



# Evergreen Community Charter School

Section: 800 Operations

Title: Child Abuse

Number: 806

Last Revised: February 28, 2019

## **Purpose**

The Board is committed to protecting the physical and mental well-being of its students and school community. Evergreen's Board requires all employees 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 laws and the School Code.

## **Definitions**

**Child Abuse** – Intentionally, knowingly or recklessly doing 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 essential 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 Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.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 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.

**Perpetrator** – A person who has committed child abuse and is a parent 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. An individual residing in the same home as a child is a person who is fourteen (14) years of age or older and who resides in the same home as the child. A person responsible for the child’s welfare is an individual who provides permanent or temporary care, supervision, and control. The term does not include a person who is employed by or provides services or programs in any public school, or intermediate unit.

**County Agency** – The county children and youth services agency supervised by the Department of Public Welfare under the Public Welfare Code.

**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 public school, or intermediate unit. The term includes a person responsible for employment decisions in a school. The Director will serve as the administrator under this policy.

**School Employee** – An individual employed by a public school or intermediate unit. The term excludes an individual who has not direct contact with students.

**Student** – An individual enrolled in a public or private school or intermediate unit who is under eighteen (18) years of age.

### **Delegation of Responsibility**

The Director shall require each candidate for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as require by law.

School employees shall obtain and submit new certifications every sixty (60) months.

The Director shall annually notify staff of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

**The Direction 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 by posted in a high-traffic, public area of the school. The designated area shall be readily accessible and widely used by students.**

The Director shall inform student, parent/guardian, and staff regarding the contents of this Board policy, annually.

## **Guidelines**

### **Training**

Evergreen shall provide its 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. School 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.

### **Duty to Report**

School employees 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 school employee 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 is directly responsible for the care, supervision, guidance or training of the child.
3. A person makes a specific disclosure to a school employee 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 that s/he has committed child abuse.

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

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

### **Reporting Procedures**

School employees 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)) 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.

A school employee who makes a report of suspected child abuse shall immediately, after making the initial report, notify the **Director** and if the initial report was made electronically, also provide the **Director** with a copy of the report confirmation.

When a report of suspected child abuse is made by a school employee as required by law, the School 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 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 **Director** with a copy of the report confirmation promptly after the written electronic report has been filed.

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 **Director** shall be notified whenever such photographs are taken.

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

### **Investigation**

The **Director** shall facilitate the cooperation with the Department of Human Services of the Commonwealth 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, the **Director** shall immediately implement a plan of supervision or alternative arrangement that has been approved by the **Board** for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.

Legal

23 Pa.C.S.A.6301

23 Pa.C.S.A.6303

24. P.S. 1205.6

24. P.S.111