

Palmyra Area School District

SECTION: OPERATIONS

TITLE: CHILD ABUSE REPORTING

ADOPTED: NOVEMBER 9, 1995

REVISED: JANUARY 11, 2007
AUGUST 14, 2014
JULY 16, 2015

806. CHILD ABUSE REPORTING	
1. Purpose 23 Pa. CSA 6301	<p>The purpose of this policy is to provide for compliance with the Child Protective Services Law, as amended (“CPSL”). Under the CPSL, school employees have an obligation to report instances of child abuse. The actions which are necessary to comply with the CPSL are set forth in this policy.</p> <p>The CPSL contains many defined terms which are also utilized in this policy.</p>
2. Definition	<p>“Bodily injury” - Impairment of physical condition or substantial pain.</p> <p>“Child abuse” - The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:</p> <ol style="list-style-type: none">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;<ol style="list-style-type: none">a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers a childb. 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 year of age.
 - d. Forcefully slapping or otherwise striking a child under one 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:
 - i. is required to register as a tier ii or tier iii sexual offender under 42 Pa.C.S. Ch.97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - ii. has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - iii. has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
9. Causing the death of the child through any act or failure to act.
- a. Restatement of culpability-Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.
 - b. Child abuse exclusions-The term "child abuse" does not include any conduct for which an exclusion is provided in section 6304 (relating to exclusions from child abuse).

“Childline” - The Intake Unit (800-932-0313) or website address <https://www.compass.state.pa.us/cwis> that is available 24 hours per day, seven days per week to receive reports of suspected child abuse. Any school employee who, in the course of their employment, occupation or practice as a professional, shall report immediately to Superintendent of the School District when they have reasonable cause to suspect that a child under their care, supervision, guidance or training is a victim of child abuse. The Superintendent or the Superintendent’s designee shall then immediately report the suspected child abuse to Childline. If a school employee reasonably suspects that a student is a victim of child abuse, sexual abuse or sexual exploitation by the Superintendent, the school employee shall immediately report to Childline.

“Cooperation with an investigation or assessment” – includes, but is not limited to, permitting authorized personnel from the Department or county agency to interview a student while the student is in attendance at school.

“County Agency” – The Lebanon County Children and Youth Services.

“Department” – The Department of Human Services of the Commonwealth.

“Electronic technologies” – The transfer of information in whole or in part by technology having electrical, digital, magnetic, wireless, optical, electromagnetic, photo-electronic or photo-optical systems, or similar capabilities. The term includes, but is not limited to, e-mail, Internet communication, or other means of electronic transmission.

“Electronic reporting” –

1. Departmental procedures - The department shall establish procedures for the secure and confidential use of electronic technologies to transmit information under this chapter, including:
 - a. the filing of reports and other required records, including those of the county agency; and
 - b. the verification of records and signatures on forms.
2. Confirmation of reports. A confirmation by the department of the receipt of a report of suspected child abuse submitted electronically shall relieve the person making the report of making an additional oral or written report of suspected child abuse, subject to section 6313 (relating to reporting procedure).
3. Effect on other law. Nothing in this chapter shall be construed to supersede the act of December 16, 1999 (P.L.971, No.69), known as the Electronic Transactions Act. Any procedures developed by the department under this section shall comply with all applicable Federal and State laws regarding confidentiality of personally identifiable information.

“Family Members” – Spouses, parents and children or other persons related by consanguinity or affinity.

“Individual residing in the same home as the child” – An individual who is fourteen (14) years of age or older and who resides in the same home as the child.

“Perpetrator” – A person who has committed child abuse as defined in this section.

The following shall apply:

1. The term includes only the following:
 - a. A parent of the child.
 - b. A spouse or former spouse of the child's parent.
 - c. A paramour or former paramour of the child's parent.
 - d. A person 14 years of age or older and responsible for the child's welfare.
 - e. An individual who is 14 years of age or older who resides in the same home as the child.
 - f. An individual 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

<p>3. 23 Pa. C.S. SC 6303(a)</p>	<p>consanguinity or affinity by birth or adoption to the child.</p> <p>2. Only the following may be considered a perpetrator for failing to act, as provided in this section:</p> <ol style="list-style-type: none"> a. A parent of the child. b. A spouse or former spouse of the child's parent. c. A paramour or former paramour of the child's parent. d. A person 18 years of age or older and responsible for the child's welfare. e. A person 18 years of age or older who resides in the same home as the child. <p>“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</p> <p>“School Employee” – An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes an individual who has no direct contact with children.</p> <p>“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.</p> <p>“Serious Mental Injury” – A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:</p> <ol style="list-style-type: none"> 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. <p>“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:</p> <ol style="list-style-type: none"> 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. <p>“Sexual Abuse or Sexual Exploitation”</p> <ol style="list-style-type: none"> 1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually
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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.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.

2. Any of the following offenses committed against a child:

- a. Rape, as defined in 18 Pa.C.S. § 3121 (relating to rape).
- b. Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- c. Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- d. Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- e. Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- f. Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- g. Indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).
- h. Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
- i. Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).
- j. Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
- k. Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- l. Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
- m. Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to 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.

Mandated Reporting

OBLIGATION OF SCHOOL EMPLOYEES TO REPORT CONDUCT

<p>4. 23 Pa. C.S. SC 6311</p>	<p>COMMITTED BY PERSONS WHO ARE NOT SCHOOL EMPLOYEES</p> <p><u>Duty of School Employees</u></p> <p>School employees have an obligation to report to the county agency when, based upon their medical, professional or other training and experience, they have reasonable cause to suspect that a child coming before them in their professional or official capacity is a victim of child abuse.</p> <p>The reporting obligation with respect to conduct by a non-school employee arises when the school employee has reasonable cause to suspect that the child, because of acts or omissions of a perpetrator, has been subjected to, or is in imminent risk of, serious physical injury, serious mental injury, sexual abuse or exploitation or serious physical neglect. The reporting obligation arises notwithstanding that the information is received by the school employee in confidence.</p> <p><u>Reports should be made based on our Mandated Reporting Guidelines</u></p> <p>Oral reports. Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine at 1-800-932-0313.</p> <p>Written reports. Written reports of suspected child abuse shall be made immediately by internet to Department of Human Services at https://www.compass.state.pa.us/cwis.</p> <p><u>Investigation: Obligation to Cooperate</u></p> <p>The school district and each school employee shall cooperate with the county agency and the Department in any investigation or assessment by providing upon request such information as is consistent with law. Such cooperation shall include permitting authorized personnel from the county agency or the Department to interview a student while the student is in attendance at school.</p> <p>IMMUNITY</p> <p>A school employee who refers or makes a report under the CPSL shall be immune from civil and criminal liability arising out of the report. In a civil or criminal proceeding, the good faith of the person required to report pursuant to the CPSL is presumed.</p>
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