

## **Provident Charter School**

### **Child Abuse Detection and Response Policy**

This document establishes the policy for School employees to assist in identifying and reporting child abuse and for reporting and training in compliance with the Child Protective Services Law.

#### **Definitions.**

The following words and phrases shall have the meaning given to them in this section:

- a. Administrator – the person responsible for the administration of the school. The term includes a person responsible for employment decisions in a school. The principal of a school where the abused student is enrolled will serve as the administrator under this policy.
- b. Adult – an individual eighteen (18) years of age or older.
- c. Applicant – an individual who applies for a position as a school employee.
- d. Bodily Injury – impairment of a physical condition or substantial pain.
- e. Certifications – 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.
- f. Child – an individual under eighteen (18) years of age.
- g. Child Abuse – intentionally, knowingly or recklessly doing any of the following:
  1. Causing bodily injury to a child through any recent act or failure to act.
  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.
  3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or series of such acts or failures to act.
  4. Causing sexual abuse or exploitation of a child through any act or failure to act.
  5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
  6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
  7. Causing serious physical neglect of a child.
  8. Engaging in any of the following recent acts:
    - i. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

- ii. Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.
  - iii. Forcefully shaking a child under one (1) year of age.
  - iv. Forcefully slapping or otherwise striking a child under one (1) year of age.
  - v. Interfering with the breathing of a child.
  - vi. Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
  - vii. Leaving a child unsupervised with an individual, other than the child's parent/guardian, 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.
9. Causing the death of a child through any act or failure to act.
10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined in the law.

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. Also excluded from the meaning of **child abuse** is the use of reasonable force by a person responsible for the welfare of a child for purpose of control or safety, provided that the use of force:

- 1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;
  - 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;
  - 3. Is necessary for self-defense or defense of another;
  - 4. Is necessary to prevent the child from self-inflicted physical harm; or
  - 5. 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.
- h. County Agency – Allegheny County Children and Youth Services.
- i. Direct contact with children – the possibility of care, supervision, guidance or control of children or routine interaction with children.
- j. Independent Contractor – an individual other than a school employee who provides a program, activity or service who is otherwise responsible for the care, supervision, guidance or control of children pursuant to a contract. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.
- k. Perpetrator – a person who has committed child abuse and is a parent(s)/guardian(s) of a child; spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an individual fourteen (14) years of age or older who is responsible for

the child's welfare or who has direct contact with children as an employee of child care services, a school, or through a program, activity or service; an individual fourteen (14) years of age or older who resides in the same home as the child; or an adult who does not reside in the same home as the child but who is related within the third degree of consanguinity or affinity by birth or adoption to the child; or an adult who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined in the law. Only the following may be considered a perpetrator solely based upon a failure to act: a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an adult responsible for the child's welfare; or an adult who resides in the same home as the child.

- l. Person responsible for the welfare of a child – a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.
- m. Program, activity or service: Any of the following in which children participate and which is sponsored by a school or public or private organization:
  - 1. A youth camp or program.
  - 2. A recreational camp or program.
  - 3. A sports or athletic program.
  - 4. A community or social outreach program.
  - 5. An enrichment or educational program.
  - 6. A troop, club or similar organization.
- n. Recent act or failure to act – any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services or the county agency.
- o. School Employee – an individual employed at Provident Charter School. The term excludes an individual who has no direct contact with children.
- 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.
- q. Serious Mental Injury – a psychological condition, as diagnosed by a physician licensed psychologist, including the refusal of appropriate treatment, that:
  - 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.
- r. Serious Physical Neglect – 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:
  - 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.

2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.
- s. 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.
- t. Student – an individual enrolled in Provident Charter School under eighteen (18) years of age.
- u. Volunteer – 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.

### **Section 3. Delegation of Responsibility**

Pursuant to the policy, the CEO or designee shall:

- a. Require each applicant for employment to submit an official child abuse clearance statement issued within the preceding year, except for those exempted by law.
- b. The CEO or designee shall annually inform students, parent(s)/guardian(s), staff, independent contractors and volunteers regarding these procedures. Provident staff, independent contractors and volunteers shall annually receive notice of their responsibility for reporting child abuse in accordance with these procedures.
- c. School employees and independent contractors shall obtain and submit new certifications every sixty (60) months.
- d. Certification requirements for volunteers are addressed in a separate Board Policy.
- e. The CEO or designee shall ensure that the poster, developed by the PA Department of Education, displaying the statewide toll-free telephone numbers for reporting suspected child abuse, neglect and school safety issues be posted in a high-traffic, public area of each school. The designated area shall be readily accessible and widely used by students.

### **Section 4. Guidelines**

#### **a. Duty to Report**

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:

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.

2. The school employee, independent contractor or volunteer 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 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 or volunteer that s/he has committed child abuse.
- b. 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.
  - c. A report of suspected child abuse does not require the identification of the person responsible for the child abuse.
  - d. 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.
  - e. Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.
  - f. Any person who knowingly or intentionally 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.
  - g. Any person who engages in intimidation, retaliation, or obstruction in the making of a child abuse report of the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.
  - h. The school shall not retaliate or discriminate against any person for making, in good faith, a report of suspected child abuse.
  - i. Reporting Procedures
    1. School employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of child abuse using electronic technologies ([www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis)) or an oral report via the statewide toll free number (1-800-932-0313). A person making an initial 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 immediately respond with a confirmation, providing the school with a written record of the report.
    2. 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 CEO 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.
    3. When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, the school 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 CEO or designee.

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

j. Investigation

1. School officials shall cooperate with the Department of Human Services or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.
2. 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 CEO for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.

### **Section 5. Training**

The school shall provide its employees and independent contractors who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.
3. School policy related to reporting of suspected abuse and sexual misconduct.
4. 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.