

CATASAUQUA AREA SCHOOL DISTRICT

No. 806
SECTION: OPERATIONS
TITLE: Child Abuse and
Employee Certifications

ADOPTED: June 15, 2015
REVISED: November 13, 2017

	806. CHILD ABUSE AND EMPLOYEE CERTIFICATIONS	1
1. Purpose	The Catasauqua Area School District recognizes the District’s role in reporting instances of suspected child abuse, including abuse and/or sexual misconduct by school employees. No type of such abuse is tolerated by the District.	2 3 4 5 6
23 PA. CONS. STAT. ch. 63; 24 PA. STAT. ANN. § 2070.1a <i>et seq.</i> ; School Code §§ 111, 111.1.	This policy requires School District employees and independent contractors to comply with the requirements of the Child Protective Services Law, the Educator Discipline Act, and the Public School Code concerning child abuse recognition, reporting, and training, and the employment of persons having direct contact with children.	7 8 9 10 11 12 13
2. Delegation of Responsibility	The Superintendent shall be responsible to oversee the implementation of this policy.	14 15 16
	The Superintendent is authorized to develop administrative regulations, consistent with Pennsylvania law and this policy, in order to ensure the proper implementation of this policy throughout the School District	17 18 19 20
	Each building principal shall report to the Superintendent regarding compliance of his/her school.	21 22 23 24
3. Definitions	The following words and phrases, when used in this policy, shall have the meaning given to them below:	25 26 27
	Child Abuse – This term shall have the same meaning as under the then current, legally-applicable definition under the Child Protective Services Law (<i>see</i> 23 PA. CONS. STAT. §§ 6303 and 6304).	28 29 30 31
23 PA. CONS. STAT. § 6303; School Code § 1205.6(b), § 111.1(n)	Direct Contact with Children – The possibility of care, supervision, guidance, or control of children or routine interaction with children.	32 33 34 35 36 37

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Cf., 23 PA. CONS. STAT. § 6303; School Code §§ 111, 111.1.

Independent Contractor Employee – An individual who, as an employee or agent of an independent contractor which provides a program, activity, or service to the School District and in the course of providing such program, activity, or service to the School District, has direct contract with children.

23 PA. CONS. STAT. § 6403

Routine Interaction – Regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.

Id.

School Employee – An individual employed by the School District who has or may have direct contact with children during the course of his/her employment. The term includes, but is not limited to, school administrators, school teachers, aides, substitutes, nurses, counselors, social workers, facilities staff, food service staff, clerical staff, custodians, activities directors, coaches, and bus drivers.

School Code § 1205.6(b), § 111.1(n)

Sexual Misconduct – Any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, including, but not limited to:

1. Sexual or romantic invitation;
2. Dating or soliciting dates;
3. Engaging in sexualized or romantic dialog;
4. Making sexually suggestive comments;
5. Self-disclosure or physical disclosure of a sexual or erotic nature; and
6. Any sexual, indecent, romantic, or erotic contact with the child or student.

4. Requirements

Employment Certifications and Reports

School Code §§ 111, 111.1; 23 PA. CONS. STAT. § 6344

No person shall be employed as a School Employee, permitted by the School District to be an Independent Contractor Employee, or permitted to be a student teacher or student teacher candidate in the School District, unless the person has complied with the applicable requirements of School Code §§ 111 and 111.1 and 23 PA. CONS. STAT. § 6344(b)(2) with respect to submitting the following (except for employment on a temporary provisional basis for a single period not to exceed 90 days in accordance with School Code §§ 111(i), 111.1(e)(2), and 23 PA. CONS. STAT. § 6344(m)):

1. A report of criminal history record information from the Pennsylvania State Police pursuant to 18 PA. CONS. STAT. ch. 91, or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to the person.

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2. A report of Federal criminal history record information, obtained in the manner prescribed by the Pennsylvania Department of Education, including the submission of a set of fingerprints.
3. A certification from the Pennsylvania Department of Human Services under 23 PA. CONS. STAT. § 6344(b)(2) as to whether the person 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.
4. The contact information, written authorization, and written statement required under School Code § 111.1(b).
5. A written affidavit in which the person swears or affirms that he/she is not disqualified from service under 23 PA. CONS. STAT. § 6344(c)(1) (relating to a person who is named in the Statewide database as the perpetrator of a founded report of child abuse committed within the five-year period immediately preceding the affidavit).

School Code § 111(c.4); 23 PA. CONS. STAT. § 6344.3(f)(2)

School Code § 111(b), (c.1), (c.4); 23 PA. CONS. STAT. §§ 6344.3(f)(1), 6344(b.3)

School Code § 111(c.3); 23 PA. CONS. STAT. § 6344.4(1)

School Code § 111(j); 23 PA. CONS. STAT. § 6344.3(g)(1)

School Code § 111(a.1)(5), (e), (f.1); 23 PA. CONS. STAT. § 6344(a.1), (c)(1)

The reports and certifications in paragraphs 1 through 3 above must be dated within five years of their submission to the District, and may not have been obtained for free for volunteering purposes under 23 PA. CONS. STAT. § 6344.2(g).

School Employees and Independent Contractor Employees shall obtain and submit a new set of reports and certifications under paragraphs 1 through 3 above every sixty (60) months from the date of the oldest current report or certification under paragraphs 1 through 3 above.

All current and prospective School Employees shall also comply with the requirements of School Code § 111(j) and 23 PA. CONS. STAT. § 6344.3(g) regarding the written reporting of any arrest or conviction for an offense enumerated under School Code § 111(e) or (f.1) or of being named in the Department of Human Services Statewide database as a perpetrator in a founded or indicated report.

No person shall be employed or remain employed as a School Employee, permitted by the School District to be or remain an Independent Contractor Employee, or permitted to be or remain a student teacher or student teacher candidate in the School District if the criminal history record information (or report under School Code § 111(j)) submitted to the School District indicates the person has been convicted of an offense under School Code § 111(e) or (f.1) (except to the extent permitted under School Code § 111(f.1)), or if the certification from the Department of Human Services indicates that the person is named in the Statewide database as the perpetrator of a founded report

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committed within the five-year period immediately preceding the Department’s verification/certification

School Code § 111(d); 23 PA. CONS. STAT. § 6344(n)

The School District shall provide for the confidentiality of the information so obtained in accordance with School Code § 111(d) and the Child Protective Services Law, 23 PA. CONS. STAT. § 6344(n).

District Administration shall comply with all duties and obligations of the School District and its administrators and supervisors under School Code § 111 and 23 PA. CONS. STAT. §§ 6344, 6344.3(g)(2), and the employment history review requirements of School Code § 111.1(b)(2) through (4), and (d)(3).

Training

School Code § 1205.6

The School District shall provide its School Employees, and independent contractors who employ Independent Contractor Employees shall provide to the Independent Contractor Employees, mandatory training on child abuse recognition and reporting. The training shall address, but shall not be limited to, the following topics:

1. Recognition of the signs of child abuse and sexual misconduct and reporting requirements for suspected child abuse and sexual misconduct.
2. Provisions of the Professional Educator Discipline Act, 24 PA. STAT. ANN. § 2070.1 *et seq.*, including mandatory reporting requirements.
3. The School District’s policies related to reporting of suspected child abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

School Employees and Independent Contractor Employees are required to complete a minimum of three (3) hours of training every five (5) years.

Annual Notification

23 PA. CONS. STAT. ch. 63; 24 PA. STAT. ANN. § 2070.1 *et seq.*

The Superintendent or designee shall notify all School Employees, on an annual basis, of their responsibilities for reporting child abuse under the Child Protective Services Law, and sexual abuse, sexual exploitation, or sexual misconduct under the Educator Discipline Act, and the procedures required by this Policy 806.

Duty to Report

School Employees, Independent Contractor Employees, and volunteers under Policy #139 shall make a report of suspected child abuse if they have a reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:

23 PA. CONS.
STAT. §
6311(b)(1)

1. The School Employee, Independent Contractor Employee, or volunteer comes in contact with the child in the course of employment, occupation and the practice of a profession, or through a regularly scheduled program, activity, or service.
2. The School Employee, Independent Contractor Employee, or volunteer is directly responsible for the care, supervision, guidance, or training of the child, or the School District is directly responsible for the care, supervision, guidance, or training of the child.
3. A person makes a specific disclosure to a School Employee, Independent Contractor Employee, or volunteer that an identifiable child is the victim of child abuse.
4. An individual fourteen (14) years of age or older makes a specific disclosure to a School Employee, Independent Contractor Employee, or volunteer that he/she has committed child abuse.

23 PA. CONS.
STAT. §
6311(b)(2)

A child is not required to come before the School Employee, Independent Contractor Employee, or volunteer in order for that individual to make a report of suspected child abuse.

23 PA. CONS.
STAT. §
6311(b)(3)

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.

23 PA. CONS.
STAT. §
6311.1(a); 42 PA.
CONS. STAT. §
5945

Professional privilege and/or promises or assurances of confidentiality to the child or student do not apply to any situations involving suspected child abuse and do not relieve a mandated reporter of the duty to make a report of suspected child abuse.

23 PA. CONS.
STAT. § 6317

School Employees, Independent Contractor Employees, and volunteers who have reasonable cause to suspect that a child has died as a result of child abuse shall report that suspicion to the appropriate coroner or medical examiner.

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23 PA. CONS. STAT. § 6339	All reports of suspected child abuse shall remain confidential, and the release of information by the School District that would identify the individual who made the 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 and the Superintendent, as permitted under this Policy.	1 2 3 4 5 6 7 8 9
24 PA. STAT. § 2070.9a	The Superintendent shall report to the Pennsylvania Department of Education all mandatory reporting information concerning certificated educator employees required under the Educator Discipline Act, within the time limits imposed by that Act.	10 11 12 13 14
23 PA. CONS. STAT. § 6318	Any person who, in good faith, makes a report of suspected child abuse, regardless of whether the report is required, cooperates with an investigation, testifies in a proceeding, or engages in other action authorized by law shall have immunity from civil and criminal liability related to those actions.	15 16 17 18 19
23 PA. CONS. STAT. § 6319	Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.	20 21 22
18 PA. CONS. STAT. § 4906.1	Any person who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse may be subject to disciplinary action and criminal prosecution.	23 24 25 26
18 PA. CONS. STAT. § 4958	Any person who engages in intimidation, retaliation, or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.	27 28 29 30 31 32
	<u>Reporting Procedures</u>	33
23 PA. CONS. STAT. §§ 6305, 6311, 6313	School Employees, Independent Contractor Employees, and volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies, or an oral report via the statewide toll-free telephone number. A person making an initial oral report of suspected child abuse must also submit a written electronic report within forty-eight (48) hours after the oral report. The written report shall contain the information required under 23 PA. CONS. STAT. § 6313(b), to the extent known. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing a written record of the report. The person submitting the electronic report shall not have satisfied his/her obligation to submit the report until he/she receives the confirmation.	34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49

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A School Employee, Independent Contractor Employee, or volunteer who makes a report of suspected child abuse shall immediately, after making the initial oral or written report, notify the applicable school principal, and if the initial report was made electronically, also provide the principal with a copy of the report confirmation. The school principal shall then immediately notify the Superintendent that a child abuse report has been made and, if the initial report was made electronically, also provide a copy of the report confirmation. A person who makes a subsequent written report shall provide the school principal with a copy of the report confirmation promptly thereafter, and the principal shall, in turn, provide a copy of the report confirmation to the Superintendent.

In cases where the suspected abuser is the building principal, persons reporting suspected abuse shall make the report directly to the Superintendent.

23 PA. CONS.
STAT. § 6311(c)

When a report of suspected child abuse is made by a School Employee, Independent Contractor Employee, or volunteer as required by law and this policy, no more than one report is required with respect to the School District. An individual otherwise required to make a report who is aware that an initial report has already been made by a School Employee, Independent Contractor Employee, or volunteer is not required to make an additional report.

23 PA. CONS.
STAT. § 6314

When necessary to preserve potential evidence of suspected child abuse, a school employee 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 on Children and Youth at the time the written report is sent or within forty-eight (48) hours after a report is made by electronic technologies or as soon thereafter as possible. The school principal shall be notified whenever such photographs are taken.

School Code §§
1302.1-A, 1303-
A; 22 Pa. Code
§§ 10.2, 10.21,
10.22

If the Superintendent reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent shall inform local law enforcement, in accordance with applicable law, regulations, and Board policy.

Investigation

23 PA. CONS.
STAT. §§ 6311,
6346

The school principal shall facilitate cooperation with the Department of Human Services or the county agency on Children and Youth investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.

23 PA. CONS.
STAT. § 6368(i)

Upon notification that an investigation involves suspected child abuse by a School Employee, Independent Contractor Employee, or volunteer, the principal shall immediately implement a plan of supervision or alternative arrangement for the person under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.

Volunteers

See Policy 139 regarding certifications and training for volunteers.

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