

WILSON AREA
SCHOOL DISTRICT

SECTION: STUDENTS

TITLE: Child/Student Abuse
Policy #5145

<p>1. Authority 23 Pa. C.S.A. 6301</p> <p>2. Definitions</p>	<p>The Board adopts this policy to affirm district employees' obligation to assist in identifying possible child abuse as well as victimization of students by other school employees, and to establish procedures for reporting such in compliance with the Child Protective Law of 1999 and its amendments.</p> <p>The following definitions are for purposes of this policy.</p> <p>CHILD – A person under 18 years of age.</p> <p>CHILD ABUSE – This term means any of the following:</p> <ul style="list-style-type: none">A. Any recent act or failure to act by a perpetrator, which causes non-accidental serious physical injury to a child.B. An act of failure to act by a perpetrator, which causes non-accidental serious mental injury to or sexual abuse or exploitation of a child.C. A recent act, failure to act or series of acts or failures to act by a perpetrator, which creates an imminent risk of serious physical injury to or sexual abuse or exploitation of a child.D. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning. <p>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.</p> <p>CHILDLINE – An organizational unit of the Department, which operates a Statewide toll-free system for receiving reports of suspected child abuse, established under section 6332 of the CPSL (relating to establishment of Statewide toll-free telephone number), refers the reports for investigation and maintains the reports in the appropriate file. In addition, it also receives reports of student abuse under Subchapter C.1 of the CPSL (relating to students in public and private schools).</p> <p>SERIOUS BODILY INJURY – Injury, which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body 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 does either of the following:</p>
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1. Renders the 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 the child's ability to accomplish age-appropriate developmental and social tasks.

SERIOUS PHYSICAL INJURY – An injury that does either of the following:

1. Causes the child severe pain.
2. Significantly impairs the child's physical functioning, either temporarily or permanently.

SERIOUS PHYSICAL NEGLECT – A physical condition caused by the act or failure to act of a perpetrator which endangers the child's life or development or impairs the child's functioning and is the result of one of the following:

1. Prolonged or repeated lack of supervision
2. Failure to provide essentials of life, including adequate medical and dental care.

SEXUAL ABUSE OR EXPLOITATION – Any of the following if committed on a child by a perpetrator:

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct.
2. A simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct.

A. Any of the following offenses as defined by the crimes code:

1. Rape as defined by section 3121 (relating to rape).
2. Statutory sexual assault as defined by section 3122.1 (relating to statutory sexual assault).
3. Involuntary deviate sexual intercourse as defined by section 3123 (relating to involuntary deviate sexual intercourse).
4. Sexual assault as defined by section 3124.1 (relating to sexual assault).
5. Aggravated indecent assault as defined by section 3125 (relating to aggravated indecent assault).
6. Indecent assault as defined by section 3126 (relating to indecent assault).
7. Indecent exposure as defined by section 3127 (relating to indecent exposure).
8. Incest as defined by section 4302 (relating to incest).
9. Prostitution as defined by section 5902 (relating to prostitution and related offenses).

<p>3. Guidelines</p> <p>23 pa. C.S.A. 6311 42 Pa. C.S.A. 5945</p>	<p>B. Exploitation which includes any of the following:</p> <ol style="list-style-type: none">1. Looking at sexual or other intimate parts of a child for the purpose of arousing or gratifying sexual desire in another person.2. Engaging or encouraging a child to look at the sexual or other intimate parts of another person for the purpose of arousing or gratifying sexual desire in any person involved.3. Engaging or encouraging a child to participate in sexually explicit conversation either in person, by telephone, by computer or by a computer aided device. <p>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 the 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 who resides in the same home as the child.</p> <p style="text-align: center;">CHILD ABUSE BY THE PERPETRATOR</p> <p><u>Duty to Report</u> School employees who in the course of their 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 their medical, professional, or other training and experience, that a child coming before them in their professional or official capacity is an abused child.</p> <p>School employees required to report suspected child abuse shall include but are not limited to school administrator, schoolteacher, and school nurse.</p> <p>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.</p> <p>A person or official required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.</p> <p><u>Reporting Procedures</u> School employees who have a reasonable suspicion of child abuse shall immediately notify the school principal or designee. Upon notification, the principal or designee shall report the suspected child abuse.</p> <p><u>Investigation</u> 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.</p>
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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 EMPLOYEE

Duty to Report

In all instances involving suspected abuse by a school employee, the Superintendent serves as the administrator. A school employee shall immediately contact the 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 administrator, the school employee shall immediately report to law enforcement officials and the district attorney.

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

A school employee or 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. A school employee who, after being sentenced for such a violation, does so again, commits a misdemeanor of the third degree.

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 administrator 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 or guardian; name and address of the administrator; 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.

	<p>The school employee making a report of student abuse or injury by another employee shall not reveal the existence of content of the report to any person other than those to whom reporting is required under this policy.</p> <p>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.</p> <p>The 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 administrator 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.</p> <p style="text-align: center;">CLEARANCE STATEMENT/EMPLOYMENT CONDITIONS</p> <p>The Superintendent shall require each applicant for employment to submit an official clearance statement issued within the preceding year by the Department of Public Welfare. Such clearance statements include information as to whether the applicant, including covered employee, is named as: the perpetrator of an indicated or a founded report related to child abuse; or as the individual responsible for injury or abuse to a student(s) in an indicated report for school employee or a founded report for school employee.</p> <p>No applicant may be hired who is named as the perpetrator in a founded report or is named as an individual responsible for injury or abuse in a founded report for school employee. The school district has direction as to whether or not to hire someone who has been named on an indicated report.</p> <p>The requirement to submit an official clearance statement does not apply to a school employee under age 18, participating in job development or training program who is employed for not more than ninety (90) days.</p>
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