

KUTZTOWN AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED: July 15, 1991

REVISED: March 18, 1996
August 1, 2011
March 19, 2012

<ol style="list-style-type: none"> 1. Authority 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq 2. Definitions 23 Pa. C.S.A. Sec. 6351, 6354 23 Pa. C.S.A. Sec. 6354 23 Pa. C.S.A. Sec. 6303 	<p style="text-align: center;">806. CHILD/STUDENT ABUSE</p> <p>The Board adopts this policy to affirm district employees' obligation to assist in identifying and reporting possible child or student abuse, and to establish procedures for reporting such in compliance with law.</p> <p>Administrator – the Superintendent will serve as the administrator under this policy.</p> <p>Child Abuse - means any of the following:</p> <ol style="list-style-type: none"> 1. Any recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under eighteen (18) years of age. 2. Any act or failure to act by a perpetrator which causes nonaccidental 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 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>
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<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Perpetrator - a person who has committed child abuse and is a parent/guardian 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/guardian. The term does not include a person who is employed by or provides services or programs in district schools.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>School Employee - an individual employed by the district school. The term includes an independent contractor and its employees.</p>
<p>23 Pa. C.S.A. Sec. 6303</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>23 Pa. C.S.A. Sec. 6303</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. 2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Serious Physical Injury - an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Sexual Abuse or Exploitation - includes any of the following: the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in any sexually explicit conduct or simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming of any sexually explicit conduct; or any of the following offenses committed against a child: rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, sexual abuse or sexual exploitation.</p>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p>Student - an individual enrolled in a district school.</p>

3. Guidelines	CHILD ABUSE BY PERPETRATOR
<p>23 Pa. C.S.A. Sec. 6311, 6313</p>	<p style="text-align: center;"><u>Duty To Report</u></p> <p>All 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 medical, professional, or other training and experience, that a child under the care, supervision, guidance or training of district employees is a victim of child abuse.</p>
<p>23 Pa. C.S.A. Sec. 6311 42 Pa. C.S.A. Sec. 5945</p>	<p>Except as required by law, privileged communications between any district employee and a student shall not apply to situations involving child abuse and shall not constitute grounds for failure to report suspected child abuse.</p>
<p>23 Pa. C.S.A. Sec. 6311</p>	<p>A school employees required to report suspected child abuse who, acting in an official capacity, prevents or interferes with the making of a report of suspected child abuse violates this policy, as well as the Child Protective Services Law.</p>
<p>23 Pa. C.S.A. Sec. 6318</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>The school employee making a report of student abuse or injury shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.</p>
	<p style="text-align: center;"><u>Reporting Procedures</u></p> <p>School employees who suspect child abuse shall immediately notify the school principal or designee. Upon notification, the principal shall report the suspected child abuse to the Superintendent or designee, who in turn will report the suspected child abuse as provided below.</p>
<p>23 Pa. C.S.A. Sec. 6313</p>	<p>Reports of child abuse shall immediately be made by telephone to the Childline Abuse Registry and in writing to the Berks County Children and Youth Agency within forty-eight (48) hours after the oral report.</p>
<p>23 Pa. C.S.A. Sec. 6346</p>	<p style="text-align: center;"><u>Investigation</u></p> <p>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>

<p>23 Pa. C.S.A. Sec. 6314</p>	<p>The Superintendent or designee may take or cause to be taken photographs of the child who is subject to a report.</p>
<p>STUDENT ABUSE BY SCHOOL EMPLOYEE</p>	
<p><u>Duty To Report</u></p>	
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>A school employee shall immediately contact the principal or designee 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 Student abuse by a school employee. In turn, the principal or designee shall immediately report the suspected student abuse to the Superintendent or designee.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>If the accused school employee is the principal, the school employee shall immediately report to the Superintendent or designee.</p>
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The Superintendent or designee who receives a report from a school employee or who has independent cause to suspect student abuse shall immediately report to law enforcement officials and the appropriate district attorney. The Superintendent or designee shall exercise no discretion but has an absolute duty to report when receiving notice from a school employee.</p>
<p>23 Pa. C.S.A. Sec. 6352, 6353</p>	<p>A school employee, principal, or Superintendent or designee who refers a student abuse report shall be immune from civil and criminal liability arising out of the report.</p>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>A school employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report violates this policy and the Child Protective Services Law.</p>
<p><u>Reporting Procedures</u></p>	
<p>23 Pa. C.S.A. Sec. 6353</p>	<p>The Superintendent or designee's 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/guardian; name and address of the principal; 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>
<p>23 Pa. C.S.A. Sec. 6352</p>	<p>The school employee making a report of student abuse or injury shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.</p>

<p>23 Pa. C.S.A. Sec. 6346</p> <p>Pol. 317</p>	<p><u>Investigation</u></p> <p>School officials shall cooperate with law enforcement officials and/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 employee and the principal 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 principal's responsibility, under the direction of the Superintendent, 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>References:</p> <p>Department of Public Welfare Regulations – 55 PA Code Sec. 3490.1 et seq.</p> <p>Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304</p> <p>Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945</p> <p>Registration of Sex Offenders – 42 Pa. C.S.A. Sec. 9795.1, 9795.4, 9798.1</p> <p>Board Policy – 317</p>
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