

A. W. BEATTIE CAREER CENTER

SECTION: OPERATIONS

TITLE: CHILD ABUSE

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	<p style="text-align: center;">806. CHILD ABUSE</p> <p>The Joint Operating Committee (JOC) requires district employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code. This policy is intended to summarize or supplement, and not to displace or contradict any provision of, the Child Protective Services Law, or any related laws or regulations.</p> <p>The following words and phrases, when used in this policy, shall have the meaning given to them in this section:</p> <p>Adult - an individual 18 years of age or older</p> <p>Bodily injury - impairment of physical condition or substantial pain.</p> <p>Child - an individual under eighteen (18) years of age.</p> <p>Child Abuse - intentionally, knowingly or recklessly doing any of the following:</p> <ol style="list-style-type: none"> 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.
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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 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:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one (1) year of age.
 - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present at a location while a violation of 18 Pa. C.S.

Serious Mental Injury - a psychological condition, as diagnosed by a physical 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 - 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

	<p>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>Sexual Misconduct - any act, including but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:</p> <ol style="list-style-type: none"> 1. Sexual or romantic invitation. 2. Dating or soliciting dates. 3. Engaging in sexualized or romantic dialog. 4. Making sexually suggestive comments. 5. Self-disclosure or physical disclosure of a sexual or erotic nature. 6. Any sexual, indecent, romantic or erotic contact with a child or student.
<p>Delegation of Responsibility</p>	<p>In accordance with Board policy, the Executive Director or designee shall:</p> <ol style="list-style-type: none"> 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. 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 Career Center employee to another position as an employee of this Career Center and the applicant has already obtained an official child abuse clearance statement in accordance with PDE requirements. <p>The Executive Director or designee shall annually inform students, parents/guardians and staff regarding the contents of this Board policy. The Career Center staff shall annually receive notice of their responsibility for reporting child abuse and student abuse in accordance with Board policy and administrative regulations.</p>
<p>Guidelines</p>	<p>Training: The Career Center or independent contractors of the Career Center, 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:</p> <ol style="list-style-type: none"> 1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.

2. Provisions of the Professional Educator Discipline Act, including mandatory reporting requirements.
3. Career Center policy relating to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

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

CHILD ABUSE BY PERPETRATOR

Duty to Report

School employees and contractors 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 Career Center employees is a victim of child abuse, including child abuse by an individual who is not a perpetrator.

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 situation involving child abuse and shall not constitute grounds for failure to report.

School employees required to report suspected child abuse shall include but are not limited to a school administrator, school teacher, and/or school nurse.

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.

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.

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.

Reporting Procedures

School employees or contractors who suspect child abuse shall immediately notify the Career Center principal or designee. Upon notification, the principle shall report the suspected child abuse, also notifying the Executive Director.

Reports of child abuse shall immediately be made by telephone to the Childline Abuse Registry and in writing to the county Children and Youth Agency within forty-eight (48) hours after the oral report.

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. Due to the sensitivity of the information discussed during such interviews, authorized personnel from the Department of Public Welfare or county agency may request to interview the child alone and outside the presence of a school employee. Such requests shall be honored by school staff.

The school official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subjected 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 Career Center employee or contractor shall immediately contact the principal when the school employee or contractor has reasonable cause to suspect, on the basis on his/her professional or other training and experience, that a student coming before the school employee or contractor 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 or contractor. Due to the sensitivity of the information discussed during such interviews, authorized personnel from the Department of Public Welfare or county agency may request to interview the child alone and outside the presence of a school employee. Such requests shall be honored by school staff.

The principal who receives a report from a school employee or contractor, or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials and the appropriate district attorney, also notifying the Executive Director. The principal shall exercise no discretion but has an absolute duty to report when receiving notice from a school employee.

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

A school employee or contractor who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report commits a summary offense.

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.

If the accused school employee is the principal or the Executive Director, the school employee shall immediately report the suspected abuse to the law enforcement officials and the appropriate district attorney. The employee shall also report the suspected abuse to the Superintendent of Record and the Executive Director where the accused employee is the principal, and to the Superintendent of Record where the accused employee is the Executive Director.

Further, there is no express legal requirement to make a Childline report in these instances, but it is good practice to do so.

Reporting Procedures

The principal's report to law enforcement officials and the district attorney shall include, name, age, address, and the 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; any specific comments or observations 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 authorized personnel to interview a student while in attendance at school. Due to the sensitivity of the information discussed during such interviews, authorized personnel from the Department of Public Welfare or county agency may request to interview the child alone and outside the presence of a school employee. Such requests shall be honored by school staff.

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/designee has an independent duty to report to the Executive Director that an employee has allegedly abused or otherwise victimized a student. Additionally, if the Executive Director is the subject of the allegation, a report shall be made to the Superintendent of Record. 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.

References

Child Abuse Recognition and Reporting Training - 24 P.S. Sec. 1205.6

Professional Educator Discipline Act - 24 P.S. Sec 2070.1 a et seq.

Department of Public Welfare Regulations - 55 PA Code Sec, 3490.1 et seq.

Endangering Welfare of Children - 18 Pa. C.S.A. Sec. 4304

Child Protective Services Law - 23 Pa. C.S.A. Sec. 6301 et seq.

Confidential Communications to School Personnel - 42 Pa. C.S.A. Sec. 5945

Registration of Sex Offenders - 42 Pa. C.S.A. Sec. 9799.14 et seq.

Board Policy - 302, 309, 333, 818