

# NEWPORT SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: CHILD/STUDENT ABUSE

ADOPTED: July 22, 2002

REVISED: March 17, 2014  
May 14, 2019

<p>1. Authority SC 1205.6 18 Pa. C.S.A. Sec. 4304 23 Pa. C.S.A. Sec. 6301 et seq Pol. 333, 818</p> <p>2. Definitions</p> <p>23 Pa. C.S.A. Sec. 6303</p>	<p style="text-align: center;">806. CHILD/STUDENT ABUSE</p> <p>The Board requires district employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code.</p> <p>The following definitions are for purposes of this policy.</p> <p><b>Adult</b> – an individual eighteen (18) years of age or older.</p> <p><b>Bodily Injury</b> – impairment of physical condition or substantial pain.</p> <p><b>Certifications</b> – refers to the child abuse history clearance statement and state and federal criminal history background checks required by the Child Protective Services Law and/or the School Code.</p> <p><b>Child</b> – an individual under eighteen (19) years of age.</p> <p><b>Child Abuse</b> - intentionally, knowingly or recklessly doing any of the following:</p> <ol style="list-style-type: none"> <li>1. Causing bodily injury to a child through any recent act or failure to act.</li> <li>2. 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.</li> <li>3. 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.</li> <li>4. Causing sexual abuse or exploitation of a child through any act or failure to act.</li> </ol>
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	<p>5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.</p> <p>6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.</p> <p>7. Causing serious physical neglect of a child.</p> <p>8. Engaging in any of the following recent acts:</p> <ul style="list-style-type: none"><li>a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.</li><li>b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.</li><li>c. Forcefully shaking a child under one (1) year of age.</li><li>d. Forcefully slapping or otherwise striking a child under one (1) year of age.</li><li>e. Interfering with the breathing of a child.</li><li>f. Causing a child to be present during the operation of methamphetamine laboratory, provided that the violation is being investigated by law enforcement.</li><li>g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known was required to register as a Tier II or Tier III sexual offender, has to register for life, or has been determined to be a sexually violent predator or sexually violent delinquent.</li></ul> <p>9. Causing the death of the child through any act or failure to act.</p> <p>10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined in the law.</p> <p>The term <b>child abuse</b> does not include physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular or recreational activities. Also excluded from the meaning of the term child abuse is the use of reasonable force by a person responsible for the welfare of a child for purposes of supervision, control or safety, provided that the use of force:</p> <ul style="list-style-type: none"><li>1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;</li><li>2. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;</li></ul>
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<p>23 Pa. C.S.A. Sec. 6303</p>	<ol style="list-style-type: none"> <li>5. An enrichment or educational program.</li> <li>6. A troop, club or similar organization.</li> </ol> <p><b>Recent act or failure to act</b> - any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency.</p> <p><b>Routine interaction</b> - regular and repeated contact that is integral to a person's employment or volunteer responsibilities.</p> <p><b>School employee</b> - an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.</p> <p><b>Serious Mental Injury</b> - 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"> <li>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.</li> <li>2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.</li> </ol> <p><b>Serious physical neglect</b> - any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:[5]</p> <ol style="list-style-type: none"> <li>1. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.</li> <li>2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.</li> </ol>
<p>23 Pa. C.S.A. Sec. 6303</p>	<p><b>Sexual Abuse or Exploitation</b> – any of the following</p> <ol style="list-style-type: none"> <li>1. The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, which includes, but is not limited to, the following:             <ol style="list-style-type: none"> <li>a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.</li> <li>b. Participating in sexually explicit conversation either in person, by</li> </ol> </li> </ol>

<p>23 Pa. C.S.A Sec. 6303</p> <p>3. Delegation of Responsibility</p> <p>Pol. 302, 305</p> <p>Pol. 309</p>	<p>telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.</p> <p>c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.</p> <p>d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</p> <p>The conduct described above does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within four (4) years of the child's age.</p> <p>2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.</p> <p><b>Student</b> - an individual enrolled in a district school under eighteen (18) years of age.</p> <p><b>Volunteer</b> - an unpaid adult individual, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service is a person responsible for the child's welfare or has direct contact with children.</p> <p>In accordance with Board policy, the Superintendent or designee shall:</p> <p>1. Require each applicant for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.</p> <p>2. Require each applicant for transfer or reassignment to submit an official child abuse clearance statement unless the applicant is applying for a transfer from one position as a district employee to another position as a district employee of this district and the applicant has already obtained an official child abuse clearance statement.</p> <p>School employees and independent contractors shall obtain and submit new certifications every sixty (60) months</p> <p>Certification requirements for volunteers are addressed separately in Board Policy 916.</p> <p>The Superintendent or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board</p>
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<p>24 P.S. Sec. 2070.1a et seq</p> <p>SC 1205.6</p> <p>23 Pa. C.S.A. Sec. 6311, 6313</p>	<ol style="list-style-type: none"> <li>2. Provisions of the Professional Educator Discipline Act, including mandatory reporting requirements.</li> <li>3. District policy related to reporting of suspected abuse and sexual misconduct.</li> <li>4. Maintenance of professional and appropriate relationships with students.</li> </ol> <p>Employees are required to complete a minimum of three (3) hours of training every five (5) years.</p> <p style="text-align: center;"><b>CHILD ABUSE BY PERPETRATOR</b></p> <p><u>Duty to Report</u></p> <p>School employees, independent contractors and volunteers shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1. The school employee, independent contractor or volunteer comes into 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.</li> <li>2. The school employee, independent contractor or volunteer is directly responsible for the care, supervision, guidance or training of the child.</li> <li>3. A person makes a specific disclosure to a school employee, independent contractor or volunteer that an identifiable child is the victim of child abuse.</li> <li>4. An individual fourteen (14) years of age or older makes a specific disclosure to a school employee, independent contractor or volunteer that s/he has committed child abuse.</li> </ol> <p>A child is not required to come before the school employee, independent contractor or volunteer in order for that individual to make a report of suspected child abuse.</p> <p>A report of suspected child abuse does not require the identification of the person responsible for the child abuse.</p> <p>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.</p>
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<p>23 Pa. C.S.A. Sec. 6313</p>	<p>A person or official required to report a case of suspected child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.</p> <p>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.</p> <p>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.</p> <p>The district shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.</p> <p><u>Reporting Procedures</u></p> <p>School employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies (<a href="http://www.compass.state.pa.us/cwis">www.compass.state.pa.us/cwis</a>) or an oral report via the statewide toll-free telephone number (1-800-932-0313). 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. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the district with a written record of the report.</p> <p>A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the building principal or administrator and if the initial report was made electronically, also provide the building principal or administrator with a copy of the report confirmation. The building principal or administrator shall then immediately notify the Superintendent or designee that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation.</p> <p>When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, 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, independent contractor or volunteer is not required to make an additional report. The person making an initial oral report is responsible for making the follow-up written electronic report within forty-eight (48) hours, and shall provide the building principal or administrator with a copy of the report confirmation promptly after the written electronic report has been filed. The building principal or administrator shall in turn provide a copy of the report confirmation to the Superintendent or designee.</p> <p>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 at the time the written report is sent or within forty-eight (48)</p>
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<p>23 Pa. C.S.A. Sec. 6346</p> <p>23 Pa. C.S.A. Sec. 6314</p>	<p>hours after a report is made by electronic technologies or as soon thereafter as possible. The building principal or administrator shall be notified whenever such photographs are taken.</p> <p>If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent or designee shall inform local law enforcement, in accordance with applicable law, regulations and Board policy.</p> <p><u>Investigation</u></p> <p>The building principal or administrator shall facilitate the cooperation with the Department of Human Services of the Commonwealth 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>Upon notification that an investigation involves suspected child abuse by a school employee, the building principal or administrator shall immediately implement a plan of supervision or alternative arrangement that has been approved by the Superintendent for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.</p> <p>References: 18 Pa. C.S.A. 4304, 4958, 7508.2</p> <p>20 U.S.C. 7926</p> <p>22 U.S.C. 7102 22 PA Code 10.1 et seq, 10.2, 10.21, 10.22</p> <p>23 Pa. C.S.A. 6303, 6305, 6311, 6313, 6314, 6318, 6319, 6320, 6332, 6344, 6344.3, 6344.4, 6346, 6368</p> <p>24 P.S. 111, 111.1, 1302.1-A, 1303-A, 1527, 2070.1a et seq</p> <p>42 Pa. C.S.A. 9799.12, 9799.24, 9799.55, 9799.58</p> <p>Board Policy – 302, 304, 305, 306, 309, 317, 317.1, 333, 818, 824, 916</p>
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