

SENECA VALLEY SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED:

REVISED: SEPTEMBER 21, 1998

<p>1. Authority 23 Pa. CSA 6301</p> <p>2. Definition</p>	<p style="text-align: center;">806. CHILD/STUDENT ABUSE</p> <p>The Board recognizes the need for a written policy on child abuse, neglect and victimization of students by school employees. The district recognizes that school personnel play a crucial role in protecting children through prompt and responsible reporting as requested by the law.</p> <p>School employees now have a duty not only to report suspected child abuse to their child protective services but any school employee who has reasonable cause to suspect student abuse must also report. The Board wishes to affirm the employees' obligation to assist in identifying possible child abuse and student abuse through this policy to notify school employees of their reporting responsibilities under the law.</p> <p>The following definitions are for purposes of this policy relating to child abuse.</p> <p>Administrator - the person responsible for the administration of a public or private school, intermediate unit or area vocational-technical school. The term includes a person responsible for employment decisions in a school and an independent contractor.</p> <p>Child Abuse - the term child abuse shall mean any of the following:</p> <ol style="list-style-type: none"> 1. Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under eighteen (18) years of age. 2. An act or failure to act by a perpetrator which causes nonaccidental 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.
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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.

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.

County Agency - the county children and youth service agency serviced by the Department of Welfare under the Public Welfare Code -- Butler County Children and Youth Agency.

Perpetrator - a person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, and an individual residing in the same home as a child or a paramour of a child's parent.

Person Responsible for the Child's Welfare - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in y public or private school, intermediate unit or area vocational-technical school.

School Employee - an individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students. School employees required to report suspected child abuse shall include but are not limited to school administrator, school teacher, school nurse.

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 Injury - An injury that:

1. Causes a child severe pain; or
2. Significantly impairs a child's physical functioning, either temporarily or permanently.

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.

The following definitions are for purposes of this policy relating to student abuse.

Administrator - the person responsible for the administration a public or private school, intermediate unit or area vocational-technical school. The term includes a person responsible for employment decisions in a school and an independent contractor. The Board hereby declares the Superintendent or his/her designee as the administrator to whom all school employees shall report student abuse.

Applicant - an individual who applies for a position as a school employee. The term includes an individual who transfers from one position as a school employee to another position as a school employee. For purposes of this policy, **position** is defined as the job classification of a school employee as defined and determined by the school Board or governing authority, including administrative and supervisory staff, teachers, paraprofessionals, support staff or others.

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 a 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.

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 any of the following:

1. Available medical evidence.
2. The county agency's investigation.
3. An admission of the acts of abuse by the school employee.

<p>3. Guidelines</p> <p>42 P.S. CS 5944</p>	<p>School Employee - an individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.</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>Sexual Abuse or Sexual Exploitation - the employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexual explicit conduct, for the purpose of producing any visual depiction including photographing, videotaping, computer depicting or filming of any sexually explicit conduct, or the rape, sexual assault, involuntary statutory sexual assault or other form of sexual exploitation of children.</p> <p>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.</p> <p>Student Abuse - student abuse is the sexual abuse or sexual exploitation or serious bodily injury of a student by a school employee.</p> <p style="text-align: center;">CHILD ABUSE BY PERPETRATOR</p> <p><u>Duty To Report</u></p> <p>School employees who in the course of their 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 their medical, professional, or other training and experience, that a child coming before them in their professional or official capacity is an abused child.</p> <p>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>Reports of child abuse shall be made immediately by telephone and in writing within forty-eight (48) hours after the oral report. The building principal or his/her designee shall make an oral report to Childline (1-800-932-0313) or will call Butler County Children and Youth Agency (284-5156) after gathering all pertinent facts. A written</p>
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report is to be submitted to Butler County Children and Youth Agency, 165 Brugh Avenue, Butler, PA 16001, within forty-eight (48) hours after making the oral report. Such report will be made by completing the Form CY-47 and will be sent by registered letter.

The Administrative Assistant for Human Resources shall be notified when such cases occur.

Any person required by law to report a case of suspected child abuse who willfully fails to do so may be criminally prosecuted for the failure to report. The first conviction is graded as a summary offense; subsequent convictions are graded as misdemeanors.

The school employee making a report shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.

STUDENT ABUSE BY SCHOOL EMPLOYEE

Duty To Report

A school employee shall immediately contact the building administrator 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.

If the accused school employee is the administrator, the school employee shall immediately report to law enforcement officials and the district attorney.

The administrator who receives a report from a school employee or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials and the appropriate district attorney. The principal shall exercise no discretion but has an absolute duty to report when s/he receives notice from a school employee.

The school employee making a report shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.

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

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.

Reporting Procedures

The report to law enforcement officials and district attorney shall include: name, age, address, and school of the student; name and address of the student's parent or 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.

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 those authorized personnel to interview a student while s/he is in attendance at school.

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.

<p>4. Delegation of Responsibility</p>	<p>The administrator has an independent duty to report to the Superintendent or designee that an employee has allegedly abused or otherwise victimized a student or students. The requirement not to divulge the existence of the report or its content shall not limit the administrator's responsibility to use the information s/he received to initiate and conduct an independent school investigation into the allegations.</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.</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 school employee. Provided that this requirement does not apply to a school employee under twenty-one (21) years of age participating in a job development or training program who is employed for not more than ninety (90) days or to a school employee from Pennsylvania hired on a provisional basis for thirty (30) days or, from another state on a provisional basis for ninety (90) days, who demonstrates s/he applied for an official clearance statement, when the administrator has no knowledge to the contrary, and the hiring does not take place during an authorized strike.</p> <p>The Superintendent shall follow procedures for investigating allegations of student abuse, which shall include:</p> <ol style="list-style-type: none">1. Written notice of this policy and of district procedures for reporting and investigating such allegations against school employees to district staff. A copy of this policy shall be provided to each employee required to report.2. A system of communication with local law enforcement to coordinate, among other things, the interviews of the allegedly abused student and accused school employee.3. A process to coordinate the collection of evidence with the county agency and law enforcement so that necessary physical evidence, photographs and medical records are identified and shared, if legally permissible.4. Procedures for suspending, with or without pay, any school employee identified under this policy after an informal hearing when necessary to protect the health and safety of other students.
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5. A requirement to request from the county agency the disposition of their investigation with an indication of whether the report was unfounded, indicated or founded.
6. A final written report which is a summary of the independent investigation, including a brief summary of the number of persons questioned, their statements and a conclusion regarding whether substantial evidence exists to discipline the employee or exonerate the employee. The final report should also include the disposition received from the county agency. A summary of this report shall be provided to the employee with notice of its retention in a central file.
7. Where permissible under law, a provision for the taking of photographs of the child who is subject to a report.
8. If a certified employee is dismissed for cause for facts underlying the report or law enforcement charges or the court convicts for a crime of moral turpitude, then the Superintendent shall report to the Department of Education.