

ARTS ACADEMY ELEMENTARY CHARTER SCHOOL

Board Policy

CATEGORY: Health

POLICY NUMBER: 401

TITLE: Prevention of Abuse of Students

ADOPTED: August 16, 2018

REVISED:

<p>Purpose</p>	<p>Child abuse is a tragic reality within Pennsylvania, and the Board acknowledges the duty of the charter school staff to report all instances of suspected child abuse, including abuse and/or sexual misconduct by charter school employees</p>
<p>Authority 18 Pa. C.S.A. Sec 4304 23 Pa. C.S.A. Sec. 6301 et seq</p>	<p>This Policy establishes procedures for the mandatory reporting of suspected child abuse in compliance with the PA Child Protective Services Law (CPSL) as well as the mandatory reporting by educators of sexual abuse, sexual exploitation or sexual misconduct under the Educator Discipline Act.</p> <p>The Chief Executive Officer or designee is authorized to develop administrative regulations, consistent with Pennsylvania law and this Policy, to effectively ensure the proper implementation of this policy in the charter school.</p>
<p>Definitions 23 Pa. C.S.A. 6303</p>	<p><b>Child Abuse</b> – the definition of this term shall be consistent with the current, legally-applicable definition under the CPSL.</p> <p><b>Certified Volunteer</b> – a volunteer who has satisfied the certification requirements under the Child Protective Services Law</p> <p><b>Direct Contact with Children</b> – for the purposes of this Policy, this term, consistent with the CPSL, shall mean “the care, supervision, guidance or control of children or routine interaction with children.”</p> <p><b>Direct Volunteer Contact</b> – the care, supervision, guidance or control of children and routine interaction with children.</p>

<p>Delegation of Authority</p> <p>Guidelines and Requirements</p> <p>24 P.S. §12-1207.6</p>	<p><b>Routine Interaction</b> – regular and repeated contact that is integral to a person's employment or volunteer responsibilities.</p> <p><b>School Employee</b> – any individual employed by the charter school who provides a program, activity or service sponsored by the charter school and</p> <p>has or may have direct contact with children during the course of his/her employment. This term includes independent contractors who have direct contact with children.</p> <p>The Chief Executive Officer or designee shall have the authority to draft administrative regulations containing specific procedural requirements regarding mandated child abuse reporting by charter school employees, child abuse clearances for employees, and rules and regulations for volunteers, including, but not limited to clearance requirements and procedures for “certified volunteers.”</p> <p><b><u>ANNUAL PROVISION OF WRITTEN MANDATORY REPORTING PROCEDURES TO ALL SCHOOL EMPLOYEES</u></b></p> <p>All school employees shall be provided, on an annual basis, a copy of the required mandatory reporting procedures, which shall be consistent with this Policy and shall include the following:</p> <ul style="list-style-type: none"><li>• The current definition of “child abuse” under the CPSL;</li><li>• Procedures for reporting suspected abuse, consistent with this Policy, including specific procedures for providing notification to the building principal;</li><li>• Procedures and definitions pertaining to the mandatory reporting by educators of sexual abuse, sexual exploitation or sexual misconduct under the Educator Discipline Act;</li></ul> <p><b><u>TRAINING OF CHARTER SCHOOL EMPLOYEES</u></b></p> <p>All District employees who encounter children shall receive training regarding child abuse recognition and reporting, which shall include training on the following legally-required topics:</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 under the CPSL.</li></ol>
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<p>23 Pa. C.S.A. 6311 42 Pa. C.S.A. 5945</p> <p>23 Pa. C.S.A. 6313</p>	<ol style="list-style-type: none"><li>2. The requirements of the "Professional Educator Discipline Act," including mandatory reporting requirements.</li><li>3. School policies related to reporting of suspected abuse and sexual misconduct.</li><li>4. Maintenance of professional and appropriate relationships with students.</li></ol> <p>The Chief Executive Officer or designee shall be responsible for ensuring the proper enforcement of these training requirements as well as ensuring that the training provided is in full compliance with the requirements of Act 126 and provides training on all of the above-listed topics, as mandated by Act 126.</p> <p><b><u>DUTY TO REPORT CHILD ABUSE</u></b></p> <p>All charter school employees and volunteers have a duty and legal responsibility to report all instances where the employee has reasonable cause to suspect that a child is the victim of child abuse. Professional privilege and/or promises / assurances of confidentiality to the student do not apply to any situations involving suspected abuse and do not relieve a mandated reporter of the duty to make a report of suspected child abuse.</p> <p><b><u>REPORTING PROCEDURES</u></b></p> <p>The legally-required Child Abuse reporting procedures are comprised of a 3-step process:</p> <p><b>STEP 1: Initial Report</b></p> <p>Charter School employees and volunteers with reasonable cause to suspect child abuse are required to immediately report such suspicions to the Department of Human Services (formerly Department of Public Welfare) via the statewide toll-free child abuse reporting hotline (800-932-0313) <u>or</u> make an electronic report via the DHS online reporting system. If an electronic report is made, the reporting employee must secure a copy of the confirmation page, which confirms transmission of the report to DHS. If such confirmation is not provided, the report must be re-submitted until such confirmation is obtained, or the report must be made via the oral reporting hotline.</p>
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	<p>All employees and volunteers with independent reason to suspect abuse (i.e., whose reason to suspect child abuse does not arise exclusively from another employee’s suspicion) shall be required to make the mandatory report to DHS regardless of whether a report has been made by another school employee regarding the same child.</p> <p><b>STEP 2: Notification of CEO and Building Principal/Designee</b> Once the initial report has been made to DHS via telephone hotline or online reporting system, such individual is required to then immediately notify the CEO/ building principal/designee of the charter school. In such instances, the CEO/ building principal/designee is not required to file a separate report of suspected abuse to DHS unless they have reason to suspect child abuse independent of the employee’s report. The CEO/ building principal/designee shall be responsible for the facilitation of the charter school’s cooperation in the investigation process, including, but not limited to, facilitating interviews with the child and staff members.</p> <p><b>STEP 3: Written/Online Report</b> (only necessary where oral report was made in Step 1) If the initial report was made via the child abuse reporting hotline, a written report (either electronic or physical report) must be submitted within 48 hours of the initial oral report. If an electronic report is made, the reporting employee must secure a copy of the confirmation page, which confirms transmission of the report to DHS. If such confirmation is not provided, the report must be re-submitted until such confirmation is obtained, or the employee must provide a physical written report.</p> <p><b>Where Suspected Abuser is the Building Principal:</b> In cases where the suspected abuser is the building principal, employees reporting suspected abuse are required to report the suspected abuse directly to the Chief Executive Officer.</p> <p><b><u>REPORTS OF SUSPECTED ABUSE BY SCHOOL EMPLOYEES AND/OR SCHOOL VOLUNTEERS</u></b></p>
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<p>23 Pa. C.S.A. 6339</p>	<p>The building principal must immediately notify the Chief Executive Officer of all reports of suspected abuse by a school employee and/or a school volunteer. The Chief Executive Officer, upon receiving such notice, shall contact the charter school's legal counsel and authorize a thorough investigation into the allegations of abuse. This shall occur in addition to the legally-required mandatory reporting requirements to the PA Department of Human Services set forth under the law and in this Policy. This investigation process may not affect or delay the required reporting procedures set forth in the Child Protective Services Law and this Policy.</p>
<p>24 P.S. §1-111 23 Pa. C.S.A. 6344</p>	<p><b><u>CONFIDENTIALITY OF REPORTS</u></b></p> <p>Unless required by law or by this policy, all reports of suspected child abuse shall remain confidential, and the release of data by the school that would identify the individual who made a report of suspected child abuse and/or who cooperated in a child abuse investigation is strictly prohibited. Information regarding child abuse reporting may be shared with the Chief Executive Officer and building Principal/designee, as permitted under this Policy.</p>
<p>23 Pa. C.S.A. §6344.2</p>	<p><b><u>EMPLOYEE CLEARANCES</u></b></p> <p>School employees shall be subject to the requirements of 24 P.S. §1-111 and §1111.1 and shall, in addition, be required to submit to the charter school, prior to employment, certification from the PA Department of Human Services as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated child abuse report.</p> <p>Every 60 months, as required by law, charter school employees shall be required to obtain and produce updated clearances required in 24 P.S. 1-111 as well as the statewide database certification from the PA Department of Welfare indicated above. The 60-month period shall be determined by the date of the individual's oldest clearance.</p> <p>It shall be the responsibility of each school employee to keep track of their clearance expiration date and to obtain and produce to the Principal/Human Resources Department updated clearances within</p>

the required timeframe. Employees may not continue to be employed in a position with direct contact with children without properly-updated clearances. It shall be the responsibility of the Human Resources Department to ensure, on behalf of the charter school that the employee has maintained the required clearances. Any employee whose clearances have not been renewed within the 60 month timeframe shall be subject to discipline, up to and including termination.

The information provided and compiled under this section, including, but not limited to, the names, addresses and telephone numbers of applicants/employees, shall not be subject to the PA Right to Know law (65 P.S. § 67.101 et seq.).

**VOLUNTEERS**

Certified volunteers are required to produce the following clearances/background checks:

(1) **PA State Police Criminal History Report** – Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) **Department of Human Services Child Abuse Certification** – A certification from the Department of Human Services as to whether the applicant is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report.

Volunteers who have resided outside of the Commonwealth of Pennsylvania within the past ten (10) years and those who do not meet the requirements for exemption from the Federal criminal

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<p>23 Pa. C.S.A. 6301, <i>et. seq.</i></p>	<p>history record information are required to submit to a third background check requirement:</p> <p>(3) <b>FBI Criminal History</b> – Submission of a full set of fingerprints to the PA State Police for the purpose of a record check, and the PA State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.</p> <p>Requirements for exemption of the third requirement (FBI Criminal History):</p> <p>(1) The position for which the individual is being considered is an unpaid, volunteer position;</p> <p>AND</p> <p>(2) The prospective volunteer has been a Pennsylvania resident for the past ten years.</p> <p>Where an individual who has lived in PA for less than ten years but is able to produce a valid FBI Criminal History report that was conducted within the time that the individual was a PA resident, the District shall accept such report as fulfilling the volunteer’s certification requirement.</p> <p>Clearances/background checks for volunteers may not be older than 60 months, and volunteers who are required to be “certified volunteers,” under this Policy, shall be required to provide updated clearances within 60 months of the date of the volunteer’s oldest clearance.</p> <p><u>Affidavit Requirement</u> – In addition to the background check/clearance process, all volunteers who are required to be “certified volunteers,” as per this Policy, shall be required to affirm, in writing, that they are not disqualified from service under 23 P.S. 6344(c) (Grounds for denying employment or participation in program, activity or service) and/or has not been convicted of an offense similar in nature to the crimes listed in 6344(c) under the</p>
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	<p>laws or former laws in the United States or abroad. Non-disclosure of relevant criminal history or falsification of any information contained within the affidavit shall constitute grounds for immediate termination of the individual’s right to serve as a volunteer within the school, and the District retains the right to take legal action against such individual and/or report such falsification to the police. <a href="#">DHS Form for Volunteers</a></p> <p><b><u>COUNTY AGENCY CHILD ABUSE INVESTIGATIONS INVOLVING CHARTER SCHOOL EMPLOYEES</u></b></p> <p>Upon notification by a state or county agency that a child abuse investigation involves suspected child abuse by a charter school employee, including, but not limited to, a service provider, independent contractor or administrator, the building principal shall immediately notify the Chief Executive Officer and implement a plan of supervision or alternative arrangement for the individual under investigation. As required by law, such plan of supervision or alternative arrangement must be approved by the county agency and kept on file with the agency until the investigation is completed.</p> <p>References:</p> <p>PA Department of Human Services (Formerly PA Department of Public Welfare) Regulations – 55 PA Code Sec. 3490.1 et seq.</p> <p>Endangering Welfare of Children – 18 Pa. C.S.A. Sec. 4304 Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Confidential Communications to School Personnel – 42 Pa. C.S.A. Sec. 5945</p> <p>Registration of Sex Offenders – 42 Pa. C.S.A. Sec. 9795.1, 9795.4, 9798.1</p>
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