

3. Any recent act, failure to act, or series of such acts or failures to act by a school employee 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.
4. Serious physical neglect by a school employee 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 supervised by the Department of Welfare under the Public Welfare Code. 23 P.S. Sec. 6303(a).

Founded Report for School Employees – A report made by the county agency regarding a school employee's conduct related to a student if there has been any 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 guilty 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.

School Employee – An individual employed by a public or private school, intermediate unit, or area vocational-technical school. 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 administrators, school teachers, school nurses, school psychologists, guidance counselors, and librarians.

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.

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 sexually 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 deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of 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 – Student abuse is the sexual abuse or sexual exploitation or serious bodily injury of a student by a school employee.

3. Guidelines

DUTY TO REPORT

School Employees

1. A school employee shall immediately contact the school 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.
2. If the accused school employee is the administrator, then the school employee shall immediately report to another administrator.

3. 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 or official capacity, has been the subject of sexual abuse or sexual exploitation by a school employee. 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.

Administrator

The administrator who receives a report from a school employee or who has independent reasonable cause to suspect said injury or abuse shall report to the Superintendent. The administrator shall exercise no discretion but has an absolute duty to report when s/he receives notice from a school employee.

Report of Student Abuse to Law Enforcement

The report to law enforcement officials shall include:

1. name, age, address, sex, and school of the student.
2. where the suspected abuse or injury occurred.
3. name and address of the student's parent or guardian.
4. name and address of the school administrator.
5. nature and extent of the suspected abuse or injury.
6. name, work, and home address of the school employee under suspicion.
7. relationship of the student to the school employee alleged to have committed abuse or injury.
8. any specific comments or observations that are directly related to the alleged incident and the individuals involved.
9. actions taken by the parents, guardians, school officials, or other persons, including the taking of pictures, medical tests, and x-rays.

Report of Child Abuse

Reports of child abuse shall be made immediately by telephone and in writing within 48 hours after the oral report. Oral reports shall be made to Somerset County Children and Youth and may be made to the appropriate local law enforcement agency.

Confidentiality

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.

Official Clearance Statement/Condition of Employment

Beginning July 1, 1996, the Superintendent shall require each applicant for employment to submit an official clearance statement issued within the preceding year by the Department of Public Welfare. No applicant may be hired who is named as the perpetrator of a founded report or is named as an individual responsible for injury or abuse in a founded report for school employees. 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, who demonstrates s/he applied for an official clearance statement, attests in writing under oath s/he is not disqualified under this requirement, when the administrator has no knowledge to the contrary, and the hiring does not take place during an authorized strike.

Continued Employment

No school employee as of July 1, 1996 shall be required to obtain an official clearance statement as a condition of continued employment.

<p>4. Delegation of Responsibility</p>	<p>The Superintendent shall develop procedures for investigating allegations of a school employee injuring or abusing a student 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 employee to parents and 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 victimized student and accused school employee.3. Procedures for suspending, with pay, any school employee identified under this policy after an informal hearing when necessary to protect the health and safety of other students.4. A requirement to request from the county agency the disposition of their investigation within indication of whether the report was unfounded, indicated, or founded.5. Where permissible under law, a provision for the taking of photographs of the child who is subject to a report. <p>If a certified employee is dismissed for cause for facts underlying the report or law enforcement charges or the court convicts for a crime or moral turpitude, then the Superintendent shall report to the Department of Education.</p>
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