No. 4215
SECTION: PERSONNEL
TITLE: CHILD/STUDENT ABUSE

ADOPTED: 6/17/14
READOPTED: 11/15/16;6/17/25
REVISED:

OXFORD AREA SCHOOL DISTRICT

The Board requires district employees to comply with identification and reporting requirements for possible child abuse as well as victimization of students by other school employees. The Board directs the district, and independent contractors of the district, to provide their employees with training for recognition and reporting of child abuse as required by law.

The following definitions are for purposes of this policy.

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/administrator** 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 school employee. The term includes an individual who transfers from one classification of employment to another classification of employment within the school district.

Child Abuse - means 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.

Direct Contact with Children - the possibility of care, supervision, guidance or control of children or routine interaction with children.

Perpetrator - a person who has committed child abuse and is a parent/guardian of 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.

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.

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 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 - includes any of the following: the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in any sexually explicit conduct or simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming of any sexually explicit conduct; or any of the following offenses committed against a child: rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, sexual abuse or sexual exploitation.

Sexual Misconduct - any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:

1. Sexual or romantic invitation.

2. Dating or soliciting dates.

3. Engaging in sexualized or romantic dialog.

4. Making sexually suggestive comments.

5. Self-disclosure or physical disclosure of a sexual or erotic nature.

6. Any sexual, indecent, romantic or erotic contact with a child or student.

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

In accordance with Board policy, the Superintendent or designee shall:

1. Require each applicant for employment to submit an official child abuse clearance statement issued within the preceding year, except for those exempted by law.

2. Require each applicant for transfer or reassignment to submit an official child abuse clearance statement 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 has already obtained an official child abuse clearance statement.

The Superintendent or designee shall annually inform students, parents/guardians and staff regarding the contents of this Board policy. District staff shall annually receive notice of their responsibility for reporting child abuse and student abuse in accordance with Board policy and administrative regulations.

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. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.

2. Provisions of the Professional 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.

CHILD ABUSE BY PERPETRATOR

Duty To Report

School employees who in the course of 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 medical, professional, or other training and experience, that a child under the care, supervision, guidance or training of district employees is a victim of child abuse, including child abuse by an individual who is not a perpetrator.

Except as stated in law, 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 school employee required to report suspected child abuse who, acting in an official capacity, prevents or interferes with the making of a report of suspected child abuse commits a misdemeanor of the first degree.

A school employee or official required to report suspected child abuse or make a referral to the appropriate authorities who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second 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, 800-932-0313, 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 EMPLOYEES

Duty to Report

A school employee shall immediately contact the principal or 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 principal or administrator, the school

employee shall immediately report to the Superintendent and law enforcement officials and the district attorney.

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

A school employee or principal/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.

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 or administrator’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 or administrator 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 or administrator'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.