

Child Abuse Prevention and Reporting Policy

Clarksville Charter School

BP 5141.4

Adopted 04/29/21

The Clarksville Charter School Governing Board is committed to supporting the safety and well-being of Clarksville students and desires to facilitate the prevention of and response to child abuse and neglect. The Executive Director or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect. This policy is also in the board-approved Comprehensive Safety Plan.

The Executive Director or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

The purpose of the Clarksville Charter School Governing Board approving the Child Abuse Prevention and Reporting Policy is to accomplish the following:

1. Summary of child abuse reporting laws and requirements
2. Duty to Report
3. Definitions
4. Reporting Procedures
5. Legal Responsibility and Liability
6. Release of Child to Peace Officer

The child abuse reporting law (Penal Code Section 11166) requires that a Clarksville Charter School employee who has reason to believe that a child has been subjected to abuse report the incident to the proper authorities.

At Clarksville Charter School, protecting children from child abuse is a major priority. Each year, the administration sets aside time to meet with staff to discuss child abuse indicators, remind teachers of the procedures to follow when abuse is suspected, and provide annual training regarding the required procedures for mandated reporters.

Employees of Clarksville Charter School are familiar with Penal Code Section 11166 and understand the requirement that certificated and classified personnel report suspected child abuse immediately or as soon as practically possible to Children's Protective Services by telephone. They are aware that a call must be followed within at least 36 hours by a written report to the child protective agency.

All staff are aware of the location of a Child Abuse Information Folder that is kept on file and updated regularly. It includes informational literature, guidelines for recognizing abuse, and specific directions for reporting it.

The determination as to who should be contacted will depend greatly on the situation at hand. The local law enforcement agency will dispatch a unit to the school as soon as possible. Children's services may take much longer to respond. School personnel should always take into consideration the severity of the abuse and the extent to which the student's safety is at risk.

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The requirements of school personnel and the identification and reporting of known or suspected child abuse to a protective agency are mandated by the State of California Penal Code. In fact, failure to do so on the part of school personnel could lead to penalties that might be imposed on these individuals. Clarksville Charter School board policies are continually updated to reflect appropriate legislation. Excerpts from the California Penal Code and Clarksville Charter School Board Policy are presented below.

From California Penal Code Section 11166, ...a mandated reporter shall make a report to an agency...whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident.

Recognizing that our responsibility to students includes the protection of their physical and mental wellbeing, the Governing Board desires to provide whatever opportunities or resources may be available for the prevention of child abuse.

The Board agrees with the Legislature that:

1. Child abuse and neglect are severe and increasing problems in California.
2. Charter schools, school districts, and preschools are able to provide an environment for training of children, parents, and all school staff.
3. Primary prevention programs in charter schools and school districts are an effective and cost efficient method of reducing the incidence of child abuse and neglect and promoting healthy family environments.

The Executive Director shall explore funding and assistance available for the establishment of programs directed toward preventing the occurrence of child abuse, including physical abuse, sexual assault, and child neglect, and reducing the general vulnerability of children, including coordination with and training for parents and school staff.

Parents shall be given notice of, and may refuse to have their children participate in, the prevention training program.

Duty to Report

Certificated employees and classified employees trained in child abuse identification and reporting shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within thirty-six hours. The reporting duties are individual and cannot be delegated to another individual.

Definitions

1. "Child Abuse," as defined by law, includes the following:

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- a. Physical abuse resulting in a non-accidental physical injury or death
 - b. Physical neglect, including both severe and general neglect, results in negligent treatment or maltreatment of a child
 - c. Sexual abuse includes both sexual assault and sexual exploitation
 - d. Emotional abuse and emotional deprivation, including willful cruelty or unjustifiable punishment,
 - e. Severe corporal punishment
2. "Mandated Reporters" are those people defined by law as "childcare custodians," "medical practitioners," and "non-medical practitioners" and include virtually all school employees. The following school personnel are required to report: Teachers, administrators, supervisors of child welfare and attendance, certificated pupil personnel employees, employees of a childcare institution, head start teachers, school psychologists, licensed nurses, counselors, presenters of child abuse prevention programs, and those instructional aides or other classified employees trained in child abuse reporting.
 3. "Child Protective Agencies" are those law enforcement agencies and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department, and child protective services.
 4. "Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a similar position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (California Penal Code 11166)

Reporting Procedures

1. To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency. A telephone report must be made immediately, or as soon as practically possible, upon suspicion. The verbal report will include:
 - a. The name of the person making the report
 - b. The name of the child
 - c. The present location of the child
 - d. The nature and extent of any injury
 - e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse. At the time the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received
2. Within thirty-six (36) hours of making the telephone report, the mandated reporter will complete and mail, fax, or electronically transmit a written report to the local child protective agency. The written report shall include completion of the required standard Department of Justice form (DOJ SS 8572). The mandated reporter may request and receive copies of the appropriate form either from the charter school or directly from the local child protective agency. Detailed instructions for the completion of the form are on the back sheet of the form. Reporters may

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request assistance from the site administrator in completing and mailing the form; however, the mandated reporter is still responsible for ensuring that the written report is correctly filed.

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. The site administration, when notified, shall inform the Executive Director.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that the verbal or written reporting procedures are carried out according to state law and regulations. If requested by the mandated reporter, the Executive Director may assist in the completion and filing of these forms.

Legal Responsibility and Liability

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. A mandated reporter who fails to report an instance of child abuse that they know to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement in jail for a term not to exceed six (6) months or by a fine of not more than one thousand dollars (\$1,000) or both. The mandated reporter may also be held civilly liable for damages for any injury to the child after a failure to report.
3. When two (2) or more persons who are required to report jointly have knowledge of suspected instance of child abuse and there is agreement, a single report may be made and signed by the person selected. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.
4. The duty to report child abuse is an individual duty, and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction. Release of Child to the Peace Officer When a child is released to a peace officer and taken into custody as a victim of suspected child abuse, the Executive Director shall not notify the parent or guardian as required in other instances of removal of a child from school but rather shall provide the peace officer with the address and telephone number of the child's parent or guardian. It is the responsibility of the peace officer to notify the parent or guardian of the situation. Peace officers will be asked to sign an appropriate release or acceptance of responsibility form (cf. 5145.11, – Questioning and Apprehension).

When School Employees are Accused of Child Abuse Regardless of who child abusers may be, the major responsibilities of mandated reporters are to (1) identify incidents of suspected child abuse and (2) comply with laws requiring reporting of suspected abuse to the proper authorities. Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such a determination and follow-up investigation will be made by a child protective agency.

Parent/guardians or members of the public accusing school employees of child abuse should be made aware of the ramifications of making false reports and should be provided with information regarding child abuse and child abuse reporting. Pending the outcome of an investigation by a child protective

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agency and prior to the filing of formal charges, the employee may be subject to reassignment or a paid leave of absence.

Disciplinary action resulting from the filing of formal charges or upon conviction shall be in accordance with policies, regulations, and/or collective bargaining agreements. The Executive Director or designee should consult with legal counsel before implementing either suspension or dismissal.



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