

Palmyra Area School District

SECTION: OPERATIONS

TITLE: REPORTING SUSPECTED
STUDENT ABUSE BY SCHOOL
EMPLOYEES

ADOPTED: AUGUST 14, 2014
JULY 16, 2015

806.1 REPORTING SUSPECTED STUDENT ABUSE BY SCHOOL EMPLOYEES	
1. Purpose 23 Pa. CSA 6301	<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. 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>
2. Definition	<p>“Administrator”- includes the Superintendent of Schools and the principal responsible for the administration of each school within the school district. The principal of the school where a student is enrolled shall be the administrator for purposes of this policy.</p> <p>“Child abuse” - The term "child abuse" shall mean 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.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 abuse 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;<ol style="list-style-type: none">a. Kicking, biting, throwing, burning, stabbing or cutting a child in a

- manner that endangers a 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 year of age.
- d. Forcefully slapping or otherwise striking a child under one 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. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
- g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - i. is required to register as a tier ii or tier iii sexual offender under 42 Pa.C.S. Ch.97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - ii. has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - iii. has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
- 9. Causing the death of the child through any act or failure to act.
 - a. Restatement of culpability-Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.
 - b. Child abuse exclusions-The term "child abuse" does not include any conduct for which an exclusion is provided in section 6304 (relating to exclusions from child abuse).

“Childline” - The Intake Unit (800-932-0313) or website address <https://www.compass.state.pa.us/cwis> that is available 24 hours per day, seven days per week to receive reports of suspected child abuse. Any school employee who, in the course of their employment, occupation or practice as a professional, shall report immediately to Superintendent of the School District when they have reasonable cause to suspect that a child under their care, supervision, guidance or training is a victim of child abuse. The Superintendent or the Superintendent’s designee shall then immediately report the suspected child abuse to Childline. If a school employee reasonably suspects that a student is a victim of child abuse, sexual abuse or sexual exploitation by the Superintendent, the school employee shall immediately report to Childline.

“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 Human Services of the Commonwealth.

“School Employee” – An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes an individual who has no direct contact with children.

“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:

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; or
2. seriously interferes with a child’s ability to accomplish age appropriate developmental and social tasks.

“Serious Physical Neglect” – Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well being, causes bodily injury or impairs a child's health, development or functioning:

1. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
2. The failure to provide a child with adequate essentials of life, including food, shelter, or medical care.

“Sexual Abuse or Sexual Exploitation”

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
 - a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer aided device for the purpose of sexual stimulation or gratification of any individual.
 - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer

depicting or filming.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.

2. Any of the following offenses committed against a child:

- a. Rape, as defined in 18 Pa.C.S. § 3121 (relating to rape).
- b. Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- c. Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- d. Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- e. Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- f. Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- g. Indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).
- h. Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
- i. Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).
- j. Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
- k. Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- l. Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
- m. Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

“Student” - An individual enrolled in a public or private school, intermediate unit or area vocational-technical school who is under eighteen (18) years of age.

“Student Abuse” - any act or omission by a school employee resulting in child abuse, serious bodily injury, sexual abuse or sexual exploitation against a student, regardless if such conduct occurs on off school property.

Duty of School Employees

All school employees who have a reasonable cause to suspect, on the basis of their professional training and/or experience, of that a student coming before them is a victim of student abuse by a school employee shall immediately report this information to the Superintendent of Schools.

The duty to report suspected student abuse applies to all coaches, guidance counselors, teachers, teacher aides, school nurses, school administrators and other school employees responsible for the supervision of students while at

<p>23 Pa. C.S. SC 6303(a)</p>	<p><i>school or participating in school-sponsored activities.</i></p> <p>The school employee's initial responsibility is limited to reporting suspected student abuse. No attempt shall be made by the school employee to investigate the veracity of the student abuse allegations for purposes of determining whether a report should be made under this policy.</p> <p><u>Reports</u></p> <p>The school employee reasonably suspecting student abuse shall immediately report such information to the Superintendent of Schools. If the Superintendent is absent or otherwise unavailable, the school employee shall make the report directly to the school administrator of the school where the victim of the suspected student abuse is enrolled.</p> <p>If the Superintendent of Schools is the person suspected of the alleged student abuse, the school employee shall directly notify local law enforcement authorities and the Lebanon County District Attorney's Office.</p> <p>If a school employee erroneously reports suspected student abuse by a school employee to a person other than the Superintendent, the person to whom the report is made shall immediately report the matter to the Superintendent.</p> <p>The Superintendent shall immediately report any suspected student abuse to local law enforcement authorities, Childline Hotline and the Lebanon County District Attorney's Office. If the suspected student abuse occurred outside of the school district's boundaries, the Superintendent may be required to report such information to other jurisdictions.</p> <p>Any report of suspected student abuse shall include the following information:</p> <ol style="list-style-type: none"> 1. The name, age and school of the student. 2. The names and addresses of the student's parent or legal guardians. 3. The name and address of the reporting administrator. 4. Name, work and home address of the school employee that is the subject of the report. 5. A description of the alleged student abuse. 6. Any specific comments or observations that are directly related to the alleged student abuse and the individual involved. <p><u>Investigations Of Reported Student Abuse By School Employees</u></p> <p>Except in connection with the school district's own investigation of suspected student abuse and any proceedings that may result therefrom, the school</p>
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<p>4. 23 Pa. C.S. SC 6311</p>	<p>employee who makes a report of suspected student abuse may not reveal the existence or content of the report to any other person.</p> <p>Nothing in this policy is intended to prohibit the school district from conducting its own investigation of the suspected child abuse and taking appropriate disciplinary action against the school employee that is the subject of the investigation. The school district may coordinate with local law enforcement in deciding how to proceed with its own investigation, so as not to impede or interfere with any criminal investigation by local law enforcement officials.</p> <p>The school district and school employees shall cooperate with authorized personnel from the Department of Human Services, Lebanon County Children and Youth or local law enforcement agencies (including prosecutors) in their investigation of alleged student abuse by a school employee.</p> <p>IMMUNITY</p> <p>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.</p> <p>Criminal Penalties</p> <p>A school administrator who willfully fails to report suspected student abuse as required by the CSPL may be subject to criminal prosecution for such failures. The Superintendent is authorized to develop written guidelines, as deemed necessary, to implement this policy.</p> <p>References:</p> <p>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. 9795.1, 9795.4, 9798.1 Board Policy – 806, 806.2</p>
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