

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS
 TITLE: CHILD/STUDENT ABUSE
 ADOPTED: August 19, 2002
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 May 20, 2013
 December 15, 2014
 October 19, 2015

806. CHILD/STUDENT ABUSE	
<p>1. Purpose</p>	<p>Child abuse is a tragic reality within Pennsylvania, and the Board recognizes the District’s role in reporting all instances of suspected child abuse, including abuse and/or sexual misconduct by school employees.</p>
<p>2. Authority 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq</p>	<p>This Policy establishes procedures for the mandatory reporting of suspected child abuse in compliance with the PA Child Protective Services Law (CPSL) as well as the mandatory reporting by educators of sexual abuse, sexual exploitation or sexual misconduct under the Educator Discipline Act.</p> <p>The Superintendent or designee is authorized to develop administrative regulations, consistent with Pennsylvania law and this Policy, in order to effectively ensure the proper implementation of this Policy throughout the District.</p>
<p>3. Definitions 23 Pa. C.S.A. 6303</p>	<p>Child Abuse – the definition of this term shall be consistent with the current, legally-applicable definition under the CPSL.</p> <p><u>Certified Volunteer</u> – a volunteer who has satisfied the certification requirements under the Child Protective Services Law</p> <p>Direct Contact with Children – for the purposes of this Policy, this term, consistent with the CPSL, shall mean “the care, supervision, guidance or control of children or routine interaction with children.”</p> <p><u>Direct Volunteer Contact</u> – the care, supervision, guidance or control of children and routine interaction with children.</p> <p><u>Routine Interaction</u> – regular and repeated contact that is integral to a person's employment or volunteer responsibilities.</p> <p>School Employee – aAny individual employed by the District who provides a program, activity or service sponsored by a District and has or may have direct contact with children during the course of his/her employment. <u>This term includes</u></p>

4. Delegation of Authority

independent contractors who have direct contact with children.

The Superintendent or designee shall have the authority to draft administrative regulations containing specific procedural requirements regarding mandated child abuse reporting by school employees, child abuse clearances for school employees, and rules and regulations for school volunteers, including, but not limited to clearance requirements and procedures for “certified volunteers.”

45. Guidelines and Requirements

ANNUAL PROVISION OF WRITTEN MANDATORY REPORTING PROCEDURES TO ALL SCHOOL EMPLOYEES

All school employees shall be provided, on an annual basis, a copy of the required mandatory reporting procedures, which shall be consistent with this Policy and shall include the following:

- The current definition of “child abuse” under the CPSL;
- Procedures for reporting suspected abuse, consistent with this Policy, including specific procedures for providing notification to the building principal;
- Procedures and definitions pertaining to the mandatory reporting by educators of sexual abuse, sexual exploitation or sexual misconduct under the Educator Discipline Act;

TRAINING OF DISTRICT EMPLOYEES

All District employees who come into contact with children shall receive training regarding child abuse recognition and reporting, which shall include training on the following legally-required topics:

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct under the CPSL.
2. The requirements of the "Professional Educator Discipline Act," including mandatory reporting requirements.
3. District’s policies related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

The Superintendent or designee shall be responsible for ensuring the proper

24 P.S. §12-1207.6

<p>23 Pa. C.S.A. 6311 42 Pa. C.S.A. 5945</p>	<p>enforcement of these training requirements as well as ensuring that the training provided is in full compliance with the requirements of Act 126 and provides training on all of the above-listed topics, as mandated by Act 126.</p> <p style="text-align: center;"><u>DUTY TO REPORT CHILD ABUSE</u></p> <p>All school employees and volunteers have a duty and legal responsibility to report all instances where the employee has reasonable cause to suspect that a child is the victim of child abuse.</p> <p>Professional privilege and/or promises / assurances of confidentiality to the student do not apply to any situations involving suspected abuse and do not relieve a mandated reporter of the duty to make a report of suspected child abuse.</p>
<p>23 Pa. C.S.A. 6313</p>	<p style="text-align: center;"><u>REPORTING PROCEDURES</u></p> <p>The legally-required Child Abuse reporting procedures are comprised of a 3-step process:</p> <p>STEP 1: Initial Report</p> <p>School employees and volunteers with reasonable cause to suspect child abuse are required to immediately report such suspicions to the Department of Human Services (formerly Department of Public Welfare) via the statewide toll-free child abuse reporting hotline (800-932-0313) <u>or</u> make an electronic report via the DHS online reporting system. If an electronic report is made, the reporting employee must secure a copy of the confirmation page, which confirms transmission of the report to DHS. If such confirmation is not provided, the report must be re-submitted until such confirmation is obtained, or the report must be made via the oral reporting hotline.</p> <p>All employees and volunteers with independent reason to suspect abuse (i.e., whose reason to suspect child abuse does not arise exclusively from another employee’s suspicion) shall be required to make the mandatory report to DHS regardless of whether a report has been made by another school employee regarding the same child.</p> <p>STEP 2: Notification of Building Principal/Designee</p> <p>Once the initial report has been made to DHS via telephone hotline or online reporting system, such individual is required to then immediately notify the building principal/designee of the child’s school. In such instances, the building principal/designee is not required to file a separate report of suspected abuse to DHS unless the principal/designee has reason to suspect child abuse independent of the employee’s report. The building principal/designee shall be responsible for the</p>

facilitation of the school's cooperation in the investigation process, including, but not limited to, facilitating interviews with the child and staff members.

Each building is required have a consistent established procedure for the immediate notification of the building principal/designee by an employee reporting suspected child abuse. It shall be the responsibility of the Superintendent or designee to determine the proper manner in which notification to the building principal/designee must be made under this Policy, which may be standardized in all District buildings or be independently established in each school building.

STEP 3: Written/Online Report (only necessary where oral report was made in Step 1)

If the initial report was made via the child abuse reporting hotline, a written report (either electronic or physical report) must be submitted within 48 hours of the initial oral report. If an electronic report is made, the reporting employee must secure a copy of the confirmation page, which confirms transmission of the report to DHS. If such confirmation is not provided, the report must be re-submitted until such confirmation is obtained, or the employee must provide a physical written report.

Where Suspected Abuser is the Building Principal:

In cases where the suspected abuser is the building principal, employees reporting suspected abuse are required to report the suspected abuse directly to the Superintendent.

REPORTS OF SUSPECTED ABUSE BY SCHOOL EMPLOYEES AND/OR SCHOOL VOLUNTEERS

The building principal must immediately notify the Superintendent of all reports of suspected abuse by a school employee and/or a school volunteer. The Superintendent, upon receiving such notice, shall contact the District's legal counsel and authorize a thorough investigation into the allegations of abuse. This shall occur in addition to the legally-required mandatory reporting requirements to the PA Department of Human Services set forth under the law and in this Policy. This investigation process may not affect or delay the required reporting procedures set forth in the Child Protective Services Law and this Policy.

CONFIDENTIALITY OF REPORTS

All reports of suspected child abuse shall remain confidential, and the release of data by the school that would identify the individual who made a report of suspected child abuse and/or who cooperated in a child abuse investigation is strictly prohibited. Information regarding child abuse reporting may be shared with the building principal/designee and the Superintendent, as permitted under this Policy.

23 Pa. C.S.A.
6339

<p>24 P.S. §1-111 23 Pa. C.S.A. 6344</p>	<p style="text-align: center;"><u>EMPLOYEE CLEARANCES</u></p> <p>School employees shall be subject to the requirements of 24 P.S. §1-111 and §1-111.1 and shall, in addition, be required to submit to the District, prior to employment, certification from the PA Department of Human Services as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated child abuse report.</p> <p>Every 36-60 months, as required by law, school employees shall be required to obtain and produce updated clearances required in 24 P.S. 1-111 as well as the statewide database certification from the PA Department of Welfare indicated above. <u>The 60-month period shall be determined by the date of the oldest of the individual's oldest clearance. All clearances must be updated within 60 months of the date of the individual's oldest clearance.</u></p> <p><u>It shall be the responsibility of each school employee to keep track of their clearance expiration date and to obtain and produce to the Human Resources Department updated clearances within the required timeframe. Employees may not continue to be employed in a position with direct contact with children without properly-updated clearances.</u> It shall be the responsibility of the Human Resources Department to ensure, <u>on behalf of the District,</u> that all employees have produced and the District has maintained the required clearances. Any employee whose clearances have not been renewed within the 3660-month timeframe shall be subject to discipline, up to and including termination. At no time may an employee with lapsed clearances work in a position with direct contact with children. The Human Resources Department shall provide notice to each employee, in writing, of the required renewal date not more than twelve (12) months and not less than six (6) months prior to the date of the employee's required renewal.</p> <p>The information provided and compiled under this section, including, but not limited to, the names, addresses and telephone numbers of applicants/employees, shall not be subject to the PA Right to Know law (65 P.S. § 67.101 et seq.).</p>
<p>23 Pa. C.S.A. §6344.2</p>	<p style="text-align: center;"><u>VOLUNTEERS</u></p> <p>Volunteers who, on the basis of their role as an integral part of a regularly scheduled program, activity or service, accept responsibility for a child are legally required to report where the volunteer has reasonable to suspect that the child is a victim of child abuse, in their role as volunteer, are responsible for a child's welfare or have <u>"direct volunteer contact"</u> (as defined above) with children are required to be <u>"certified volunteers."</u></p> <p><u>Volunteers who served as approved volunteers prior to July 1, 2015 [EG1] and who meet the requirements of a "certified volunteer" but do not have the requisite</u></p>

background checks, must fulfill the "Affidavit Requirement," as set forth, below, and must obtain the required clearances by no later than July 1, 2016.

All-Certified volunteers are required to produce the following clearances/background checks:

- (1) **PA State Police Criminal History Report** – Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).
- (2) **Department of Human Services Child Abuse Certification** – A certification from the Department of Human Services as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report.

Volunteers who have resided outside of the Commonwealth of Pennsylvania within the past ten (10) years and those who do not meet the requirements for exemption from the Federal criminal history record information are required to submit to a third background check requirement:

- (3) **FBI Criminal History** – Submission of a full set of fingerprints to the PA State Police for the purpose of a record check, and the PA State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identify of the applicant and obtaining a current record of any criminal arrests and convictions.

Requirements for exemption of the third requirement (FBI Criminal History):

- (1) The position for which the individual is being considered is an unpaid, volunteer position;
- (+) AND
- (2) The prospective volunteer has been a Pennsylvania resident for the past ten years.

Where an individual who has lived in PA for less than ten years but is able to produce a valid FBI Criminal History report that was conducted within the time that the individual was a PA resident, the District shall accept such report as fulfilling the volunteer's certification requirement.

23 Pa. C.S.A.

Clearances/background checks for volunteers may not be older than 60 months, and

6301, *et. seq.*

volunteers who are required to be “certified volunteers,” under this Policy, shall be required to provide updated clearances within 60 months of the date of the volunteer’s oldest clearance.

~~The prospective Affidavit Requirement – In addition to the background check/clearance process, all volunteers who are required to be “certified volunteers,” as per this Policy, affirm~~shall be required to affirm, in writing, that ~~he/she/they is-are~~ not disqualified from service under 23 P.S. 6344(c) (Grounds for denying employment or participation in program, activity or service) and/or has not been convicted of an offense similar in nature to the crimes listed in 6344(c) under the laws or former laws in the United States or abroad. Non-disclosure of relevant criminal history or falsification of any information contained within the affidavit shall constitute grounds for immediate termination of the individual’s right to serve as a volunteer within the school, and the District retains the right to take legal action against such individual and/or report such falsification to the police.

~~Volunteers who reside outside of Pennsylvania shall be permitted to serve on a provisional basis for a single period of up to 30 days if the volunteer provides documentation that the volunteer is in compliance with the clearance standards under the law of the jurisdiction where the volunteer resides.~~

COUNTY AGENCY CHILD ABUSE INVESTIGATIONS INVOLVING DISTRICT EMPLOYEES

Upon notification by a state or county agency that a child abuse investigation involves suspected child abuse by a District employee, including, but not limited to, a service provider, independent contractor or administrator, the building principal shall immediately notify the Superintendent and implement a plan of supervision or alternative arrangement for the individual under investigation. As required by law, such plan of supervision or alternative arrangement must be approved by the county agency and kept on file with the agency until the investigation is completed.

References:

- PA Department of Human Services (Formerly PA Department of Public Welfare) Regulations – 55 PA Code Sec. 3490.1 et seq.
- Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304
- Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.
- Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945
- Registration of Sex Offenders – 42 Pa. C.S.A. Sec. 9795.1, 9795.4, 9798.1
- Board Policy – 302, 303, 317, 404, 405, 417, 504, 505, 517