This policy is almost all new — please see the last 3 pages for the current policy.

Book	Policy Manual
Section	800 Operations
Title	Child Abuse
Code	806 Vol III 2024
Status	Review
Legal	1. 24 P.S. 1205.6 2. 23 Pa. C.S.A. 6301 et seq 3. Pol. 333 4. Pol. 818 5. 23 Pa. C.S.A. 6303 6. 24 P.S. 111 7. 23 Pa. C.S.A. 6344 8. 18 Pa. C.S.A. 7508.2 9. 42 Pa. C.S.A. 9799.12 10. 42 Pa. C.S.A. 9799.24 11. 42 Pa. C.S.A. 9799.55 12. 42 Pa. C.S.A. 9799.58 13. 22 U.S.C. 7102 14. 23 Pa. C.S.A. 6304 15. 23 Pa. C.S.A. 6311 16. Pol. 302 17. Pol. 304 18. Pol. 305 19. Pol. 306 20. 23 Pa. C.S.A. 6344.3 21. 23 Pa. C.S.A. 6344.4 22. Pol. 309 23. Pol. 916 24. 23 Pa. C.S.A. 6332 25. 24 P.S. 111.1 26. 20 U.S.C. 7926 27. Pol. 317.1 28. Pol. 824 29. 24 P.S. 2070.1a 30. 23 Pa. C.S.A. 6318 31. 23 Pa. C.S.A. 6319 32. 18 Pa. C.S.A. 4906.1 33. 18 Pa. C.S.A. 4958 34. 23 Pa. C.S.A. 6320 35. 23 Pa. C.S.A. 6305 36. 23 Pa. C.S.A. 6313 37. 23 Pa. C.S.A. 6314 38. 22 PA Code 10.2 39. 22 PA Code 10.21 40. 22 PA Code 10.22 41. 24 P.S. 1306.2-B 42. 24 P.S. 1319-B 43. Pol. 805.1

44. 23 Pa. C.S.A. 6346

45. 23 Pa. C.S.A. 6368

24 P.S. 1527

24 P.S. 2070.1a et seq

22 PA Code 10.1 et seq

18 Pa. C.S.A. 4304

Pol. 317

Authority

The Board requires district employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code.[1][2][3][4]

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

Adult - an individual eighteen (18) years of age or older.[5]

Bodily injury - impairment of physical condition or substantial pain.[5]

Certifications - refers to the child abuse history clearance statement and state and federal criminal history background checks required by the Child Protective Services Law and/or the School Code.[6][7]

Child - an individual under eighteen (18) years of age.[5]

Child abuse - intentionally, knowingly or recklessly doing any of the following:[5]

New - see attached current policy

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.[8]
    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, has to register for life or has been determined to be a sexually violent predator or sexually violent delinquent.[9][10][11][12]

9. Causing the death of the child through any act or failure to act.

10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined in the law. [13]

The term **child abuse** does not include physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular or recreational activities. Also excluded from the meaning of the term **child abuse** is the 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:**[14]**

1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;

2. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;

3. Is necessary for self-defense or defense of another;

4. Is necessary to prevent the child from self-inflicted physical harm; or

5. 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.

Direct contact with children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[1]

Independent contractor - an individual other than a school employee who provides a program, activity or service who is otherwise responsible for the care, supervision, guidance or control of children pursuant to a contract. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.[5][15]

Perpetrator - a person who has committed child abuse and is a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an individual fourteen (14) years of age or older who is responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program activity or service; an individual fourteen (14) years of age or older who resides in the same home as the child; or an adult 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; or an adult who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined in the law. Only the following may be considered a perpetrator solely based upon a failure to act: a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an adult responsible for the child's welfare; or an adult who resides in the same home as the child.[5][13]

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.[5]

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:[5]

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.

6. A troop, club or similar organization.

Recent act or failure to act - any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency.[5]

Routine interaction - regular and repeated contact that is integral to a person's employment or volunteer responsibilities.[5]

School employee - an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.[5]

Serious mental injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:[5]

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:[5]

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:[5]

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.

    The conduct described above does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within four (4) years of the child's age.

2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Student - an individual enrolled in a district school under eighteen (18) years of age.[5]

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. [15]

Delegation of Responsibility

The Superintendent or designee shall:

1. Require each candidate for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.[6][7][16][17][18][19]

2. Require each applicant for transfer or reassignment to submit the required certifications unless the applicant is applying for a transfer from one position as a district employee to another position as a district employee of this district and the applicant's certifications are current.[20][21][22]

School employees and independent contractors shall obtain and submit new certifications every sixty (60) months.[21]

Certification requirements for volunteers are addressed separately in Board Policy 916.[23]

The Superintendent or designee shall annually notify district staff, independent contractors and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

The Superintendent or designee shall ensure that the poster, developed by the PA Department of Education, displaying the statewide toll-free telephone numbers for reporting suspected child abuse, neglect and school safety issues be posted in a high-traffic, public area of each school. The designated area shall be readily accessible and widely used by students. [24]

The Superintendent or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.

Guidelines

Aiding and Abetting Sexual Abuse

School employees, acting in an official capacity for this district, are prohibited from assisting another school employee, contractor or agent in obtaining a new job if the school employee knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student.[16][17][18][19][22][25][26][27][28]

This prohibition applies only to assistance that extends beyond performance of normal processing of personnel matters including routine transmission of files or other information. This prohibition shall not apply if:[26]

1. The relevant information has been properly reported to law enforcement officials and any other authority required by federal, state or local law and the matter has been officially closed or the prosecutor or law enforcement officials notified school officials that there is insufficient information to establish probable cause.

2. The school employee, contractor or agent has been acquitted or otherwise exonerated of the alleged misconduct.

3. The case or investigation remains open and no charges have been filed against, or indictment of, the school employee, contractor or agent within four (4) years of the date on which the information was reported to the law enforcement agency.

Training

The school district, and independent contractors of the school 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][3][4][27]

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.[27][29]

3. District policy related to reporting of suspected abuse and sexual misconduct.

4. Maintenance of professional and appropriate relationships with students.[28]

Employees are required to complete a minimum of three (3) hours of training every five (5) years.[1]

{ } The district shall provide each volunteer with training on child abuse recognition and reporting.

Duty to Report

School employees, independent contractors and volunteers 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:[15]

1. The school employee, independent contractor or volunteer 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 school employee, independent contractor or volunteer is directly responsible for the care, supervision, guidance or training of the child.

3. A person makes a specific disclosure to a school employee, independent contractor or volunteer 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 school employee, independent contractor or volunteer that **the individual** has committed child abuse.

A child is not required to come before the school employee, independent contractor or volunteer in order for that individual to make a report of suspected child abuse.[15]

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.[15]

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.[30]

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.[31]

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.[32]

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. [33]

The district shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.[34]

Reporting Procedures

School employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies (www.compass.state.pa.us/cwis) or an oral report via the statewide toll-free telephone number (1-800-932-0313). 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.[15][35][36]

A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the building principal or administrator and if the initial report was made electronically, also provide the building principal or administrator with a copy of the report confirmation. The building principal or 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.[15][35][36]

When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, the school 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 school employee, independent contractor or volunteer 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 building principal or administrator with a copy of the report confirmation promptly after the written electronic report has been filed. The building principal or administrator shall in turn provide a copy of the report confirmation to the Superintendent or designee.[15][35][36]

{x} When necessary to preserve potential evidence of suspected child abuse, a school employee may, after the initial report is made, take or cause to be taken photographs of the child who is the subject of the report. Any such photographs shall be sent to the county agency at the time the written report is sent or within forty-eight (48) hours after a report is made by electronic technologies or as soon thereafter as possible. The building principal or administrator shall be notified whenever such photographs are taken.[37]

If the Superintendent or designee reasonably suspects that conduct being reported involves **a school safety and security** incident required to be reported under **law**, the Superintendent or designee shall inform **the** law enforcement **agency that has jurisdiction over the school's property**, in accordance with applicable law, regulations and Board policy.[38][39][40]**[41][42]**[43]

Investigation

The building principal or administrator shall facilitate the cooperation with the Department of Human Services of the Commonwealth **and/**or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.[15][44]

Upon notification that an investigation involves suspected child abuse by a school employee, the building principal or administrator shall immediately implement a plan of supervision or alternative arrangement that has been approved by the Superintendent for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.[45]

NOTES:

If district has three (3) employee sections, remember to change the policy cites in the policy and references.

PSBA Revision 6/24 © 2024 PSBA

Book	Policy Manual
Section	800 Operations
Title	Child/Student Abuse
Code	806
Status	Active
Legal	1. 23 Pa. C.S.A. 6301 et seq 2. 23 Pa. C.S.A. 6311 3. 42 Pa. C.S.A. 5945 4. Pol. 302 5. Pol. 303 6. Pol. 404 7. Pol. 405 8. Pol. 504 9. Pol. 505
Adopted	October 11, 2007

Current

Authority

The Board adopts this policy to affirm district employees' obligation to assist in identifying possible child abuse as well as victimization of students by other school employees, and to establish procedures for reporting such in compliance with the Child Protective Services Law of 1990 and its amendments.[1]

Definitions

The following definitions are for purposes of this policy.

Child Abuse - shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under eighteen (18) years of age.

2. Any act or failure to act by a perpetrator which causes non-accidental 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.

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.

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 Injury - an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual Abuse or 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 forms of sexual exploitation of children.

Perpetrator - a person who has committed child abuse and is a parent, guardian or a child, a person responsible for the welfare of a child, an individual residing in the same home as a child, or a paramour of a child's parent/guardian. The term does not include a person who is employed by or provides services or programs in district schools.

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.

Administrator - the person responsible for the administration of a district school. The term includes a person responsible for employment decisions in a school and an independent contractor. The **principal** of the school where the abused student is enrolled will serve as the administrator under this policy.

School Employee - an individual employed in a district school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.

Student - an individual enrolled in a district school under eighteen (18) years of age.

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

Guidelines

CHILD ABUSE BY PERPETRATOR

Duty to Report

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.[2][3]

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.

School employees required to report suspected child abuse shall include but are not limited to a school administrator, school teacher, and/or school nurse.

Any person required to report child abuse who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions.

A person or official required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Reporting Procedures

School employees who suspect child abuse shall immediately notify the school principal. Upon notification, the principal shall report the suspected child abuse.

Reports of child abuse shall immediately be made by telephone to the Childline Abuse Registry and in writing to the county Children and Youth Agency within forty-eight (48) hours after the oral report.

Investigation

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

The school official required to report cases of suspected child abuse 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.

STUDENT ABUSE BY SCHOOL EMPLOYEE

Duty to Report

A school employee shall immediately contact the principal 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 principal, the school employee shall immediately report to law enforcement officials and the district attorney.

The principal 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 receiving notice from a school employee.

A school employee or principal 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.

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 principal's report to law enforcement officials and the district attorney shall include: name, age, address, and school of the student; name and address of the student's parent/guardian; name and address of the principal; name, work, and home address of the school employee; nature of the alleged offense; and any specific comments or observations 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 authorized personnel to interview a student while 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.

The principal has an independent duty to report to the Superintendent or designee that an employee has allegedly abused or otherwise victimized a student. The requirement not to divulge the existence of the report or its content shall not limit the principal's responsibility to use the information received to initiate and conduct an independent school investigation into the allegations. The independent school investigation shall be conducted in cooperation with the county agency and law enforcement officials, and shall be for the purpose of ascertaining appropriate employee discipline and taking action necessary to curtail wrongdoing.

CLEARANCE STATEMENT/EMPLOYMENT

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, except for those exempted by law.[4][5][6][7][8][9]

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 a school employee. The school district has discretion whether to hire someone who has been named on an indicated report.