

**Wissahickon School District**  
**Guidelines For Implementation Of Board Policy No. 806 (“Child Abuse”)**

July 1, 2015

**INTRODUCTION**

On May 26, 2015, the Wissahickon Board of School Directors adopted Board Policy #806 (“Child Abuse”), effective July 1, 2015, in order to comply with the recent amendments to the Pennsylvania Child Protective Services Law and the Pennsylvania Public School Code. All persons who are subject to Policy #806 must review that policy. This document contains the guidelines for implementation of Policy #806 .

**WHO ARE MANDATED REPORTERS?**

School employees and independent contractors serving the School District who have direct contact with children are mandatory reporters under the Child Protective Services Law. “Direct contact with children” is defined as the care, supervision, guidance or control of children or routine interaction with children. “Routine interaction” is defined as regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.

School employees and independent contractors are required to make a report of suspected child abuse if they have a reasonable cause to suspect that a child is a victim of child abuse.

Persons who are mandatory reporters include but are not limited to: teachers, teaching assistances, personal care assistants, support staff, guidance counselors, school psychologists, social workers, administrators, all club and activities advisors, before- and after-school program employees, behavioral health providers, coaches, substitutes, bus contractors, independent contractors and consultants.

Guidance counselors, social workers and school psychologists have an absolute duty to report suspected abuse, with no exceptions for privileged communications.

School volunteers shall immediately report all incidents of suspected child abuse to the supervising teacher.

Persons who are not considered mandatory reporters under the Child Protective Services Law may nevertheless report suspected child abuse as described in these guidelines.

**WHAT CONSTITUTES CHILD ABUSE?**

The following types of conduct (action or failure to act), when intentional, knowing or reckless, constitutes child abuse if the victim is a child (any person under 18 years of age):

- Causing bodily injury (any impairment of physical condition or substantial pain) or creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act
- 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

- 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
- Causing or creating a likelihood of sexual abuse or exploitation of a child through any act or failure to act
- Causing serious physical neglect of a child, including failure to provide essential medical care
- Engaging in any of the following acts within two years from the date of the report:
  - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child
  - Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement
  - Forcefully shaking a child under one (1) year of age
  - Forcefully slapping or otherwise striking a child under one (1) year of age
  - Interfering with the breathing of a child
  - 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)
  - 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 I or Tier II 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); or
    - Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) 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 (relating to definitions)
  - Causing the death of the child through any act or failure to act

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.
- The use of reasonable force by a person responsible for the welfare of the child for the purposes of supervision, control or safety, provided that the use of force:
  - Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;
  - Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;
  - Is necessary to prevent the child from self-inflicted physical harm; or
  - Is necessary to gain possession of weapons, controlled substances or other dangerous objects that are on the person of the child or in the child's control.

## **WHEN IS A REPORT REQUIRED TO BE MADE?**

As a mandated reporter, you must make a report when you have reasonable cause to suspect that a child is a victim of child abuse, whether that suspicion is raised in the course of coming into contact with the child, or by receiving a specific disclosure from another person, including a

confession by a person 14 years of age or older who confesses to having committed child abuse. The child need not come before you, nor are you required to have identified the person responsible for the child abuse in order for you to make a report.

Mandated reporters are not expected to be experts in child abuse. Their role is not to validate suspected abuse before reporting. The trigger for reporting is “reasonable cause to suspect” child abuse.

Although the definition of child abuse includes a number of exclusions, mandated reporters should **not** consider the exclusions when determining whether to report. There are exclusions under the definition of child abuse, **but not to the obligation to report suspected child abuse**. For example, a parent’s failure to consent to essential medical care may, depending on the circumstances, rise to the level of child abuse. The definition of child abuse includes an exclusion for when parents are acting pursuant to bona fide religious beliefs. However, the agency receiving the report makes the determination as to whether the exclusion applies. In other words, in this example, mandated reporters should not consider a parent’s religious beliefs when determining whether a report of suspected child abuse is required for failure to provide essential medical care.

## **STEP-BY-STEP REPORTING PROCEDURES FOR MAKING A REPORT**

School employees and independent contractors must immediately and personally make the child abuse report using the procedures identified below. Additionally, school volunteers shall immediately report all incidents of suspected child abuse to the supervising teacher, who shall personally make a report in accordance with Policy #806 and these Guidelines.

### **Emergency Situations**

If it is an **emergency**, dial 911 or call your local police (and then follow the procedures stated below). An **emergency** is a situation when a child appears to face an immediate threat of abuse and/or neglect that could result in his/her death or serious harm.

### **Non-Emergency Situations**

- **Step 1: Immediate Report:** An immediate report in a non-emergency situation must be made to the Pennsylvania Department of Human Services (“DHS”) (formerly “DPW”) **within 24 hours** of receipt of information related to the suspected child abuse. The report must be made by either:
  - **Electronic report** – Complete a written report of the suspected abuse on the Pennsylvania Child Welfare Portal using the secure web link:  
<https://www.compass.state.pa.us/CWIS/public/home>.
    - You will have to create your own username and password on first login
    - Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing you with a written record of the report. Keep a copy of this report confirmation to provide to the school principal; or
  - **Oral telephone report** - Make an oral report to the **Child Abuse Hotline** which is known as “**ChildLine**” at **(800) 932-0313**. This is a statewide toll-free number that is staffed 24 hours a day, 7 days a week.

- If the immediate report is made orally (not electronically), a written report must be submitted within 48 hours to DHS or the Montgomery County Office of Children & Youth (“OCY”) assigned to the case either:
    - Using DHS’ written report form (CY-47) or
    - Via the electronic Child Welfare Portal.
- **Step 2: Notify the School Principal:** The school employee or independent contractor who makes the report of suspected child abuse shall immediately, after making the initial report, notify the school principal. If the initial report was made electronically, the reporter must also provide the school principal with a copy of the report confirmation. The School Principal shall also immediately notify the local police department and the Montgomery County Detective Bureau of the reported child abuse.
- **Step 3: Notify the Superintendent (or his/her designee):** The school principal shall then immediately notify the Superintendent (or his/her designee) that a child abuse report has been made. If the initial report was made electronically, the school principal shall provide the Superintendent with a copy of the report confirmation.
- **Step 4: Notify Local Law Enforcement:** If the Superintendent reasonably suspects that conduct being reported involved an incident required to be reported under the Safe Schools Act or as otherwise required by law, the Superintendent shall confirm with the School Principal that the conduct has already been reported to local law enforcement and if it has not, shall report the conduct to local law enforcement and the Montgomery County Detective Bureau, in accordance with applicable law, regulations and Board policy.
- **Step 5: Follow-Up Written Report Within 48 Hours:** If the immediate report was made by the school employee or independent contractor orally (not electronically), a written report must be submitted by the school employee or independent contractor who made the initial report within 48 hours to DHS or the OCY assigned to the case on DHS’ written report form or via electronic Child Welfare Portal.

**Only One Report Required:** When a report of suspected child abuse is made by a school employee or independent contractor, the School District 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 or independent contractor is not required to make an additional report.

**Photographs:** When necessary to preserve potential evidence of suspected child abuse, the school principal or his/her designee may, after the initial report is made, take or cause to be taken photographs of the child who is the subject of the report. Any such photographs shall be sent to the county agency at the time the written report is sent or within 48 hours after a report is made by electronic technologies or as soon thereafter as possible.

## **OBLIGATION TO COOPERATE IN INVESTIGATION**

The school principal shall facilitate cooperation by the School District with DHS or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.

Upon notification that an investigation involves suspected child abuse by a School District employee or independent contractor, the school principal shall immediately design and implement a plan of supervision or alternative arrangement for the individual under investigation in order to

ensure the safety of the child and other children who are in the care of the School District. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.

## **PROTECTIONS FOR REPORTING**

Mandated reporters who make a child abuse report are entitled to various protections under the law:

- **Liability Protection:** Any person who in good faith makes a child abuse report, cooperates with a child abuse investigation, testifies in a proceeding arising out of alleged abuse, or takes other actions authorized under the law, such as taking photographs to document suspected child abuse, is immune from criminal and civil liability under Pennsylvania state law. Mandated reporters are presumed to have acted in good faith.
- **Protection From Retaliation:** The School District shall not discriminate or retaliate against any person with respect to compensation, hiring, tenure terms, conditions or privileges of employment as a result of making a report of suspected child abuse, as long as the report was made in good faith.

## **PENALTIES FOR FAILING TO REPORT**

Mandatory reporters who willfully fail to make a required report of suspected child abuse are subject to severe criminal penalties, including fines and incarceration.

## **FALSE REPORTS**

Mandated reporters who intentionally or knowingly make a false report of child abuse or intentionally or knowingly induce a child to make a false claim of child abuse may be subject to disciplinary action and criminal prosecution.

## **MANDATED REPORTER TRAINING**

Section 1205.6 of the School Code requires that the School District and independent contractors of the School District provide training on child abuse recognition and reporting to their employees who have direct contact with children. The mandated training must, at a minimum, include training on the following specific topics:

- Recognition of the signs of abuse;
- Recognition of the signs of sexual misconduct;
- Reporting requirements for suspected abuse and sexual misconduct;
- Provisions of the Professional Educator Discipline Act (24 P.S. § 2070.1a *et seq.*), including mandatory reporting requirements
- The District's policies and guidelines related to reporting of suspected abuse and sexual misconduct; and
- 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. All new employees are required to complete this training as a condition of their employment.

School Volunteers are required to complete training on child abuse recognition and reporting prior to volunteer service in the School District.

## **ANNUAL NOTICES**

The Superintendent or his/her designee shall annually inform students, independent contractors, volunteers and staff regarding the contents of Board Policy #806 and these guidelines.

The Superintendent or his/her designee shall annually notify School District staff, independent contractors, and volunteers of their responsibility for reporting child abuse in accordance with Board Policy #806 and these guidelines.