Subject: Child Abuse Reporting Procedures
Effective Date: TBD Until Board Approval
Approved By: Board of Directors
Policy: 5001.1

The Governing Board recognizes that the school has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Director or designee shall establish regulations for use by school employees in identifying and reporting such incidents. School employees are obligated to report all known or suspected incidents of child abuse and neglect in accordance with law, Board policy, and administrative regulation. Employees shall not investigate any suspected incidents but rather shall fully cooperate with agencies responsible for reporting, investigating, and prosecuting cases of child abuse and neglect.

Parents/guardians may file a complaint against a school employee or other person whom they suspect has engaged in abuse of a child at a school site. The Director or designee shall provide parents/guardian information about reporting procedures in accordance with law. The Director or designee shall provide training regarding the reporting duties of school employees mandated by law to report suspected child abuse and neglect. In the event that training is not provided to the employees mandated to report child abuse and neglect, the Director or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Definitions

Child abuse or neglect includes the following:

1. A physical injury inflicted in a manner other than accidental means on a child by another person.
2. Sexual abuse of a child as defined in Penal Code 11165.1.
3. Neglect as defined in Penal Code 11165.2.
4. Willful cruelty or unjustifiable punishment of a child as defined in Penal Code 11165.3.

5. Unlawful corporal punishment or injury resulting in a traumatic condition as defined in Penal Code 11165.4.
6. Abuse or neglect of a child in out-of-home care, including at school, as defined in Penal Code 11165.5.

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment.
3. The exercise by a teacher, vice Director, Director or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning.
4. An amount of force that is reasonable and necessary for a school employee to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student.
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student.
6. Mandated reporters include but are not limited to teachers, instructional aides, teacher's aides or assistants, classified employees, certificated pupil personnel employees, administrators and employees of a licensed day care facility, Head Start teachers, school police or security officers, administrators, presenters or counselors of a child abuse prevention program. Reasonable suspicion means that it is objectively reasonable for a person to entertain 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 or neglect.

Procedure

1. When any mandated reporter, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect, that mandated reporter shall report to any police department, sheriff's department, county probation department if designated by the county to receive such reports, or the county welfare department.
2. The mandated reporter shall make this report by telephone immediately or as soon as practicably possible.
3. When the telephone 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. The reporting duties are individual and cannot be delegated to another person. Reporting the information to an employer, supervisor, Director, school counselor,

co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

4. When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)
5. No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)
6. Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)
7. Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code 11166, 11168) Mandated reporters may obtain copies of the form from either the school or the appropriate agency or go online to http://ag.ca.gov/childabuse/forms.php#doj.
8. Reports of suspected child abuse or neglect shall include, if known:
    a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter.
    b. The child's name and address, present location and, where applicable, school, grade, and class.
    c. The names, addresses, and telephone numbers of the child's parent/guardians.
    d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information.
    e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child.
9. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)
10. Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)
11. Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the Director or designee as soon as possible after the initial telephone report to the appropriate agency.
12. The Director or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the Director may assist in completing and filing these forms.
13. The mandated reporter shall not be required to disclose his/her identity to the Director. He/She may provide or mail a copy of the written report to the Director or designee without his/her signature or name.

14. Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of any of the following offenses where the victim is a child under age 14: (Penal Code 1 52.3,288)
    a. Murder
    b. Lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury

Training

Training of mandated reporters shall include child abuse identification and reporting. All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights. (Penal Code 11165.7)
Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

Victim Interviews

Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. 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 Director or designee shall inform him/her, before the interview takes place, of the following 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 Neglect 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.

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 or neglect, the Director or designee shall not notify the parent/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/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

Parent/Guardian Complaints

Upon request, the Director or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parents/guardians and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English.

To file a complaint against a school employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Procedure." If a parent/guardian makes a complaint to any school employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated to file a report himself/herself using the procedures described above for mandated reporters. In addition, if the child is enrolled in Special Education, a separate complaint may be filed with the California Department of Education.

Disciplinary Action

Any school employee accused of abusing or neglecting a student may be subject to reassignment or a paid leave of absence pending the outcome of an investigation by the appropriate agency. If a determination is made that an employee has committed child abuse or neglect, the school may take disciplinary action, including suspension and dismissal, in accordance with law, Board policy, administrative regulations, and/or collective bargaining agreements. The Superintendent or designee shall seek legal counsel in connection with either the suspension or dismissal of the employee.

Notifications

The Director or designee shall give persons hired by the school a statement informing them that they are mandated by law to report suspected child abuse and neglect, inform them of their reporting obligations under Penal Code 11166, and provide a copy of Penal Code 11165.7 and 11166. Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Director or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Director or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the school for making a report. (Penal Code 11166)