment in a child care facility or public or private school may be adversely affected by entry of the report in the Statewide Central Register. The notice shall also inform the recipient of his/her right, within forty-five (45) days after being notified of the status of the report, to appeal an indicated report, and his/her right to a hearing if the request is denied.

<p>23 Pa. C.S.A. Sec. 6301 et seq Pol. 302, 304, 305, 306</p>	<p style="text-align: center;">CLEARANCE STATEMENT/EMPLOYMENT</p> <p>In accordance with Board policy, 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.</p> <p>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 a school employee. The school district has discretion whether to hire someone who has been named on an indicated report.</p> <p>References:</p> <p>Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304</p> <p>Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945</p> <p>PA Statutes, Title 42, Judiciary and Judicial Procedure – 42 Pa. C.S.A. Sec. 9795.1, 9795.4, 9798.1</p> <p>Board Policy – 302, 304, 305, 306</p>
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