



<p>23 P.C.S. Sec. 6303 (b)</p>	<p>4. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.</p> <p>No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.</p> <p>If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health. In cases involving religious circumstances, all correspondence with a subject of the report and the records of the Department of Public Welfare and the county agency shall not reference "child abuse" and shall acknowledge the religious basis for the child's condition, and the family shall be referred for general protective services, if appropriate.</p>
<p>23 P.C.S. Sec. 6303 (a)</p>	<p><u>County Agency</u> The county children and youth service agency supervised by the Department of Welfare under the Public Welfare Code.</p>
<p>23 P.C.S. Sec. 6303 (a)</p>	<p><u>Founded Report for School Employee</u> A report made by the county agency regarding a school employee's conduct related to a student if there has been any judicial adjudication based on a finding that the victim has suffered serious bodily injury or sexual abuse or exploitation, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegations of the report.</p>
<p>23 P.C.S. Sec. 6303 (a)</p>	<p><u>Indicated Report for School Employee</u> A report made by the county agency regarding a school employee's conduct related to a student if an investigation by the county agency determines that substantial evidence of serious bodily injury or sexual abuse or exploitation exists based on any of the following:</p> <ol style="list-style-type: none"> <li>1. Available medical evidence.</li> <li>2. The county agency's investigation.</li> <li>3. An admission of the acts of abuse by the school employee.</li> </ol>

<p>23 P.C.S. Sec. 6303 (a)(b)</p>	<p><u>School Employee</u> An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.</p> <p>School employees required to report suspected child abuse shall include but are not limited to school administrator, school teacher, school nurse.</p>
<p>23 P.C.S. 6303 (a)</p>	<p><u>Serious Bodily Injury</u> 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>23 P.C.S. 6303(a)</p>	<p><u>Serious Mental Injury</u> A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:</p> <ol style="list-style-type: none"> <li>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; or</li> <li>2. seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.</li> </ol> <p><u>Serious Physical Injury.</u> An injury that:</p>
<p>23 P.C.S. 6303(a)</p>	<ol style="list-style-type: none"> <li>1. causes a child severe pain; or</li> <li>2. significantly impairs a child's physical functioning, either temporarily or permanently.</li> </ol>
<p>23 P.C.S. 6303(a)</p>	<p><u>Sexual Abuse or Exploitation</u> 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 or any sexually explicit conduct, for the purpose of producing any visual depiction or any sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.</p>
<p>23 P.C.S. 6303(a)</p>	<p><u>Student</u> An individual enrolled in a public or private school, intermediate unit or area vocational technical school who is under eighteen (18) years of age.</p>
<p>3.Guidelines</p>	<p><u>Duties of School Employes</u></p>
<p>23 P.C.S. Sec. 6352 (a)</p>	<p>A school employe shall immediately contact the administrator when the school employe has reasonable cause to suspect, on the basis of his or her professional or other training and experience, that a student</p>

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<p>23 P.C.S. Sec. 6352 (a) 6353 (a)</p>	<p>coming before the school employe in the employe's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employe.</p> <p>If the accused school employe is the administrator, then the school employe shall immediately report to law enforcement officials and the district attorney.</p>
<p>23 P.C.S. Sec. 6311 (a)</p>	<p>School employes who in the course of their employment come into contact with children shall report or cause a report to be made when they have reasonable cause to suspect, on the basis of their medical, professional or other training and experience that a child coming before them in their professional or official capacity is an abused child. Privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report.</p> <p><u>Duties of Administrators</u></p>
<p>23 P.C.S. Sec. 6353 (a)</p>	<p>The administrator who receives a report from a school employe or who has independent reasonable cause to suspect said injury or abuse shall report immediately to law enforcement officials and the appropriate district attorney. The administrator shall exercise no discretion but has an absolute duty to report when s/he receives notice from a school employe.</p> <p><u>Report of School Employe to Law Enforcement</u></p>
<p>23 P.C.S. Sec. 6353 (b)</p>	<p>The report to law enforcement officials and district attorney shall include (1) name, age, address and school of the student; (2) name and address of student's parent or guardian; (3) name and address of the administrator; (4) name, work and home address of the school employe; (5) nature of the alleged offense; and (6) any specific comments or observations that are directly related to the alleged incident and the individuals involved.</p> <p><u>Report of Child Abuse</u></p>
<p>23 P.C.S. Sec. 6313</p>	<p>Report of child abuse shall be made immediately by telephone and in writing within forty-eight (48) hours after the oral report. Oral reports shall be made to the Department of Welfare and may be made to the appropriate county agency. Written reports shall be made on the form supplied by the Department of Welfare.</p> <p><u>Confidentiality</u></p>
<p>23 P.C.S.</p>	<p>The school employe making a report shall not reveal the existence or content of the</p>

<p>Sec. 6352 (a)(3) 6335 (c)</p>	<p>report to any person other than those to whom reporting is required under this policy. <u>Independent Investigation</u></p> <p>The administrator has an independent duty to report the allegations to the Administrative Director or his/her designee that an employe has allegedly abused or otherwise victimized a student or students. The requirement not to divulge the existence of the report or its content should not be read as limiting the administrator's responsibility to use the information s/he received to initiate and conduct an independent school investigation into the allegations.</p> <p><u>Official Clearance Statement/Condition of Employment</u></p>
<p>23 P.C.S. Sec. 6355 (a) 6356</p>	<p>Beginning July 1, 1996, the Administrative Director shall require each applicant for employment to submit an official clearance statement issued within the preceding year by the Department of Public Welfare. No applicant may be hired who is named as the perpetrator of a founded report or is named as an individual responsible for injury or abuse in a founded report for school employe. Provided that this requirement does not apply to a school employe under twenty-one (21) years of age participating in a job development or training program who is employed for not more than ninety (90) days or to a school employe from Pennsylvania hired on a provisional basis for thirty (30) days or, from another state on a provisional basis for ninety (90) days, who demonstrates s/he applied for an official clearance statement, attests in writing under oath s/he is not disqualified under this requirement, when the administrator has no knowledge to the contrary, and the hiring does not take place during an authorized strike.</p> <p><u>Continued Employment</u></p> <p>No school employe employed as of July 1, 1996, shall be required to obtain an official clearance statement as a condition of continued employment.</p>
<p>4.Delegation of Responsibility</p>	<p>The Administrative Director shall develop procedures for investigating allegations of a school employe injuring or abusing a student which shall include:</p> <ol style="list-style-type: none"> <li>1. Written notice of this policy and of district procedures for reporting and investigating such allegations against school employe to parents and district staff. A copy of this policy shall be provided to each employe required to report.</li> <li>2. A system of communication with local law enforcement to coordinate, among other things, the interviews of the victimized student and accused school employe.</li> <li>3. A process to coordinate the collection of evidence with the county agency and law enforcement so that necessary physical evidence, photographs and medical</li> </ol>

	<p>records are identified and shared, if legally permissible.</p> <p>4. Procedures for suspending, with or without pay, any school employe identified under this Policy after an informal hearing when necessary to protect the health and safety of other students.</p> <p>5. A requirement to request from the county agency the disposition of their investigation with an indication of whether the report was unfounded, indicated or founded.</p> <p>6. A final written report which is a summary of the independent investigation, including a brief summary of the number of persons questioned, their statements and a conclusion regarding whether substantial evidence exists to discipline the employe or exonerate the employe. The final report should also include the disposition received from the county agency. A copy of this report shall be provided to the employe with notice of its retention in a central file.</p> <p>7. Where permissible under law, a provision for the taking of photographs of the child who is subject to a report.</p> <p>8. If a certified employe is dismissed for cause for facts underlying the report or law enforcement charges or the court convicts for a crime of moral turpitude, then the Administrative Director shall report to the Department of Education.</p>
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