

Sylvan Height Science Charter School

Policy Number: 806

Policy Title: Child Abuse

Approved: March 21, 2016

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Authority

The Board requires school 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.

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.

Bodily injury - impairment of physical condition or substantial pain.

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

Child abuse - 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 at a location while a violation of 18 Pa. C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, 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: Is required to register as a Tier II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (Megan's Law), where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed; has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (Megan's Law) or any of its predecessors; or has been determined to be a sexually violent delinquent child as defined in 42 Pa. C.S. § 9799.12 (Megan's Law).
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.

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 child's parent or by a person responsible for the welfare of a child for purposes of supervision, control or safety, provided that the use of force:

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 paraphernalia or other dangerous objects that are on the person of the child or in the child's control.

This law includes other limited exclusions from the definition of child abuse. When in doubt about the application of any exclusion, the school employee, independent contractor or volunteer shall report the suspected child abuse.

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

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

Perpetrator – A person who has committed child abuse and is:

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. An individual fourteen (14) years of age or older who is responsible for the child's welfare or has direct contact with the child as an employee of child-care services, a school or through a program activity or service;
5. An individual fourteen (14) years of age or older who resides in the same home as the child;
6. An individual eighteen (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; or
7. An individual eighteen (18) years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under the law.

Only the following may be considered a perpetrator solely based upon a failure to act:

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. An adult responsible for the child's welfare; or
5. An adult 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. The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.

Program, activity or service - a public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. An 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.

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 a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or support personnel unless the administrative or other support personnel have direct contact with children.

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.

Paragraph 1, 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 school under eighteen (18) years of age.

Volunteer - an individual in an unpaid position with a program, activity or service who is responsible for the welfare of one or more children or has direct contact with children.

Delegation of Responsibility

In accordance with Sylvan Heights Science Charter School (“the School”) policy, the Principal / Chief Academic Officer (“CAO”) or designee shall:

1. Require each candidate for employment to submit an official child abuse clearance statement and other background checks as required by law.
2. Require each applicant for transfer or reassignment to submit an official child abuse clearance statement and other background checks as required by law unless the applicant is applying for a transfer from one position as a school employee to another position as a school employee of the School and the applicant's official child abuse clearance statement and other background checks as required by law are current.
3. Require each volunteer to submit an official child abuse clearance statement and other background checks as required by law.

School employees, independent contractors and volunteers shall obtain and submit new background checks and child abuse clearances every sixty (60) months.

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

The Principal/CAO or designee shall ensure that the poster, developed by the Pennsylvania 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 the school. The designated area shall be readily accessible and widely used by students.

The Principal/CAO or designee shall annually notify the School staff, independent contractors, and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

Guidelines

Training

The School, and independent contractors of the School, shall provide its/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. 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.

The School 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:

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 s/he 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.

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 commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse. Except as stated in law, the privileged communications between any professional person required to report and the patient or client of that person does not apply to situations involving child abuse and shall not relieve the person of the duty to make a report of such child abuse.

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action up to and including termination 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 up to and including termination 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 up to and including termination 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, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies (<https://www.compass.state.pa.us/cwis/public/home>) 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 School with a written record of the report.

A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the Principal/CAO and if the initial report was made electronically, also provide the Principal/CAO with a copy of the report confirmation.

When a report of suspected child abuse is made by a school employee, independent contractor or volunteer 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, 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 Principal/CAO with a copy of the report confirmation promptly after the written electronic report has been filed.

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

The reporting obligations and deadlines in this paragraph apply whether or not school is in session.

Investigation

The Principal/CAO 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.

In consultation with the school nurse, the school employee, independent contractor or volunteer 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 and relevant medical tests taken 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. Medical summaries or reports of the photographs and relevant medical

tests shall be made available to law enforcement in the course of their investigation as stated in the law.

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 in violation of the law.

This prohibition applies only to assistance that extends beyond performance of normal processing of personnel matters including routine transmission of administrative and personnel files. This prohibition shall not apply if:

1. The relevant information has been properly reported to law enforcement officials any other authorities as required by federal, state, or local law; and
2.
 - A. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause;
 - B. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
 - C. The case or investigation remains open and there have been no charges 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 a law enforcement agency.

Upon notification that an investigation involves suspected child abuse by a school employee, the Principal/CAO shall immediately implement a plan of supervision or alternative arrangement for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.

References:

24 P.S. § 111, 1301-A et seq., 1205.6

24 P.S. § 1527

24 P.S. § 2070.1 et seq.

18 Pa. C.S.A. § 4303

18 Pa. C.S.A. § 4906.1

18 Pa. C.S.A. § 4958

18 Pa. C.S.A. § 7508.2

23 Pa. C.S.A. § 6301 et. seq.

42 Pa. C.S.A Sec. 5945

42 Pa. C.S.A. § 9795.1, 9795.4, 9798.1, 9799.12, 9799.24

42 Pa. C.S.A. § 9795.4

42 Pa. C.S.A. § 9798.1

42 Pa. C.S.A. § 9799.12

42 Pa. C.S.A. § 9799.24

22 Pa Code Sec. 10.1 et. seq.
55 Pa Code Sec. 3490.1 et. seq.

Board Policies – 907, 907.1 and 916