

LITTLESTOWN AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: STUDENT ABUSE -
REPORTING REQUIREMENT

ADOPTED: June 11, 1996

REVISED:

<p>1. Purpose 23 Pa. C.S.A. 6301</p> <p>2. Definitions</p>	<p style="text-align: center;">806.2. STUDENT ABUSE - REPORTING REQUIREMENT</p> <p>The Child Protective Services Law (CPSL) has been amended effective with the 1995-96 year. Some of the amendments have a direct impact on school employees because they can now, themselves, be the subjects of reports under the CPSL for conduct related to their employment. Additionally, employees have a duty to report student abuse by any school employee, if they have reasonable cause to suspect that student abuse, as defined in Act 151 and this policy, has occurred. The Board affirms the employee's obligation to report student abuse and wishes to inform through this policy the obligations and responsibilities of school employees under Act 151.</p> <p>Administrator – The person responsible for the administration of a public or private school, intermediate unit, or area vocational-technical school. For the purposes of this policy and Act 151, the Superintendent of Schools shall be the administrator to whom all reports of student abuse should be reported. If the accused school employee is the Superintendent, then the school employee shall immediately report to law enforcement officials and the district attorney.</p> <p>School Employee - An individual employed by a public or private school, intermediate unit, or area vocational-technical school. The term includes an independent contractor and employees and excludes an individual who has no direct contact with students.</p> <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.</p> <p>Sexual Abuse or Exploitation - 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, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction including photographing, videotaping, computer depicting or filming of any sexually explicit conduct, or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.</p>
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<p>3. Guidelines</p>	<p><u>Duty To Report</u></p> <ol style="list-style-type: none">1. School Employees<ol style="list-style-type: none">a. A school employee shall immediately contact the designated administrator (Superintendent) when the school employee has reasonable cause to suspect, on the basis of his/her professional or other training and experience, that a student coming before the school employee in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee.b. If the accused school employee is the administrator, then the school employee shall immediately report to law enforcement officials and the district attorney.2. Administrator (Superintendent) - The administrator designated to receive reports under this policy or who has independent reasonable cause to suspect injury or abuse shall report immediately to law enforcement officials and the district attorney. The designated administrator shall exercise no discretion, but has an absolute duty to report when s/he receives notice from a school employee under paragraph 1.a (Duty To Report).3. Assistant Superintendent - In the event of any extended absence of the Superintendent, the Assistant Superintendent is designated to serve as the designated administrator under this policy.4. Format of Report - The report to law enforcement officials and the district attorney shall include:<ol style="list-style-type: none">a. Name, age, address, and school of the student.b. Name and address of student's parent or guardian.c. Name and address of the administrator.d. Name, work, and home address of the school employee.e. Nature of the alleged event.f. Any specific comments or observations that are directly related to the alleged incident and the individuals involved.
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<p>4. Delegation of Responsibility</p>	<p>5. Confidentiality - The school employee making a report shall not reveal the existence or content of the report to any other person other than those to whom reporting is required under this policy.</p> <p>6. Immunity - Any school employee or administrator who refers a report under this policy shall be immune from civil or criminal liability arising out of the report.</p> <p>7. Penalty - A school employee who willfully fails to report commits a summary offense. An administrator who willfully violates this reporting obligation commits a misdemeanor of the third degree.</p> <p>8. Independent Investigation - The administrator who receives a report has an independent duty to investigate the report and determine whether or not the accused school employee should be in contact with students during the period of investigation. The requirement not to divulge the existence of the report should not be read as limiting the administrator's responsibility to use the information to initiate and conduct an independent school investigation into the allegations. To the extent possible, the investigation should be coordinated with the investigation of law enforcement and district attorney's office.</p> <p>The Superintendent shall develop procedures for investigation of allegations of a school employee injuring or abusing a student which shall include:</p> <ol style="list-style-type: none">1. Written notice of this policy and reporting procedures distributed to each employee with reporting responsibilities.2. A system of communication with local law enforcement to coordinate, among other things, the interviews of the victimized student and accused school employee.3. Procedures for suspending, with or without pay, any school employee identified under this policy after an informal hearing, when necessary, to protect the health and safety of other students.4. A requirement to request from law enforcement, district attorney, and the county agency, when appropriate, the disposition of their investigation and the status of the final report.5. A requirement to report to the Pennsylvania Department of Education if any certificated employee is dismissed for causes for facts underlying the report or law enforcement charges or the court convicts for a crime of moral turpitude.
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<p>5. Attachments</p>	<ol style="list-style-type: none">1. Reporting Procedure Flow Chart.2. Report of Suspected Student Abuse filing form.3. Commonwealth of Pennsylvania School's Mandatory Report Form.
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