

STUDENTS

Child Abuse and Neglect (Reporting Procedures)

Duty to Report

Certificated employees and classified employees trained in child abuse identification and reporting shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within thirty-six (36) hours. The reporting duties are individual and cannot be delegated to another individual.

Definitions

1. "Child Abuse," as defined by law, pursuant to Penal Code 273 and 11165, and for purposes of this regulation, includes the following:
 - a. Physical abuse means a physical injury that is inflicted by other than accidental means on a child by another person.
 - b. Physical neglect is negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare, including both acts and omissions on the part of the responsible party. Severe neglect is negligent failure of a parent or caretaker to protect the child from severe malnutrition or medically diagnosed non-organic failure to thrive. The parent or caretaker willfully causes or permits the health of the child to be endangered and intentionally fails to provide adequate food, clothing, shelter, or medical care.
 - c. Sexual abuse is acts of sexual assault or exploitation of a minor that encompasses a broad spectrum of behavior and may consist of acts over a long period of time (chronic molestation) or a single incident. Victims range in age from less than one year through adolescence.
 - d. Emotional maltreatment consists of emotional abuse and emotional deprivation or neglect. Emotional abuse may include excessive verbal assaults, unpredictable responses of inconsistency, continual negative moods, constant family discord and double message communication.
 - e. Severe corporal punishment (**not in handbook**).

2. "Mandated Reporters" are those people defined by law as "child care custodians," "medical practitioners" and "non-medical practitioners" and include virtually all school employees. The following school personnel are required to report:

Teachers, administrators, supervisors of child welfare and attendance, certificated pupil personnel employees, employees of child care institutions, headstart teachers, school psychologists, licensed nurses, counselors, presenters of child abuse prevention programs and those para-educators or other classified employees trained in child abuse reporting.

3. "Child Protective Agencies" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department and child protective services.
4. "Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse.

Reporting Procedures

1. To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency.

Child Protective Services
(address)
Marysville, CA 95901
(530) phone

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. The verbal report will include:

- a. The name of the person making the report.
- b. The name of the child.
- c. The present location of the child.
- d. The nature and extent of any injury.
- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

At the time the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Within thirty-six (36) hours of making the telephone report, the mandated reporter will complete and mail a written report to the local child protective agency.

The written report shall include completion of the required standard Department of Justice form (DOJ SS 8572).

The mandated reporter may request and receive copies of the appropriate form either from the county office or directly from the local child protective agency.

Detailed instructions for completion of the form are on the back sheet of the form. Reporters may request assistance from the site administrator in completing and mailing the form; however, the mandated reporter is still responsible for ensuring that the written report is correctly filed.

Program Administrators may establish internal reporting procedures encouraging employees to notify administrators of reports that are made. These internal procedures must not prohibit or impede immediate and direct reporting by employees to child protective agencies. Penal Code 11167 prohibits internal procedures from requiring that the identity of the mandated reporter be disclosed to the County Office of Education

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. The site administration when notified, shall inform the Superintendent.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that the verbal or written reporting procedures are carried out according to state law and County Office of Education regulations. If requested by the mandated reporter, the principal may assist in the completion and filing of these forms.

If the mandated reporter does not disclose his/her identity to a County Office of Education administrator, he/she shall at least provide or mail a copy of the written report to the County Office of Education without his/her signature or name.

Legal Responsibility and Liability

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.

2. A mandated reporter who fails to report an instance of child abuse, which he/she knows to exist or reasonably should know to exist, is guilty of a misdemeanor and is punishable by confinement in jail for a term not to exceed six (6) months or by a fine of not more than one thousand dollars (\$1,000) or both. The mandated reporter may also be held civilly liable for damages for any injury to the child after a failure to report.
3. When two (2) or more persons who are required to report jointly, have knowledge of suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by any one of them who is selected by mutual agreement, and a single report may be made and signed by the person selected. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.
4. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.

Victim Interviews

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5

5. If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school or program.

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse, the Superintendent and/or principal shall not notify the parent or guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent or guardian.

It is the responsibility of the peace officer to notify the parent or guardian of the situation. Peace officers will be asked to sign an appropriate release or acceptance of responsibility form.

When School Employees are Accused of Child Abuse

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to (1) identify incidents of suspected child abuse, and (2) comply with laws requiring reporting of suspected abuse to the proper authorities. Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Parent/guardians or members of the public accusing school employees of child abuse should be made aware of the ramifications of making false reports and should be provided with information regarding child abuse and child abuse reporting.

Pending the outcome of an investigation by a child protective agency and prior to the filing of formal charges, the employee may be subject to reassignment or a paid leave of absence.

Disciplinary action resulting from the filing of formal charges or upon conviction shall be in accordance with County Office of Education policies, regulations and/or collective bargaining agreements. The Superintendent or designee should consult with legal counsel in implementing either suspension or dismissal.

cf: 4117.4 Dismissal
4118 Suspension/Disciplinary Action (Certificated)
4218 Suspension/Disciplinary Action (Classified)
5145.11 Questioning and Apprehension