

# York Adams Academy

Section: Operations

Title: Child Abuse

Number: 806

Status: Active

Legal:

1. 23 Pa. C.S.A. 6301 et seq
2. 24 P.S. 1205.6
3. Pol. 333
4. Pol. 818
5. 23 Pa. C.S.A. 6303
6. 23 Pa. C.S.A. 6344.2
7. 23 Pa. C.S.A. 6344
8. 24 P.S. 111
9. Pol. 302
10. Pol. 304
11. Pol. 305
12. Pol. 306
13. Pol. 309
14. 24 P.S. 2070.1a
15. 23 Pa. C.S.A. 6311
16. 23 Pa. C.S.A. 6318
17. 23 Pa. C.S.A. 6319
18. 18 Pa. C.S.A. 4906.1
19. 18 Pa. C.S.A. 4958
20. 23 Pa. C.S.A. 6320
21. 23 Pa. C.S.A. 6305
22. 23 Pa. C.S.A. 6313
23. 22 PA Code 10.2
24. 22 PA Code 10.21
25. 22 PA Code 10.22
26. 24 P.S. 1302.1-A
27. 24 P.S. 1303-A
28. Pol. 805.1
29. 23 Pa. C.S.A. 6346
30. 23 Pa. C.S.A. 6344.3

31. 23 Pa. C.S.A. 6344.4  
 32. 18 Pa. C.S.A. 7508.2  
 33. 42 Pa. C.S.A. 9799.12  
 34. 42 Pa. C.S.A. 9799.24  
 35. Pol. 304.1  
 36. Pol. 304.2  
 37. Pol. 317  
 18 Pa. C.S.A. 4304  
 22 PA Code 10.1 et seq  
 24 P.S. 1301-A et seq  
 24 P.S. 1527  
 24 P.S. 2070.1a et seq  
 Pol. 916

Adopted: October 30, 2018

Revised: October 30, 2018

806. Child Abuse	
1. Purpose	
2. Authority	The Board requires academy employees, 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.[1][2][3][4]
3. Definitions	<p>The following words and phrases, when used in this policy, shall have the meaning given to them in this section:</p> <p><b>Bodily injury</b> - impairment of physical condition or substantial pain.[5]</p> <p><b>Child</b> - an individual under eighteen (18) years of age.[5]</p> <p><b>Child abuse</b> - intentionally, knowingly or recklessly doing any of the following:[5]</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</li> </ol>

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:
  - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
  - c. Forcefully shaking a child under one (1) year of age.
  - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
  - e. Interfering with the breathing of a child.
  - f. 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.[32]
  - g. 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 II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (Megan's Law), where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed; has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (Megan's Law) 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 (Megan's Law).[33][34]
9. 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. Also excluded from the meaning of the term **child abuse** is the use of reasonable force by a child's parent or by a person responsible for the welfare of a child for purposes of supervision,

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 paraphernalia or other dangerous objects that are on the person of the child or in the child's control.

This law includes other limited exclusions from the definition of child abuse. When in doubt about the application of any exclusions, the mandated reporter shall report the suspected child abuse.

**Direct contact with children** - the possibility of care, supervision, guidance or control of children or routine interaction with children.[2]

**Independent contractor** - an individual other than a school employee who provides a program, activity or service who is responsible for the care, supervision, guidance or control of children pursuant to a contract. The term does not include an individual who has no direct contact with children.[5][15]

**Perpetrator** - a person who has committed child abuse and is 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, a person responsible for the child's welfare, an individual fourteen (14) years of age or older who is responsible for the child's welfare or who resides in the same home as the child, or an individual eighteen (18) years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child. 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.[5]

**Person responsible for the child's welfare** - 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. The term includes any such person who has direct or regular contact with a child through any program, activity or service sponsored by a school, for-profit organization or religious or other not-for-profit organization.[5]

**Program, activity or service** - a public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:[5]

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. An outreach program.
5. An enrichment or educational program.
6. A troop, club or similar organization.

**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 of the Commonwealth or county agency.[5]

**Routine interaction** - regular and repeated contact that is integral to a person's employment or volunteer responsibilities.[5]

**School employee** - an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes an individual who has no direct contact with children.[5]

**Serious mental injury** - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:[5]

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. 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.
3. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**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:[5]

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.

	<p>2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.</p> <p><b>Sexual abuse or exploitation</b> - any of the following:[5]</p> <ol style="list-style-type: none"> <li>1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in 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 telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.</li> <li>c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.</li> <li>d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</li> </ol> <p>Paragraph 1 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> </li> <li>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.</li> </ol> <p><b>Student</b> - an individual enrolled in a district school under eighteen (18) years of age.[5]</p> <p><b>Volunteer</b> - an individual in an unpaid position with a program, activity or service who is responsible for the welfare of one or more children or has direct contact with children.[15]</p>
<p>4. Delegation of Responsibility</p>	<p>In accordance with Board policy, the Superintendent of Record or designee shall:</p> <ol style="list-style-type: none"> <li>1. Require each candidate for employment to submit an official child abuse clearance statement and other background checks as required by law. [10] [11] [12] [7] [8] [9] [35] [36]</li> </ol>

	<ol style="list-style-type: none"> <li>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 an academy employee to another position as a academy employee of this academy and the applicant’s official child abuse clearance statement is current.[13][30][31]</li> <li>3. Require each volunteer to submit an official child abuse clearance statement and other background checks as required by law.[6]</li> </ol> <p>School, state and federal employees, independent contractors and volunteers shall obtain and submit new background checks and child abuse clearances every sixty (60) months.[31]</p> <p>The Superintendent of Record or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.</p> <p>The Superintendent of Record or designee shall annually notify academy staff, independent contractors, and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.</p>
<p>5. Guidelines</p>	<p><u>Training</u></p> <p>The academy, and independent contractors of the academy, shall provide their employees 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:[2][3][4][37]</p> <ol style="list-style-type: none"> <li>1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.</li> <li>2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.[14][37]</li> <li>3. Academy 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.[2]</p> <p>The academy shall provide each volunteer with training on child abuse recognition and reporting.</p> <p><u>Duty to Report</u></p> <p>Academy employees, independent contractors and volunteers shall make a</p>

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:[15]

1. The Academy 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 services.
2. The academy 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 an academy 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 an academy employee, independent contractor or volunteer that s/he has committed child abuse.

A child is not required to come before the academy employee, independent contractor or volunteer in order for that individual to make a report of suspected child abuse.[15]

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.[15]

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.[16]

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action up to and including termination and criminal prosecution.[17]

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 up to and including termination and criminal prosecution.[18]

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 up to and including termination and criminal prosecution.[19]

The academy shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.[20]

### Reporting Procedures

Academy employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies ([www.compass.state.pa.is/cwis](http://www.compass.state.pa.is/cwis)) 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 academy with a written record of the report.[15][21][22]

An academy employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the director and if the initial report was made electronically, also provide the director with a copy of the report confirmation. The director shall then immediately notify the Superintendent of Record 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.[15][21][22]

When a report of suspected child abuse is made by an academy employee, independent contractor or volunteer as required by law, the academy 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 director with a copy of the report confirmation promptly after the written electronic report has been filed. The director shall in turn provide a copy of the report confirmation to the Superintendent of Record or designee.[15][21][22]

If the Superintendent of Record or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent of Record or designee shall inform local law enforcement, in accordance with applicable law, regulations and Board policy.[23][24][25][26][27][28]

The reporting obligations and deadlines in this paragraph apply whether or not school is in session.

### Investigation

The director 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.[15][29]