



## **E. Child Abuse and Neglect Reporting Policy**

### **Purpose**

This policy is adopted to affirm the obligation of employees to assist in identifying suspected child abuse and student abuse, and to establish procedures for reporting such in compliance with the Pennsylvania Child Protective Services Law.

### **Definitions**

The following definitions are for purposes of this policy:

Child Abuse shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 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 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 18 years of age.
4. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the 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.

## **Child Abuse by Perpetrator**

### **Duty to Report**

School employees or the employees of independent contractors working in the schools or with students 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 they are aware of in their professional or official capacity is an abused child.

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 in writing.

Any person required to report suspected 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 person or official required to report a case of suspected child abuse 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**

Employees who suspect child abuse have the legal obligation to report the suspected child abuse, and shall immediately notify ChildLine, 800-932-0313. Oral reports may also be made to the county children and youth agency in the county where the suspected child abuse occurred. A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the School Director or Director of Student Support and if the initial report was made electronically, also provide a copy of the report confirmation.

The School Director will report the incident to a member of the charter school's board of trustees, who shall be designated at a meeting of the board, and will be referred to as the Designated Trustee. The School Director may not make an independent determination of whether to report.

Within 48 hours of reporting to ChildLine, the School Director shall make a written report on forms provided by the Department of Public Welfare (Report of Suspected Child Abuse [CY-47]) to the county children and youth agency in the county where the suspected child abuse occurred.

**Investigation**

Employees shall cooperate with the Department of Public Welfare or the county children and youth agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at the school.

Employees required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is the subject of a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, x-rays and relevant medical tests taken shall be sent to the county children and youth agency at the time the written report is sent, or as soon thereafter as possible. The county children and youth agency shall have access to actual photographs or duplicates and x-rays and may obtain them or duplicates of them upon request.

## **Student Abuse by a School Employee**

### **Definitions**

Student Abuse includes:

1. Serious bodily injury to a student under 18 years of age by a school employee.
2. Sexual abuse or exploitation to a student under 18 years of age by a school employee.

### **Duty to Report**

A school employee shall immediately report to law enforcement officials and the district attorney when the school employee has reasonable cause to suspect, on the basis of his/her professional or other training and experience, that a student who the school employee is aware of 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. Additionally, the staff member should contact the Designated Trustee.

A school employee who refers a report of suspected student abuse 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 a violation, does so again, commits a misdemeanor of the third degree.

### **Reporting Procedures**

The school employee's report to law enforcement officials and the district attorney shall include:

- name
- age
- home address
- school of the student
- name and address of the school
- name and address of the student's parents or guardians
- name and address of the administrator or school employee who made the report
- home address of the school employee suspected of abusing the student
- nature of the alleged offense
- any specific comments or observations directly related to the alleged incident and the individuals involved.

In addition to the verbal report, the employee will complete and provide a written report on a form provided by the Department of Public Welfare to law enforcement officials and the appropriate district attorney.

The school employee making a report of suspected student abuse 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 and to law enforcement officials in the course of investigating the allegation of suspected student abuse.

### **Investigation**

Upon receipt of a report of suspected student abuse, law enforcement officials shall conduct an investigation 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 children and youth agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.

School officials and employees shall cooperate with law enforcement officials and the Department of Public Welfare or the county children and youth agency investigating a report of suspected student abuse, including permitting authorized personnel to interview a student while in attendance at school.

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

## **Student Abuse by Another Student**

### **Definitions:**

The following definitions are for purposes of this policy:

Child Abuse shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 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 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 18 years of age.
4. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

### **Reporting Procedures**

Employees who suspect child abuse by another student shall immediately notify the School Director and Director of Student Support. Upon notification, the School Director shall assume the responsibility and have the legal obligation to report the suspected child abuse. In the specific case in which child abuse is suspected by another student the School Director will contact the involved student's parents and conduct an investigation. In addition, the School Director will report the incident to the Designated Trustee of the charter school's board.

### **Investigation**

Employees shall cooperate with the Department of Public Welfare or the county children and youth agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at the school.

Employees required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is the subject of a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, x-rays and relevant medical tests taken shall be sent to the county children and youth agency at the time the written report is sent, or as soon thereafter as possible. The county children and youth agency shall have access to actual photographs or duplicates and x-rays and may obtain them or duplicates of them upon request.

If the School Director believes that a reportable event did not occur, he/she should complete a report and submit it to the Designated Trustee and keep it on file at the school.

Within 48 hours of reporting to ChildLine, the School Director shall make a written report on forms provided by the Department of Public Welfare (Report of Suspected Child Abuse [CY-47]) to the county children and youth agency in the county where the suspected child abuse occurred.

**Department of Public Welfare Investigation**

Employees shall cooperate with the Department of Public Welfare or the county children and youth agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance.

Employees required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is the subject of a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, x-rays and relevant medical tests taken shall be sent to the county children and youth agency at the time the written report is sent, or as soon thereafter as possible. The county children and youth agency shall have access to actual photographs or duplicates and x-rays and may obtain them or duplicates of them upon request.

Authority Title 23 Pa. C.S.A Chapter 63

**Non-retaliation**

An individual, who reports incidents of discrimination and/or harassment that the employee, in good faith, believes to be violations of YSCS policy, or who is involved in the investigation of discrimination or harassment, will not be subject to reprisal or retaliation. Retaliation is a serious violation of YSCS policy and should be reported immediately. The report and investigation of allegations of retaliation will follow the procedures set forth above. Any person found to have retaliated against an individual for reporting discrimination or harassment or participating in an investigation of allegations of such conduct may be subject to appropriate disciplinary action, up to and including termination.

**ACKNOWLEDGEMENT OF RECEIPT OF SEXUAL ABUSE POLICY**

I, \_\_\_\_\_ acknowledge that I received and read the sexual abuse policy immediately preceding my signature below. I understand that I am bound to follow the policy and understand the consequences in the event that I fail to do so.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature