

## **REPORTING CHILD/STUDENT ABUSE**

### **Background**

The Mt. Lebanon School District is committed to training its employees to recognize suspected cases of child/student abuse and implementing procedures for employees, independent contractors and volunteers to report child/student abuse pursuant to the provisions of the Child Protective Services Law, as amended by Act 153 of 2014, and any future legislation.

### **Objective**

The objective of this policy is to promote a safe and secure school environment by, in accordance with applicable state laws and regulations, affirming and communicating to District employees, independent contractors and volunteers regulations and protocols regarding child and/or student abuse reporting, training on child abuse recognition and reporting, and required child abuse clearances and other background checks.

### **Definitions**

The following terms are defined as follows for purposes of this policy.

“Administrator” - Any District employee with building or department level supervisory responsibility. The principal of the school where the abused student is enrolled will serve as the administrator under this policy.

“Applicant” - an individual who applies for a position as a District employee. The term includes an individual who transfers from one classification of employment to another classification of employment within the District.

“Adult” - an individual 18 years of age or older.

“Bodily injury” - impairment of physical condition or substantial pain.

“Child” - an individual under 18 years of age.

“Child Abuse” - shall mean intentionally, knowingly or recklessly doing any of the following:

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:
  - 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 during the operation of methamphetamine laboratory, 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 was required to register as a Tier II or Tier III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent under Pennsylvania law.
9. Causing the death of the child through any act or failure to act.

The term child abuse does not include:

1. Physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular or recreational activities.
2. Harm or injury to a child that results from the act of another child unless the child who caused the harm or injury is a perpetrator or the act constitutes, as defined by Pennsylvania law: 1) rape; 2) involuntary deviate sexual intercourse; 3) sexual assault; 4) aggravated indecent assault; 5) indecent assault; or 6) indecent exposure.
  - a. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight or scuffle entered into by mutual consent.
3. Reasonable force for self-defense or the defense of another.
4. Use of reasonable force by a person responsible for the welfare of a child for purposes of supervision, control or safety, provided that the use of force:
  - a. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;
  - b. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;
  - c. Is necessary for self-defense or defense of another;
  - d. Is necessary to prevent the child from self-inflicted physical harm; or
  - e. Is necessary to gain possession of weapons, controlled substances or other dangerous objects that are on the person of the child or in the child's control.

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.

"Department" - the Department of Human Services of the Commonwealth of Pennsylvania.

"Direct contact with children" - the care, supervision, guidance or control of children or routine interaction with children.

"Independent contractor" - an individual who provides a program, activity or service to the District, that is responsible for the care, supervision, guidance or control of children. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.

"Mandated reporter" - a person who is required by this Policy and Pennsylvania law to make a report of suspected child abuse. It includes, if they have reasonable cause to suspect that a child is a victim of child abuse, school employees (including, without limitation, administrators and support personnel who have direct contact with children, school teachers, school nurses, counselors, psychologists and social workers), independent contractors and volunteers.

"Perpetrator" - a person who has committed child abuse and is: 1) a parent/guardian of a child; 2) a spouse or former spouse of the child's parent/guardian; 3) a person 14 years of age or older who is responsible for the welfare of a child or has direct contact with children as employee of the District; 4) an individual 14 years of age or older who is residing in the same home as a child; 5) a paramour or former paramour of a child's parent/guardian; 6) an individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child; 7) an individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking.

Only the following may be considered a perpetrator for failing to act, as provided in this policy: 1) a parent/guardian of the child; 2) a spouse or former spouse of the child's parent/guardian; 3) a paramour or former paramour of the child's parent/guardian; 4) person 18 years of age or older and responsible for the child's welfare; or 5) a person 18 years of age or older who resides in the same home as the child.

"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.

"Program, activity or service" - any of the following in which children participate and which is sponsored by a school or a public or private organization: 1) a youth camp or program; 2) a recreational camp or program; 3) a sports or athletic program; 4) a community or social outreach program; 5) an enrichment or educational program; or 6) a troop, club or similar organization.

“Routine interaction” - regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

“School employee” - an individual who is employed by the District or who provides a program, activity or service sponsored by the District. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have 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.
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 Exploitation” - any of the following:

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.

e. Paragraph 1 of this definition 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, as defined by Pennsylvania law, committed against a child: 1) rape; 2) statutory sexual assault; 3) involuntary deviate sexual intercourse; 4) sexual assault; 5) institutional sexual assault; 6) aggravated indecent assault; 7) indecent assault; 8) indecent exposure; 9) incest; 10) prostitution; 11) sexual abuse; 12) unlawful contact with a minor; 13) sexual exploitation.

“Student” - an individual enrolled in a District school who is under eighteen (18) years of age.

“Volunteer” - an unpaid adult individual, who, on the basis of the individual’s role as an integral part of a regularly scheduled program, activity or service is a person responsible for the child’s welfare or has direct contact with children and shall include Program Volunteers as defined in Policy IJOC.

### Policy

In accordance with applicable state laws and regulations, the District maintains the following regulations and protocols regarding child and/or student abuse reporting, training on child abuse recognition and reporting, and child abuse clearances and other background checks.

## **I. CHILD/STUDENT ABUSE REPORTING**

### **Duty to Report**

Any person may make an oral or written report of suspected child abuse, which may be submitted electronically, or cause a report of suspected child abuse to be made to the Department, county agency or law enforcement, if that person has reasonable cause to suspect that a child is a victim of child abuse.

Mandated reporters shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:

1. The mandated reporter comes into contact with the child in the course of employment, occupation and the practice of a profession or through a regularly scheduled program, activity or service.
2. The mandated reporter is directly responsible for the care, supervision, guidance or training of the child.
3. A person makes a specific disclosure to a mandated reporter that an identifiable child is the victim of child abuse.
4. An individual fourteen (14) years of age or older makes a specific disclosure to a mandated reporter that he or she has committed child abuse.

A child is not required to come before the mandated reporter in order for that individual to make a report of suspected child abuse.

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.

Any person who, in good faith, makes a report of suspected child abuse, regardless of whether the report is required, cooperates with an investigation, testifies in a proceeding, or engages in other action authorized by law shall have immunity from civil and criminal liability related to those actions.

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.

Any person who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse may be subject to disciplinary action and criminal prosecution.

Any person who engages in intimidation, retaliation, or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.

The District shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.

Any privilege that may normally apply to communications between a school employee required to report suspected child abuse and student who is a victim of suspected child abuse shall not apply to situations involving suspected child abuse. Such privileges shall not constitute grounds for failure to report suspected child abuse.

## **Reporting Procedures**

1. Mandated reporters who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies ([www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis), as amended) or an oral report via the statewide toll-free telephone number (1-800-932-0313, as amended).
2. A written report of suspected child abuse, which may be submitted electronically, shall include the following information, if known:
  - a. The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
  - b. Where the suspected abuse occurred.
  - c. The age and sex of each subject of the report.

- d. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
  - e. The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
  - f. Family composition.
  - g. The source of the report.
  - h. The name, telephone number and e-mail address of the person making the report.
  - i. The actions taken by the person making the report, including those actions taken under section 6314 (relating to photographs, medical tests and X-rays of child subject to report), 6315 (relating to taking child into protective custody), 6316 (relating to admission to private and public hospitals) or 6317 (relating to mandatory reporting and postmortem investigation of deaths) of the Child Protective Services Law, as amended.
  - j. Any other information required by Federal law or regulation.
  - k. Any other information that the Department requires by regulation.
3. A person making an initial oral report of suspected child abuse must also submit a written electronic report within forty-eight (48) hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the District with a written record of the report.
  4. A mandated reporter who makes a report of suspected child abuse shall immediately, after making the initial report, notify the school Administrator and, if the initial report was made electronically, also provide the Administrator with a copy of the report confirmation. The Administrator shall then immediately notify the Superintendent or designee that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation. If the Administrator is the subject of the report of suspected abuse, the mandated reporter should notify the Superintendent and/or an Assistant Superintendent, depending on the circumstances.
  5. When a report of suspected child abuse is made by a mandated reporter as required by law, the District is not required to make more than one (1) report. An individual otherwise required to make a report who is aware that an initial report has already been made by a mandated reporter is not required to make an additional report. The person making an initial oral report is responsible for making the follow-up written electronic report within forty-eight (48) hours, and shall provide the Administrator with a copy of the report confirmation promptly after the written electronic report has been filed. The Administrator shall in turn provide a copy of the report confirmation to the Superintendent or designee.
  6. A mandated reporter may take or cause to be taken photographs of the child who is subject to 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 agency at the time the written report is sent or within 48 hours after a report is made by electronic technologies or as soon thereafter as possible. The county agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical

summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases. The Administrator shall be notified whenever such photographs are taken and/or when the child is referred for medical evaluation.

7. If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent or designee shall inform local law enforcement, in accordance with applicable law, regulations and Board policy.

### **Investigation**

School officials shall cooperate with the Department or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.

Upon notification that an investigation involves suspected child abuse by a school employee, including, but not limited to, a service provider, independent contractor or administrator, the District shall immediately implement a plan of supervision or alternative arrangement for the individual under investigation to ensure the safety of the child and other children who are in the care of the District. The plan of supervision or alternative arrangement shall be approved by the county agency and kept on file with the agency until the investigation is completed.

## **II. TRAINING**

The District and independent contractors of the District 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:

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.
3. District policy related 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. The District shall provide each volunteer with training on child abuse recognition and reporting.



### **III. CLEARANCES**

School employees, including applicants for employment, independent contractors and volunteers shall submit the required clearance statements and background checks as required by law.

1. Each candidate for employment and each independent contractor shall submit child abuse clearance statements, background checks and other documents as required by law, which include, but are not limited to:
  - a. An Act 35 of 1985, as amended, report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person (“Pennsylvania Criminal History Report”);
  - b. An Act 151 and Act 114 of 2006, as amended, child abuse clearance from the Department of Human Service as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report (“Child Abuse Clearance”);
  - c. An Act 114 of 2006, as amended, fingerprint based federal criminal history submitted through the Pennsylvania State Police or its authorized agent, to the Federal Bureau of Investigation (“Federal Criminal History Report”);
  - d. An Act 168 of 2014, as amended, Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release (“Release”);
  - e. An Act 24 of 2011 and Act 82 of 2012, as amended, Arrest/Conviction Report and Certification Form (“PDE Form 6004”).
2. In addition, employees and independent contractors must submit a PDE Form 6004 within 72 hours of any arrest or conviction of an offense listed in Section 111(e).
3. Each volunteer, as defined in this policy, shall submit an official child abuse clearance statement and other background checks as required by law, which include a Pennsylvania Criminal History Report, a Child Abuse Clearance and a Federal Criminal History Report. A volunteer shall not be required to obtain and provide a Federal Criminal History Report if the individual has been a resident of the Commonwealth of Pennsylvania during the entirety of the previous ten-year period and annually submits a 10 Year Resident of Pennsylvania Affidavit certifying that they have not perpetrated or been convicted of any offense that would preclude their employment by the School District under Act 34, Act 114, or Act 151 or Section 6344(c) of the Child Protection Services Law. See Policy IJOC for requirements regarding volunteers.
4. School employees, independent contractors and volunteers shall obtain and submit new state and federal criminal background checks and child abuse clearances every sixty (60) months, or as otherwise required by law.

Administrative Responsibility

It shall be the responsibility of the Administration to implement and enforce this policy, cooperate in any investigations of reported child abuse and to develop Administrative Procedures for prompt and effective remedial action, including disciplinary action as may be appropriate in any situation where this policy has been violated.

Communication

This Policy shall be communicated to:

1. All District Staff, independent contractors and volunteers
2. The Mt. Lebanon Community

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