

**DISTRICT POLICIES AND  
PROCEDURES FOR REPORTING CHILD  
& STUDENT ABUSE**

(Revised January 2016)



**Erie Public Schools  
Erie City Career and Technical School**

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Office of Human Resources  
[www.eriesd.org/hr](http://www.eriesd.org/hr) | 814.874.6080

Training, policies and procedures were revised in accordance with  
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## **PREFACE**

The purpose of this manual is to ensure that all school district employees, independent contractors working within the District and District volunteers have the knowledge they need in order to meet their respective legal obligations regarding the reporting of child abuse. This manual gives each employee, independent contractor and volunteer the tools he/she needs to comply with the express requirements of the law.

However, it is equally important for all mandatory reporters associated with the School District of the City of Erie and the Erie City Regional Career and Technical School to remember their more humane duties – to remember that the subjects of the abuse described in this manual are young children who have been subjected to various types of physical, mental and sexual abuse. It is your special duty, as employees, contractors and volunteers working in the schools of these children, to help these victimized children get the help they need and ensure their safety. You do this not only by following the procedures set forth in this manual, but also by being compassionate in your treatment of these children and by maintaining the utmost confidentiality of the sensitive information you have obtained in your efforts to help them.

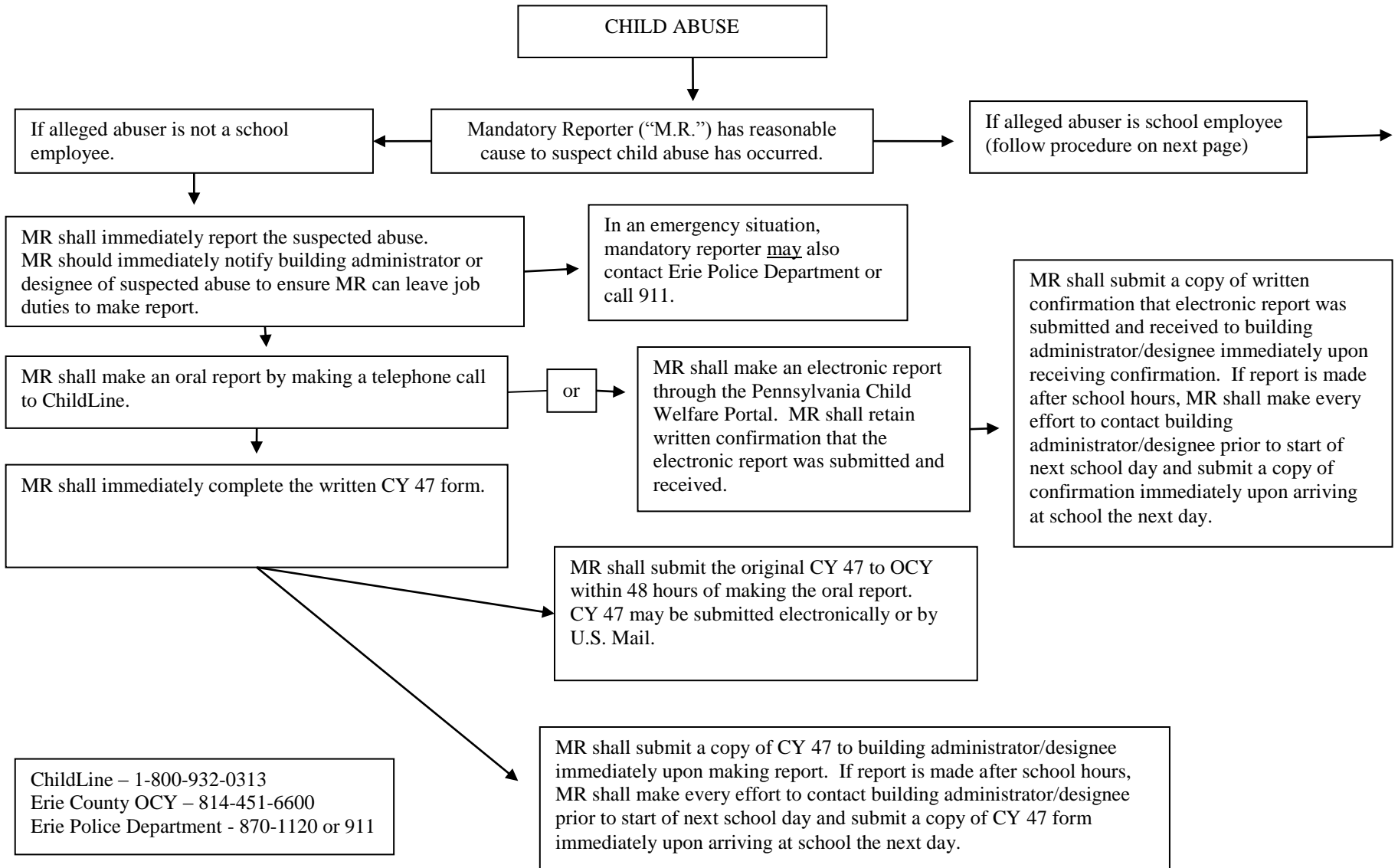
Please always keep these thoughts in your mind as you deal with the children who are unfortunately in need of the protective procedures described in this manual.

## TABLE OF CONTENTS

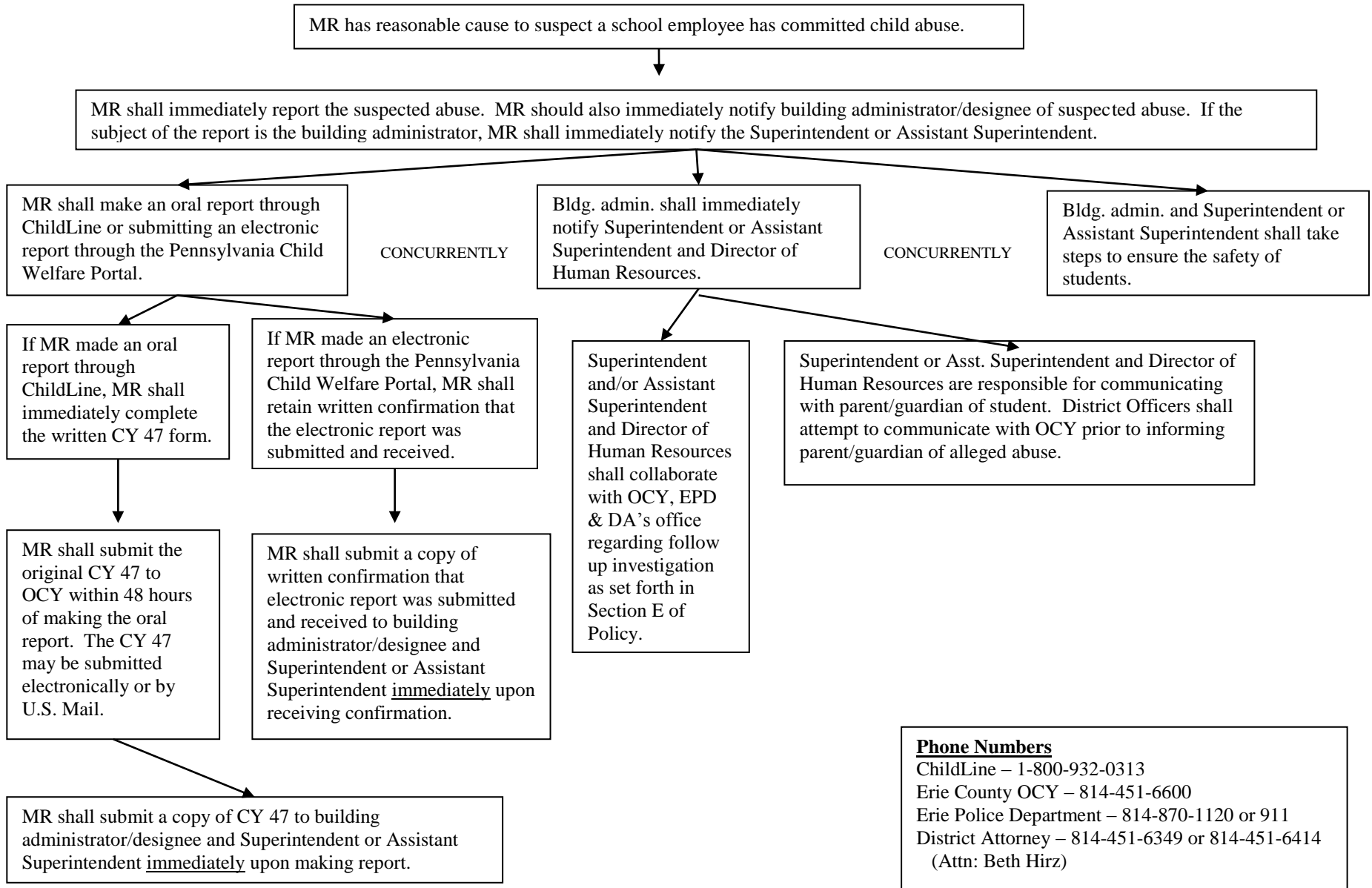
Preface.....	2
I. <b>Child Abuse Reporting Flowcharts</b> .....	4
II. <b>Definitions</b> .....	7
III. <b>Responsibilities for Reporting Suspected Child Abuse</b> .....	12
A. Who are Mandated Reporters of Child Abuse? .....	13
B. What is “Child Abuse”? .....	16
C. What Procedures Must Mandated Reporters Follow in Determining whether there is “Reasonable Cause to Suspect” Child Abuse has Occurred? .....	19
D. What Procedures Must Mandated Reporters Follow to Report Suspected Child Abuse?.....	21
E. What Procedures Must District Administrators Follow When the Alleged Perpetrator of Child Abuse is a District Employee?.....	25
IV. <b>Agency Contacts</b> .....	30
V. <b>Required Background Certifications for Employees and Independent Contractors and Volunteers</b> .....	31
VI. <b>Act 168 of 2014 Employment History Review</b> .....	37
VII. <b>Child Abuse Training Requirements</b> .....	41
VIII. <b>Appendices</b> .....	43
A. Reporting Forms .....	45
B. Symptoms and Signs of Abuse.....	47

## **I. FLOWCHARTS**

## Child Abuse Reporting Flow Chart



**Child Abuse Reporting Flow Chart (When Alleged Abuser is a School Employee)**



## **II. DEFINITIONS**



## **DEFINITIONS**

**Adult** – an individual 18 years of age or older.

**Bodily injury** - impairment of physical condition or substantial pain.

**Child** - an individual under eighteen (18) years of age.

**Child abuse** - intentionally, knowingly or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
  - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
  - c. Forcefully shaking a child under one (1) year of age.
  - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
  - e. Interfering with the breathing of a child.
  - f. Causing a child to be present at a location while a violation of 18 Pa. C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
  - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known: Is required to register as a Tier II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed; has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (relating to assessments) or any of its

predecessors; or has been determined to be a sexually violent delinquent child as defined in 42 Pa. C.S. § 9799.12 (relating to definitions).

9. Causing the death of the child through any act or failure to act.

**Cooperation with an investigation or assessment** – includes, but is not limited to, a school or school district which permits authorized personnel from the Department of County Agency to interview a student while the student is in attendance at school.

**County agency** – the county children and youth social service agency established pursuant to the County Institution District Law and supervised by the Department of Human Resources.

**Department** – Pennsylvania Department of Human Resources (formerly Department of Public Welfare).

**Direct contact with children** - the possibility of care, supervision, guidance or control of children or routine interaction with children.

**Electronic Technologies** – the transfer of information in whole or in part by technology having electrical, digital, magnetic, wireless, optical, etc., or similar capabilities. The term includes, but is not limited to, email, Internet communication or other means of electronic transmission.

**Independent contractor** - an individual who provides a program, activity or service who is otherwise responsible for the care, supervision, guidance or control of children. The term does not apply to administrative or other support personnel unless the administrative or other support personnel has direct contact with children.

**Mandated reporter** – a person who is required by the Child Protective Services Law to make a report of suspected child abuse.

**Parent** – a biological parent, adoptive parent or legal guardian.

**Perpetrator** - a person who has committed child abuse and is (i) a parent of the child; (ii) a spouse or former spouse of the child's parent; (iii) a paramour or former paramour of the child's parent; (iv) a person 14 years of age or older and responsible for the child's welfare or having direct contact with children as an employee of child care services, a school or through a program, activity or service; (v) an individual 14 years of age or older who resides in the same home as the child; (vi) an individual eighteen (18) years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child. Only the following may be considered a perpetrator for failing to act: (i) a parent of the child; (ii) a spouse or former spouse of the child's parent; (iii) a paramour or former paramour of the child's parent; (iv) a person 18 years of age or older and responsible for the child's welfare; (v) a person 18 years of age or older who resides in the same home as the child.

**Person responsible for the child's welfare** - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

**Program, activity or service** -Any of the following in which children participate and which is sponsored by a school or a public or private organization:

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. A Community or social outreach program.
5. An enrichment or educational program.
6. A troop, club or similar organization.

**Routine Interaction** – regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.

**Recent act** - any act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency.

**School employee** - an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel has direct contact with children.

**Serious bodily injury** – bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement of protracted loss or impairment of function of any bodily member or organ.

**Serious mental injury** - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

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.
2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**Serious physical neglect** - any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

1. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

**Sexual abuse or exploitation** - any of the following:

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which

includes, but is not limited to, the following:

- a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual
- c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
- d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

Paragraph 1 does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within (e.g., less than) four (4) years of the child's age.

2. Any of the following offenses committed against a child:
  - a. rape (18 PA. C.S. §3121);
  - b. statutory sexual assault (18 Pa.C.S. §3122.1) (when a person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is four years older than the complainant);
  - c. involuntary deviate sexual intercourse (18 Pa.C.S. §3123);
  - d. sexual assault (18 Pa.C.S. §3124.1);
  - e. institutional sexual assault (18 Pa.C.S. §3124.2);
  - f. aggravated indecent assault (18 Pa.C.S. §3125);
  - g. indecent assault (18 Pa.C.S. §3126);
  - h. indecent exposure (18 Pa.C.S. §3127);
  - i. incest (18 Pa.C.S. §4302) ;
  - j. prostitution (18 Pa.C.S. §5902);
  - k. sexual abuse (18 Pa.C.S. §6312);
  - l. unlawful contact with a minor (18 Pa.C.S. §6318); or
  - m. sexual exploitation (18 Pa.C.S. §6320).

**Student** - an individual enrolled in a district school under eighteen (18) years of age.

### **III. RESPONSIBILITIES FOR REPORTING SUSPECTED CHILD ABUSE**

**A. WHO ARE MANDATED REPORTERS OF CHILD ABUSE?**

Pennsylvania’s Child Protective Services Law *requires* certain classifications of people to report suspicions of child abuse. Within the context of public school districts, *school district employees\*\** and *independent contractors* working for the District are required to report suspected *child abuse* if they have “reasonable cause to suspect” that a child is the victim of child abuse under any of the following circumstances:

1. The school employee or independent contractor comes into contact with the child:
  - a. in the course of their employment, occupation and the practice of a profession, or
  - b. through their provision of a regularly scheduled *program, activity or service* sponsored by a school of the District (or the District).
2. The school employee or independent contractor is directly responsible for the care, supervision, guidance or training of the child or is affiliated with an agency, institution, organization or school that is directly responsible for the care, supervision, guidance or training of the child.
3. A person makes a specific disclosure to a school employee, independent contractor that an identifiable child is the victim of child abuse.
4. An individual fourteen (14) years of age or older makes a specific disclosure to a school employee or independent contractor that s/he has committed child abuse.

The child is not required to “come before” the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. [\*\*Terms which are in bold, italicized type are defined in the “Definitions” section of this Policy.]

Mandated reporters are not required to identify the person responsible for the child abuse in order to make a report of suspected child abuse. 23 Pa. C.S.A. §6311.

**All Persons Encouraged to Report Suspected Child Abuse:**

Any person - even persons who not mandated reporters - may make a report of suspected child abuse or cause a report of suspected child abuse to be made if that person has reasonable cause to suspect that a child is a victim of child abuse. The District shall not discriminate against any person for making good faith reports of suspected child abuse. 23 Pa. C.S.A. §§6312 and 6320.

**Penalty for Failure to Report, Making False Reports and Obstructing the Making of Reports:**

A mandated reporter’s willful failure to make a report of child abuse is subject to disciplinary action and criminal prosecution ranging from misdemeanor of the second degree to felony of the second degree. 23 Pa. C.S.A. §6319.

Any person who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse is subject to disciplinary action and criminal prosecution. 18 Pa. C.S.A. §4906.1.

Any person who engages in intimidation, retaliation or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution. 23 Pa. C.S.A. §6311(e); 18 Pa. C.S.A. §4958.

### **Immunity from Liability and Protection from Employment Discrimination:**

Any person acting in good faith shall have immunity from civil and criminal liability that might otherwise result from any of the following:

1. Making a report of suspected child abuse.
2. Cooperating or consulting with a child abuse investigation.
3. Testifying in a proceeding arising out of an instance of suspected child abuse.
4. Engaging in any action authorized by the Child Protective Services Law, including but not limited to the taking of photographs, medical tests and x-rays of child subject to report. 23 Pa C.S.A. §6318.

District employees who make a good faith report of suspected child abuse are affirmatively protected from being discharged from employment or from being discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment. 23 Pa. C.S. §6320.

### **“Privileged” Communications NOT an Exception to Reporting Requirement:**

The privilege of communications between a mandated reporter and the patient or client of the mandated reporter **does not** apply to situations involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. 23 Pa. C.S.A. §6311.1. Additionally, a disclosure of information for the purposes of completing a child abuse report is not considered a violation of the Mental Health Procedures Act. 23 Pa. C.S.A §6313(e).

### **Confidentiality Requirements Imposed on Mandatory Reporters:**

Identity of Mandatory Reporter -- Child Protective Services Law mandates that the identity of a person reporting a case of suspected child abuse is to be kept confidential. Law enforcement officials shall treat all reporting sources as confidential informants. 23 Pa. C.S.A. §6340(c).

Outside the School -- Information regarding a case of suspected child abuse shall not be shared outside of school, except as required in this manual and/or pursuant to the Child Protective Services Law. For detailed requirements see, 23 PA. C.S.A. §6339 (relating to confidentiality of reports); 23 PA. C.S.A. §6340 (relating to release of information in confidential reports).

Inside the School -- Within school, such information is only shared among persons who need to know, based on their professional duties, in order to gather information and to protect the child. *Please remember – these children are victims and you never want to add to a child victim's trauma by disclosing this very private and painful information to any individual who does not have a legitimate reason to know the information.*



## B. WHAT IS “CHILD ABUSE”?

The Child Protective Services Law defines child abuse as intentionally, knowingly or recklessly doing any of the following:

1. Causing *bodily injury* to a *child* through any *recent act or failure to act*.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any *recent act*.
3. Causing or substantially contributing to *serious mental injury* to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing *sexual abuse or exploitation* of a child through any act or failure to act.
5. Creating a reasonable likelihood of *bodily injury* to a child through any *recent act or failure to act*.
6. Creating a likelihood of *sexual abuse or exploitation* of a child through any *recent act or failure to act*.
7. Causing *serious physical neglect* of a child.
8. Engaging in any of the following recent acts:
  - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
  - c. Forcefully shaking a child under one (1) year of age.
  - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
  - e. Interfering with the breathing of a child.
  - f. Causing a child to be present at a location while a violation of 18 Pa. C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
  - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known: Is required to register as a Tier II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed; has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (relating to assessments) or any of its predecessors; or has been determined to be a sexually violent delinquent child as defined in 42 Pa. C.S. § 9799.12 (relating to definitions).

9. Causing the death of the child through any act or failure to act. 23 Pa. C.S.A. §6303(B.1).

The term **child abuse** does **not** include the following types of conduct:

1. Environmental factors - No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors, such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides. District officials should allow the Erie County Office of Children and Youth determine if this exception is applicable.
2. The Practice of Sincerely Held Religious Beliefs – the applicability of this exception must be determined by the Erie County Office of Children and Youth.
3. Use of Force for Supervision, Control and Safety Purposes – the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:
  - a. The use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.
  - b. The use of reasonable force is necessary:
    - i. To quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property;
    - ii. To prevent the child from self-inflicted physical harm;
    - iii. For self-defense or the defense of another individual; or
    - iv. To obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.
  - c. Rights of Parents – Generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.
  - d. Participation in Events that Involve Physical Contact with Child – an individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity or an extracurricular activity that involved physical contact with a child does not, in of itself, constitute contact that constitutes child abuse.
  - e. Child-on-Child Contact – Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a *perpetrator*, provided, however:

- i. Acts of rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault and indecent exposure committed by a child to a child are subject to the mandatory reporting requirements.
  - ii. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused by another child in the course of a dispute, fight or scuffle entered into by mutual consent.
- f. Defensive Force – Reasonable force for self-defense or the defense of another individual (see 18 Pa. C.S. §§505 and 506) shall not be considered child abuse.

**C. WHAT PROCEDURES MUST MANDATED REPORTERS FOLLOW IN DETERMINING WHETHER THERE IS “REASONABLE CAUSE TO SUSPECT” CHILD ABUSE HAS OCCURRED?**

School officials must exercise care and restraint when following up on suspicions of child abuse. School officials must ensure they have enough information to give them “reasonable cause to suspect” child abuse is occurring, but school officials must also take care not to traumatize the victim child and inadvertently damage the future criminal investigation.

To protect these varied interests, school officials shall follow the following guidelines when responding to suspicions of child abuse:

- a. School officials and other mandated reporters should *not* perform an “investigation” into allegations of child abuse. School district officials are mandated reporters of child abuse, not mandated investigators of child abuse. Mandated reporters simply need to gather enough information to give them “reasonable cause to suspect” that abuse is occurring or has occurred. Untrained questioning of the abused child, witnesses and/or siblings may taint the investigation and could make criminal prosecution difficult or impossible.
- b. “Minimal facts interview” – a mandated reporter should only do a “minimum facts interview” to gather information. The following questions are all that need to be asked to determine whether you have “reasonable cause to suspect” child abuse:
  - What happened?
  - Where did it happen?
  - When did it happen?
  - Who did it? (Be careful not to ask “who hurt you” since not all abuse causes pain to the child and may confuse them.)
  - Was anyone else there? (other offenders, witnesses or victims)

Detailed, follow-up questions should be left to the investigators. You need only enough information to allow you to make a report of suspected abuse, not to do the investigation.

- a. “Reasonable cause to suspect” that child abuse is occurring may be based on credible third party reports (for example: a sibling or best friend of an abused child may tell you abuse is occurring). “Reasonable cause to suspect” does not have to be based on a report made directly by the child-victim him/herself; the child-victim does not have to “come before” you.
- b. If a child reports to you that he/she is being abused, DO NOT ask the child leading questions about the suspected abuse (example: asking questions in which you suggest the answer, such as “Your father hit you, didn’t he?”).

- c. School officials should not cross examine, interrogate nor obtain written statements from the alleged victim or witnesses (such as siblings) of child abuse.
- d. In order to reduce the amount of times the child will have to describe the abuse, school officials should ensure serial questioning of the child does not occur (e.g., the child should not be asked questions from the teacher, the school nurse and then the principal).

**D. WHAT PROCEDURES MUST MANDATED REPORTERS FOLLOW TO REPORT SUSPECTED CHILD ABUSE?**

**Oral or Electronic Report:**

The mandated reporter who has “reasonable cause to suspect” child abuse has occurred or is occurring shall immediately:

1. Submit an electronic report to the Pennsylvania *Department* of Human Services, Pennsylvania Child Welfare Portal. If the reporter receives a confirmation by the Department of its receipt of the electronic report, the reporter is then relieved of the responsibility of making the oral and written report of suspected child abuse. The Reporter must retain the written confirmation that the electronic report was received by the *Department*. (23 Pa. C.S.A.§§6305, 6313);

OR

2. Make an oral report of suspected child abuse to the *Department* via the statewide toll-free number, commonly referred to as “ChildLine,” which is 1-800-932-0313. Once the oral report is made, the mandatory reporter must also submit a written report (“the CY-47 form”) to the County Agency. This written report may be submitted electronically or via U.S. Mail.

**Reporters should refer to the Child Abuse Reporting Flow Charts at the front of this Manual for detailed procedures on reporting requirements.**

While mandated reporters need only the ChildLine number to make an oral report, other pertinent contact information which may be useful in exigent circumstances is as follows:

- a. ChildLine number: 1-800-932-0313
- b. Erie County Child and Youth Services (OCY): 154 W. 9<sup>th</sup> Street, Erie, PA 16503, 814-451-6600
- c. Erie Police Department: 870-1120 (ask for the Chief or Captain of the Detectives or the “Officer in Charge”)

**Written/Electronic Report:**

Both the written report submitted in follow up to the oral report and the electronic report must include the following information if known:

- a. The names and addresses of the child, the child’s parents and any other person responsible for the child’s welfare.
- b. Where the suspected abuse occurred.
- c. The age and sex of each subject of the report.

- d. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.
- e. The name and relationship of each individual responsible for causing the suspected abuse, and any evidence of prior abuse by each individual.
- f. Family composition.
- g. The source of the report.
- h. The name, telephone number and email address of the person making the report.
- i. The actions taken by the person making the report, including the taking of photographs and X-rays, removal of the child into protective custody or notifying the medical examiner or coroner.
- j. Any other information required by Federal law or regulation.
- k. Any other information required by the Department.

**Additional information which may be gathered:**

While generally NOT recommended, the CPSL authorizes mandated reporters to take or cause to be taken photographs of the child who is the subject of a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child.

- a. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county agency at the time the written report is sent, or within 48 hours after a report is made by electronic technologies or as soon thereafter possible.
- b. The County Agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. 23 Pa. C.S.A. §6314.
- c. It is recommended, however, that school officials allow the investigating criminal officers and/or officials from the District Attorney's office and/or their designees to take photographs or refer the child for a radiological examination except in exceptional circumstances, such as, for example, you believe the evidence will be lost if any further delay occurs or if it would be inappropriate to make the child remain in that state (such as in cases of neglect where the child comes to school covered in filth).

**Notification of Administration:**

- 1. After making a child abuse report, mandated reporters must immediately report to the building administrator/designee of the school which the abused child attends that he/she has made this report.

- a. and give a copy of the electronic report and/or the CY 47 to the building administrator/designee.
  - b. If the report is made after school hours, the mandated reporter shall make every effort to contact the building administrator/designee prior to the start of the next school day and then submit a copy of the electronic report and/or the CY 47 form to the building administrator immediately upon arriving at school the next day.
2. If the alleged perpetrator is a school district employee or independent contractor of the District, the mandated reporter shall immediately contact the building administrator, the Director of Human Resources and the Superintendent/Assistant Superintendent that he/she made a child abuse report involving a school district employee or independent contractor.
- a. Mandated reporter shall submit a copy of the written report (CY-47 or electronic) to the Director of Human Resources and Superintendent/Assistant Superintendent.
  - b. The Director of Human Resources and/or Superintendent/Assistant Superintendent should attempt to communicate with OCY regarding communication with the parent/guardians of the alleged victim about the allegation. All District communication with the parent/guardians about the alleged abuse will be by the Director of Human Resources and/or Superintendent/Assistant Superintendent.
  - c. All further investigation into the alleged employee misconduct shall comply with Section E below.

### **Language Spoken in the Home:**

If a language other than English is spoken in the home, that information should be included in the mandatory report in order to facilitate accurate processing of information.

### **Maintenance of child abuse records:**

The District's policy for maintaining records generated through the report of suspected child abuse is as follows:

- a. Upon completion of mandated reporting, the mandated reporter shall make a copy of the original CY-47 or electronic form **redacting the name/signature of the reporter and the title or relationship of the reporter to the child.**
- b. The original CY-47/electronic form shall be mailed to the Erie County Office of Children and Youth or to the Department. The redacted CY-47/electronic form must be hand delivered to the school nurse of the school which the child attended.
- c. The school nurse shall insert the copy of the redacted CY-47/electronic form into a clean 8 ½ x 11 GOLD interdepartmental mail envelope.



- d. The gold envelope containing the copy of the redacted CY-47/electronic form shall be inserted into the student's health record. No other copies shall be retained.
- e. If the mandated reporter receives a confirmation letter from the Office of Children and Youth regarding the report being founded, indicated or unfounded, that report shall be filed with the school nurse.
  - i. Any reference to the identity of the mandatory reporter shall be redacted.
  - ii. Any confirmation documentation shall be maintained in the gold envelope with the CY-47/electronic form in the student's health records.

All records regarding a mandatory child abuse report contained in the gold envelope shall be expunged from the student's health record upon the student's graduation and destroyed.

## **E. WHAT PROCEDURES MUST DISTRICT ADMINISTRATORS FOLLOW WHEN THE ALLEGED PERPETRATOR OF CHILD ABUSE IS A DISTRICT EMPLOYEE?**

When the perpetrator of alleged child abuse is a school district employee, the District administration and legal counsel must follow up and perform an internal school district investigation into child abuse allegations related to a District employee in order to determine the appropriate course of action regarding the accused school district employee.

It is in the best interest of the District, the victim child and the community at large for the District, the County Agency (OCY), the District Attorney's office and local law enforcement to coordinate their respective investigations into the alleged inappropriate and/or criminal actions of the accused employee.

### **Procedure when County Agency (OCY) investigates child abuse claims:**

1. The District has designated the Director of Human Resources as the District official who is to be contacted by the County Agency when it receives a report of suspected child abuse involving a school district employee.  
  
The identity of this individual (hereinafter referred to as "District Coordinator") should be communicated to the Senior Solicitor (814-451-6659 in Erie County) and the Administrator of Intake Department (814-451-7793 in Erie County) of the County Agency.
2. The County Agency will inform the District Coordinator that the County Agency has a duty to investigate the suspect child abuse report which involves a school employee.
  - a. The County Agency and the District Coordinator will discuss the nature of the child abuse report and shall collaborate on an appropriate "plan of supervision or alternative arrangement" ("Safety Plan") regarding the school employee under investigation to ensure the safety of the alleged victim and other children who are in the care of the school.
  - b. The Safety Plan should be consistent with the nature of the complaint (e.g., more serious allegations will necessitate a more restrictive safety plan).
    - i. The County Agency is required to "approve" the Safety Plan.
    - ii. The Safety Plan may need to be modified after the County Agency officials perform their initial investigation, either to be more or less restrictive.
  - c. The Safety Plan must be implemented immediately to ensure the safety of the student/s. School district officials may not discuss the complaint with the accused employee at this time.

- i. School district officials must ensure they do not taint any forthcoming child abuse and/or criminal investigation.
  - ii. At this point in the process, the District's internal investigation into possible employee misconduct is suspended.
  - iii. At this point in the process, the District's first priority is to work with the County Agency to ensure the safety of the alleged victim and all other students.
- 3. The County Agency will inform the District Coordinator that a County Agency caseworker will be appearing at the school at which the suspected employee works to perform an initial investigation into the allegations.
  - a. The County Agency and District Coordinator will coordinate the logistics of the County Agency's interview of the subject child and any other witness.
  - b. The District Coordinator must ensure there is a private space available for the County Agency to perform the interview/s.
  - c. If the County Agency requests to interview any school district officials, the District Coordinator must ensure those individuals are made available to be interviewed by the County Agency.
    - i. The District Coordinator should not allow the interview process to be delayed by an employee's request to have union representation present:
      - a) If the employee being interviewed is not the alleged perpetrator, there can be no reasonable belief that the interview could lead to disciplinary as it is not his/her behavior that is under investigation. That employee has no rights under Pennsylvania law to union representation in this instance.
      - b) If the employee being interviewed is the alleged perpetrator and thus his/her actions could, if proven, could lead to disciplinary action, that employee does not have the right to union representation if there are no school district officials present during the interview. In that case, once the district official leaves the room, the employee has no right to union representation. (NOTE: They may have the right to legal counsel – but the County Agency is responsible for notifying the employee of his/her legal rights, not the school district.)
    - ii. The County Agency has the right to interview any witness privately, without the observation of school district officials.
    - iii. The District Coordinator must ensure the school district does not put up obstacles to the County Agency's access to witnesses during an

investigation. County Agency caseworkers need not be pre-approved to enter the school buildings, etc.

- d. After the initial investigation, the County Agency will communicate to either the school building administrator or the District Coordinator whether the initial investigation necessitates a modification to the Safety Plan and/or whether the County Agency will be making a law enforcement referral.
  - i. The County Agency will refer a matter to local law enforcement (police and District Attorney) whenever the County Agency believes a crime may have been committed.
  - ii. The County Agency and local law enforcement have an obligation to conduct a joint investigation into the claims that constitute both “child abuse” and a violation of a Pennsylvania crime.
  - iii. Actions that constitute an indicated or founded “child abuse” report almost always involve actions that are a violation of a Pennsylvania crime, so local law enforcement will almost always be involved in those situations.

**Procedure when District Attorney and Local Law Enforcement investigate alleged school employee misconduct related to child abuse complaint.**

The procedure set forth below were developed collaboratively between school district general solicitor, school district labor counsel and representatives from the District Attorney’s office and the Erie County detectives.

The Superintendent and/or the designated District Coordinator (defined above), in conjunction with the school district’s solicitor, should comply with the following best practices procedures pertaining to the coordination of its internal school district investigation with the investigations concurrently being conducted by the District Attorney and local law enforcement:

1. The school district will make reasonable best efforts to coordinate its internal investigation into the suspected child abuse with local law enforcement and the District Attorney’s office. “Reasonable best efforts” shall include, but not be limited to:
  - a. immediate contact with local law enforcement and the District Attorney’s office; [In Erie County, the Superintendent/District Coordinator must ask for:
    - i. the District Attorney “assigned to child abuse” at 814 – 451-6414; and/or
    - ii. the Erie County Detective “assigned to child abuse” at 814-434-8748.
  - b. making collaborative decisions regarding the interviewing of witnesses or perpetrators or victims and collection of other evidence in accordance with Paragraphs 2.3 and 4; and
  - c. immediate sharing of information collected in the course of each respective investigation.

2. Interview of Accused Employee. The school district shall collaborate with local law enforcement and the District Attorney's office regarding the timing of the school district's interviews of the accused employee. School district should contact the individuals listed in Paragraph 1 above.
  - a. The school district shall refrain from interviewing the accused employee until after the District Attorney and/or local law enforcement have had the opportunity to interview the accused employee.
  - b. The school district shall not release the name of the student and the nature of the offense to the accused before the District Attorney or local law enforcement have had the opportunity to interview the accused employee.
  - c. The District Attorney's office will immediately communicate to the school district the information it obtained through its interview of the accused employee. The school district may do a follow up interview of the accused employee if necessary.
  - d. The school district reserves the right to interview the accused employee before the District Attorney/local law enforcement interview the accused employee in those cases where there has been a significant unreasonable delay in their interview of the employee. In such case, the school district agrees to contact the District Attorney/local law enforcement, prior to the school district's interview, to notify of the school district's intent to interview.
3. Interview of Victim and Other Witnesses. The school district shall communicate with the District Attorney's office and local law enforcement regarding the timing of the school district's interviews of both victim and non-victim witnesses of the abuse.
  - a. The school district shall refrain from interviewing both victim and non-victim witnesses of the abuse until after the District Attorney and/or local law enforcement have had the opportunity to interview the witnesses.
  - b. The school district reserves the right to interview any witnesses of the abuse before the District Attorney/local law in those cases where there has been a significant unreasonable delay in the District Attorney/local law enforcement's interview of said witness. In such case, the school district agrees to contact the District Attorney/local law enforcement, prior to the school district's interview, to notify of the school district's intent to interview.
  - c. The school district will not take any statements, written or otherwise, from any witnesses.
  - d. The school district, the District Attorney's office and local law enforcement agree to share the results of its witness interview/s with all other parties.
4. Seizure of Physical Evidence. Regarding the school district's seizure of physical evidence (including but not limited to the computer and other technical devices owned by the school district but used by the accused employee), the school district shall secure custody of the physical evidence but shall refrain from inspecting or cloning such information until such time that it confers with the DA's office so as not to ruin the chain

of custody. The DA's office agrees to share with the school district the results of its investigation into the physical evidence secured by the school district.

#### IV. AGENCY CONTACTS

##### CONTACT PERSONS WITHIN AGENCIES FOR INFORMATION REGARDING SERVICES AVAILABLE

School District of the City of Erie, and Erie Career and Technical School

Director of Pupil Services:

Ms. Angie Kownacki, 874-6116

Head Nurse:

Debbie Feeney, Student Health Services, 874-6097

Erie County Office of Children and Youth (OCY):

Intake Screeners:

814 - 451-6600 then, follow instructions on the menu.

Senior Solicitor:

814-451-6659

Administrator of Intake Department:

814-451-7793

Erie Police Department (EPD):

814-870-1120 and request to speak with the Chief or Captain of the Detectives or the Officer in Charge

Erie County Detectives (ask for Detective “assigned to child abuse”):

814-434-8748

Erie County District Attorney’s Office (ask for District Attorney “assigned to child abuse”):

814-451-6414 or (Emergency Only) 814-434-8746

**V. REQUIRED BACKGROUND CERTIFICATIONS FOR EMPLOYEES AND  
INDEPENDENT CONTRACTORS AND VOLUNTEERS**



## **REQUIRED BACKGROUND CERTIFICATIONS FOR EMPLOYEES AND INDEPENDENT CONTRACTORS**

### **Required Clearances**

All employees of the District and all independent contractors of the District who have direct contact with children, and all applicants to any of those positions, prior to the commencement of serving in that capacity, must submit to the District's Director of Human Resources the following:

1. A report of criminal history record information from the Pennsylvania State Police dated no more than one year prior to the application date.
2. A certification from the *Department* as to whether the individual is named in the Statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a found report or an indicated report of child abuse dated no more than one year prior to the application date.
3. A report of Federal criminal history record information, obtained by submitting a full set of fingerprints to the Pennsylvania State Police, which fingerprints will then be submitted to the Federal Bureau of Investigation for the purpose of verifying the identity of the individual and obtaining a current record of any criminal arrests and convictions, dated no more than one year prior to the application date. 24 P.S. §1-111(b); 23 Pa. C.S.A. §6344(b).

Every individual is required to produce the documents identified in paragraphs 1, 2 and 3 above to the District for inspection. The District shall maintain copies of the required certification information, and mark on the copy the date copied and the name of the administrator who viewed the original. 24 P.S. §1-111(b); 23 Pa. C.S.A. §6344(b.1).

All requirements that apply to District employees apply to student teachers and other interns, even if not paid. 24 P.S. §1-111.

The District may not accept certifications that were obtained for volunteering purposes when considering an individual for employment and/or independent contractor status within the District. 23 Pa. C.S. §6344.3(b.3).

### **Confidentiality of Information Contained in Clearances**

The District shall comply with all confidentiality requirements under all applicable laws. The CPSL provides that information compiled pursuant to these requirements is not subject to the Right to Know Law and shall not be released except as permitted by the Department through regulation. 23 Pa. C.S.A. §6344(n). The clearance information is not available to any individual not directly involved in making hiring decisions. 22 Pa. Code §8.2.

### **Grounds for Denying Employment**

The District may not hire an employee or an independent contractor who has direct contact with children if that individual:

1. Is named in the statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification. 23 Pa. C.S.A. §6344(c)(1).
2. Has been convicted of any of the following offenses under Title 18 or an equivalent crime under Federal law or the law of another state:
  - Chapter 25 (relating to criminal homicide);
  - Section 2702 (relating to aggravated assault);
  - Section 2709.1 (relating to stalking);
  - Section 2901 (relating to kidnapping);
  - Section 2902 (relating to unlawful restraint);
  - Section 2910 (relating to luring a child into a motor vehicle or structure);
  - Section 3121 (relating to rape);
  - Section 3122.1 (relating to statutory sexual assault);
  - Section 3123 (relating to involuntary deviate sexual intercourse);
  - Section 3124.1 (relating to sexual assault);
  - Section 3124.2 (relating to institutional sexual assault);
  - Section 3125 (relating to aggravated indecent assault);
  - Section 3126 (relating to indecent assault);
  - Section 3127 (relating to indecent exposure);
  - Section 3129 (relating to sexual intercourse with animal);
  - Section 4302 (relating to incest);
  - Section 4303 (relating to concealing death of child);
  - Section 4304 (relating to endangering welfare of children);
  - Section 4305 (relating to dealing in infant children);
  - A felony offense under Section 5902(b) (relating to prostitution and related offenses);
  - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances);
  - Section 6301(a)(1) (relating to corruption of minors);
  - Section 6312 (relating to sexual abuse of children);
  - Section 6318 (relating to unlawful contact with minor);
  - Section 6319 (relating to solicitation of minor to traffic drugs);

- Section 6320 (relating to sexual exploitation of children);
  - An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64) known as “The Controlled Substance, Drug, Device and Cosmetic Act.” 24 P.S. §1-111(e); 23 Pa. C.S.A. §6344(c) and §6344.2
3. Has been convicted of any other 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree felony offense (other than the offenses enumerated in ¶2 above) and a period of ten years has not elapsed from the date of the expiration of the sentence for the offense.\* 24 P.S. §1-111(f.1)(1).
  4. Has been convicted of a misdemeanor of the 1<sup>st</sup> degree (other than the offenses enumerated in ¶2 above) and a period of five years has not elapsed from the date of expiration of the sentence of the offense.\* 24 P.S. §1-111(f.1)(2).
  5. Has been convicted more than once of an offense under 75 Pa. C.S. §3802(a), (b), (c) or (d)(relating to driving under the influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the 1<sup>st</sup> degree under 75 Pa. C.S. §3803, and a period of three years has not elapsed from the date of expiration of the sentence for the most recent offense.\* 24 P.S. §1-111(f.1)(3).

If information obtained pursuant to the background certifications reveals that the applicant is disqualified from employment or approval, the applicant shall be immediately dismissed from employment or approval. 23 Pa. C.S.A. §6344(c.1).

### **Clearance Renewal Requirements**

New, updated background certifications must be submitted to the District in order to retain employment, independent contractor and volunteer status every 60 months. Deadlines for renewed certifications are based upon the date of the individual’s oldest clearance. 23 Pa. C.S.A. §6344.4.

Employees and employees of independent contractors who have direct contact with children are not statutorily eligible to remain employed by and/or in the District if they do not have current required certifications on file with the District.

### **Provisional hiring of employees for limited periods.**

The District may – but is not required to - employ applicants on a provisional basis for a single period not to exceed 90 days if all of the following conditions are met:

1. The applicant has applied for all of the certification information required above and the applicant provides a copy of the appropriate completed request forms to the employer, administrator or supervisor responsible for employment decisions.
2. The employer, administrator or supervisor has no knowledge of information pertaining to the applicant which would disqualify him/her from employment under Section 111 of the School Code and the CPSL.
3. The applicant swears or affirms in writing that s/he is not disqualified from employment under the School Code/CPSL or has not been convicted of an offense similar in nature to

those crimes listed in Section 111 of the School Code and the CPSL in another jurisdiction.

4. If the certifications, once obtained, reveal that the applicant is disqualified from employment, the applicant shall be immediately dismissed by the District.
5. The District shall require that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee during the provisional period. 24 P.S. §1-111(i); 23 Pa. C.S.A. §6344(m).

Provisions hiring of this nature may not occur during a strike.

NOTE: The provisional hire provisions do not apply to the employees of independent contractors. Per PDE guidance, all independent contractors and their employees who will have direct contact with children must obtain the required certifications prior to working in a position in which they will have direct contact with children.

### **Transfer of Clearances**

Any person who has obtained certifications may transfer or provide services to another subsidiary or branch established and supervised by the District during the length of time the person's certification is current. 24 P.S. §1-111(h)

Any individual who applies for and/or begins employment involving direct contact with children with a new agency, institution, organization or other entity and whose certifications were not obtained within the preceding one (1) year period must obtain new certification of compliance with the background clearance requirements. 24 P.S. §1-111(b).

Any individual who applies for and/or begins employment involving direct contact with children with a new agency, institution, organization or other entity and whose certifications are no more than one (1) year old may submit those certifications for purposes of obtaining employment with the new agency, institution or entity so long as, prior to the commencement of employment, the individual swears and affirms, in writing, that s/he has not been disqualified from employment under the School Code/CPSL or has not been convicted of an offense similar in nature to those crimes listed in Section 111 of the School Code and the CPSL in another jurisdiction. 23 Pa. C.S. §6344.3(f)(2).

### **Required sworn statements – PDE – 6004 form**

All employees and prospective employees and independent contractor employees who will have direct contact with children (“individual”) shall complete and submit a written statement (PDE-6004) in which they attest they have never been arrested or convicted of offenses that would constitute grounds for denying employment or participation in a program, activity or service of the District, or is named as a perpetrator in a founded or indicated report. The PDE-6004 shall be dated as of the application date.

1. If an individual refuses to submit PDE-6004, as required above, that individual shall be required to submit the three required types of current clearance information.

2. If an individual is arrested for or convicted at any time of an offense enumerated in this section or is named a perpetrator in a founded or indicated report, that individual shall provide the District with written notice, utilizing PDE-6004, not later than seventy-two (72) hours after the arrest or conviction.
3. If a District administrator or other person responsible for employment or volunteer decisions in the District has a reasonable belief that an individual was arrested or has a conviction for an offense that would constitute grounds for denying employment or participation in a program, activity or service of the District, or is named as a perpetrator in a founded or indicated report, that individual shall immediately be required to submit current clearance information. Under these circumstances only, the cost of the criminal background checks will be the responsibility of the District.
4. An individual who willfully fails to disclose the information required in this section shall be subject to discipline up to and including termination or denial of employment and may be subject to criminal prosecution under 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities) and/or commits a misdemeanor of the 3<sup>rd</sup> degree and is subject to discipline up to and including termination or denial of employment or volunteer position. 24 P.S. §1-111(j); 23 Pa. C.S. §6344.3(g), (h).

**VI. ACT 168 OF 2014 EMPLOYMENT HISTORY REVIEW**

## ACT 168 OF 2014 EMPLOYMENT HISTORY REVIEW

### Sexual Misconduct/Abuse Disclosures

A candidate shall not be employed until he or she has complied with the employment history review requirements for sexual misconduct/abuse disclosure release regarding his or her former employment and the district has evaluated the results of the disclosure process.

The District shall conduct an employment history review in compliance with Act 168 of 2014 (24 P.S. §111.1) prior to issuing an offer of employment to any applicant for a position in which the employee will have direct contact with children.

To comply with Act 168, and as a condition to employment, the District will require an applicant for any position in which there is direct contact with children to complete Section 1 of the Sexual Misconduct/Abuse Disclosure Release form for all employers that fall within the following categories:

- a. The applicant's current employer;
- b. All former employers of the applicant that were school entities; and
- c. All former employers of the applicant where the applicant was employed in a position in which he or she had direct contact with children.

A separate Sexual Misconduct/Abuse Disclosure Release form must be completed for each applicable employer. By completing the form, the applicant must consent to the current or former employer's disclosure of any information regarding abuse and/or sexual misconduct. The following policy will apply:

1. In addition to identifying current and former employers, an applicant must respond affirmatively or negatively to the following questions on the Sexual Misconduct/Abuse Disclosure Release form:

(a) whether they have ever been the subject of an abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency or child protective services agency;

(b) whether they were disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from employment while allegations of abuse or sexual misconduct were pending or under investigation or due to adjudication or findings of abuse or sexual misconduct; and/or

(c) whether they have had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct were pending or under investigation or due to an adjudication or findings of abuse or sexual misconduct.

2. If, upon receipt of the applicant's Sexual Misconduct/Abuse Disclosure Release form, the applicant is still under consideration for employment, the District shall submit the applicant-completed Sexual Misconduct/Abuse Disclosure Release form to each identified current/former employer for completion of Section 2. Each current/former employer has twenty (20) days to complete Section 2 and return the completed form to the District. Current/former employers will be asked to respond to the following inquiries:

(a) whether the applicant was ever the subject of an abuse or sexual misconduct investigation;

(b) whether the applicant was ever disciplined, asked to resign from employment, resigned from or otherwise separated from employment while allegations of abuse or sexual misconduct were pending or under investigation or due to adjudication or findings of abuse or sexual misconduct; and/or

(c) whether the applicant had a license, professional license or certificate revoked while allegations of abuse or sexual misconduct were pending or under investigation or due to an adjudication or findings of abuse or sexual misconduct.

3. If a current or former employer responds in the affirmative to any of the abuse or sexual misconduct disclosure questions and the District still wants to consider hiring the applicant, the District shall provide the current or former employer with a second form, the Sexual Misconduct/Abuse Disclosure Information Request form. The current/former employer has sixty (60) days to respond to the second form and to provide all information related to the disclosure to the District.

4. Failure by current or past employers to respond and/or provide the information requested can result in civil penalties and/or violations of the Educator Misconduct Act, 24 P.S. § 2070.1a et seq.

5. The District may employ an applicant on a provisional basis pending responses by current/former employers is permitted for up to 90 days as long as:

(a) The applicant has completely filled out the Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release form;

(b) The District's administration has no knowledge of any information that would make the applicant disqualified from employment;

(c) the applicant swears/affirms that he/she is not disqualified from employment; and

(d) during any period of provisional employment, the applicant/employee is not permitted to work alone with children and is required to work in the immediate vicinity of a permanent employee.



## **Verifying Employment Certification, Disciplinary Status, and Pending Criminal Charges**

Under Act 168, when an applicant applies for a position requiring a public or private school certification and/or a Professional Personnel Identification number (PPID), the District is required to verify that an applicant has a valid and active certification appropriate for the position for which he or she has applied, determine whether the applicant has been the subject of public professional discipline, and ascertain whether the applicant/educator is the subject of any pending criminal charges. The following policy applies:

1. Upon receipt of an application for a position requiring a public or private school certification, the District shall ascertain whether the applicant holds a valid and active certification appropriate for the position for which he or she has applied. The District also shall make the appropriate inquiries to the PDE to determine whether the applicant has been the subject of public professional discipline and ascertain whether the educator has pending criminal charges.

2. Information concerning certification status, public professional discipline, and/or pending criminal charges against applicants who are professional educators in Pennsylvania can be found in the Teacher Information Management System (“TIMS”). An administrator designated by the District with access to TIMS can determine whether an educator has pending criminal charges by searching the educator by name or PPID and clicking on “View Complete Profile”. In the event the designated administrator is not a provisioned user of TIMS, he or she can access the same information by searching the educator by PPID from the public access site: <http://www.teachercertification.pa.gov/Screens/wfSearchEducators.aspx>.

3. The information reflected in TIMS on pending criminal charges is provided to the PDE by the Pennsylvania Justice Network (“JNET”), which provides limited public information about criminal charges. If it is noted that the applicant has pending criminal charges in TIMS, the designated administrator may contact the Office of Chief Counsel, Department of Education, at 717-787-5500, for information regarding charge information, the date of the charges and the county where the charges were incurred. The District may also verify the charges and obtain this information by accessing the Pennsylvania Judiciary Web Portal, which is a free database of publicly available criminal information. Access to the portal can be made at <https://ujportal.pacourts.us>.

4. The provisions of this section as they relate to verifying employment certification, disciplinary status, and pending criminal charges through TIMS or other inquiry to the PDE relates solely to applicants who are professional educators. Information for other applicants is not available through TIMS.

## **VII. CHILD ABUSE TRAINING REQUIREMENTS**

## **CHILD ABUSE TRAINING REQUIREMENTS**

The District, and all independent contractors of the District, shall provide their respective employees who have direct contact with children mandatory training on child abuse recognition and reporting requirements. The training shall include, but not be limited to, the following topics:

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.
3. District policy related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

District employees and independent contractors and their employees are required to complete a minimum of three (3) hours of training every five (5) years. 24 P.S. §2070.1a.; 24 P.S. §12-1205.6.

## **VIII. APPENDICES**

## APPENDIX A

**A. REPORTING FORMS**

# REPORT OF SUSPECTED CHILD ABUSE

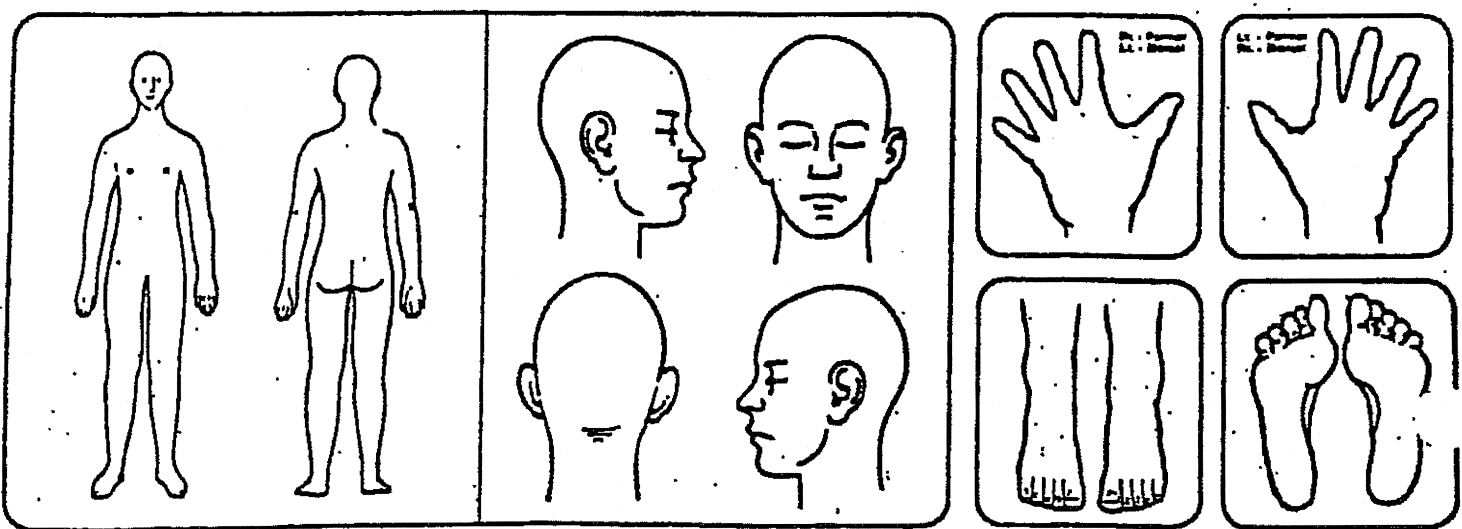
(CHILD PROTECTIVE SERVICE LAW - TITLE 23 PA CSA CHAPTER 63)

PLEASE REFER TO INSTRUCTIONS ON REVERSE SIDE. EXCEPT FOR SIGNATURE, PLEASE PRINT OR TYPE

1. NAME OF CHILD (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	SEX <input type="checkbox"/> M <input type="checkbox"/> F
ADDRESS (Street, City, State & Zip Code)			COUNTY	
1A. PRESENT LOCATION IF DIFFERENT THAN ABOVE			COUNTY	
2. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)			COUNTY	
3. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)			COUNTY	
4. OTHER PERSON RESPONSIBLE FOR CHILD		SOC. SEC. NO.	BIRTHDATE	RELATIONSHIP TO CHILD
ADDRESS (Street, City, State & Zip Code)		COUNTY	SEX <input type="checkbox"/> M <input type="checkbox"/> F	
5. ALLEGED PERPETRATOR (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	RELATIONSHIP TO CHILD
ADDRESS (Street, City, State & Zip Code)		COUNTY	SEX <input type="checkbox"/> M <input type="checkbox"/> F	
6. FAMILY HOUSEHOLD COMPOSITION (Excluding Above Names)		RELATIONSHIP TO CHILD	NAME (Last, First, Initial)	RELATIONSHIP TO CHILD
A.			D.	
B.			E.	
C.			F.	

DESCRIBE INJURIES/CONDITION AND WHY YOU SUSPECT ABUSE/NEGLECT. INCLUDE EVIDENCE OF PRIOR ABUSE TO THIS CHILD, SIBLING OR PERPETRATOR. PLEASE REFER TO OPPOSITE SIDE FOR ADDITIONAL INFORMATION. PLEASE NOTE EXACT LOCATION OF THE INJURY(S) ON MODEL BELOW.

COUNTY WHERE ABUSE OCCURRED	DATE OF INCIDENT
-----------------------------	------------------







7. ACTIONS TAKEN OR ABOUT TO BE TAKEN BY REPORTER, COUNTY AGENCY, LAW ENFORCEMENT, SCHOOL OFFICIAL, OR OTHERS.

NOTIFICATION OF CORONER  
  X-RAYS  
  PHOTO-GRAPHS  
  HOSPITAL-IZATION  
  POLICE NOTIFIED  
  MEDICAL EXAMINATION  
  EMERGENCY CUSTODY TAKEN  
  OTHER (Specify) \_\_\_\_\_

8. RISK FACTORS, CHILD:

A. DESCRIBE ANY PHYSICAL, MENTAL OR BEHAVIORAL FACTORS THAT MAY PLACE THE CHILD AT RISK:  UNKNOWN

B. DOES THE CHILD APPEAR TO NEED IMMEDIATE MEDICAL ATTENTION?  NO  UNKNOWN  YES IF YES, PLEASE EXPLAIN

C. LEVEL OF PAIN CHILD EXHIBITS  MILD  MODERATE  SEVERE PLEASE DESCRIBE:

D. DOES THE CHILD APPEAR TO BE FEARFUL, SUICIDAL OR WITHDRAWN? IF YES, PLEASE EXPLAIN  NO  UNKNOWN  YES

9. RISK FACTORS, FAMILY:

A. DESCRIBE ANY CARETAKER/PERPETRATOR CHARACTERISTICS THAT PLACE THE CHILD AT RISK:  UNKNOWN

B. DESCRIBE THE EXTENT OF PERPETRATOR(S) ACCESS TO CHILD:  UNKNOWN

C. IS THERE ANY SUBSTANCE ABUSE IN THE HOUSEHOLD? IF YES, PLEASE EXPLAIN:  NO  UNKNOWN  YES

D. DOES THE CARETAKER/PERPETRATOR HAVE A HISTORY OF VIOLENCE OR SEVERE EMOTIONAL PROBLEMS? IF YES, PLEASE EXPLAIN:  NO  UNKNOWN  YES

E. WHAT IS THE ENVIRONMENTAL (HEALTH AND SAFETY) CONDITION OF THE HOME?  UNKNOWN

F. WILL CHILD BE AT RISK DUE TO COUNTY AGENCY INVOLVEMENT? IF YES, PLEASE EXPLAIN:  NO  UNKNOWN  YES

G. ARE THERE WEAPONS IN THE HOME? IF YES, PLEASE EXPLAIN:  NO  UNKNOWN  YES

**INSTRUCTIONS TO MANDATED PERSONS:** Any persons who, in the course of their employment, occupation, or practice of their profession come into contact with children shall report or cause a report to be made to ChildLine (800-932-0313) 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 a victim of child abuse. Within 48 hours after making the oral report, send one copy of this report to the county children and youth agency.

**NOTE:** If the child has been taken into custody, you must also immediately contact the county children and youth agency where the abuse occurred. Except for confidential communications made to an ordained member of the clergy, the 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 suspected abuse.

REPORTING SOURCE			
SIGNATURE	TITLE OR RELATIONSHIP TO CHILD	FACILITY OR ORGANIZATION	
ADDRESS	TELEPHONE NUMBER	DATE OF REPORT	



# REPORT OF SUSPECT STUDENT ABUSE

(Child Protective Service Law Title 23 PA CSA Chapter 63)

## INSTRUCTIONS TO SCHOOL EMPLOYEE AND ADMINISTRATOR

School employee who has reasonable cause to suspect, on the basis of professional or other training and experience, that a student coming before them is a victim of serious bodily injury or sexual exploitation by a school employee, shall immediately report that suspicion to the administrator. The administrator shall report the suspicion immediately and provide a copy of this report to law enforcement officials and the appropriate district attorney. (If the accused school employee is the administrator, then the school employee who has the suspicion shall make this report.)

1. NAME OF STUDENT (Last, First, Middle Initial)		SOC. SEC. NO.	BIRTHDATE	SEX □ M □ F
ADDRESS (Street, City, State & Zip Code)			COUNTY	
2. MOTHER (Last, First, Middle Initial)		SOC. SEC. NO.	BIRTHDATE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)			COUNTY	
3. FATHER (Last, First, Middle Initial)		SOC. SEC. NO.	BIRTHDATE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)			COUNTY	
4. AGENCY OR LEGAL GUARDIAN	SOC. SEC. NO.	BIRTHDATE	RELATIONSHIP TO CHILD	SEX □ M □ F
ADDRESS (Street, City, State & Zip Code)		COUNTY	TELEPHONE NO.	
5. NAME OF SCH. EMPL. SUSPECTED OF ABUSING STUDENT	SOC. SEC. NO.	BIRTHDATE	RELATIONSHIP TO CHILD	SEX □ M □ F
ADDRESS (Street, City, State & Zip Code)		COUNTY	TELEPHONE NO.	
SCHOOL ADDRESS (Street, City, State & Zip Code)				

NATURE OF ALLEGED OFFENSE (INCLUDING ANY SPECIFIC COMMENTS OR OBSERVATIONS THAT ARE DIRECTLY RELATED TO THE ALLEGED INCIDENT, THE INDIVIDUALS INVOLVED, AND THE SPECIFIC LOCATION OF THE INCIDENT).

COUNTY WHERE ALLEGED INCIDENT OCCURRED	DATE OF INCIDENT
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<b>REPORTING SOURCE (CONFIDENTIAL)</b>			
NAME	TITLE	SCHOOL FACILITY OR LEO	
ADDRESS	TELEPHONE NUMBER	DATE OF REPORT	

## INSTRUCTIONS TO LAW ENFORCEMENT OFFICIALS

YOUR INITIAL REVIEW GIVES EVIDENCE OF SERIOUS BODILY INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION. CALL THE COUNTY AGENCY IN THE COUNTY WHERE THE ABUSE OCCURRED. FORWARD A COPY OF THIS FORM, ALONG WITH ANY OTHER INFORMATION YOU HAVE GATHERED IN WRITING TO THE COUNTY AGENCY WITHIN 48 HOURS. PLEASE NOTIFY THE COUNTY AGENCY OF THE RESULTS OF YOUR INVESTIGATION, SUCH AS ANY ARRESTS, CHARGES, OR CONVICTION (PLEASE USE FORM CY-LEO).



COMMONWEALTH OF PENNSYLVANIA  
SCHOOL'S MANDATORY REPORT FORM

The School Laws require school officials to report promptly to the Department of Education the following: 1) an educator who is dismissed for cause; 2) an educator who is charged with a crime involving moral turpitude or some other offense requiring mandatory suspension or revocation; 3) an educator who is convicted of a crime involving moral turpitude or other offense requiring mandatory suspension or revocation. (24 P.S. §2070.9(b)).

While the above situations are mandatory, the Department of Education strongly encourages school officials to similarly report educators who resign to avoid a dismissal for cause, even if there is no formal charge or conviction.

Send this completed form, with supporting documentation, to: Chief Counsel of the Pennsylvania Department of Education, 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333;

This form must be completed in its entirety.

1. SCHOOL ENTITY:

A. Name/Address \_\_\_\_\_  
\_\_\_\_\_  
B. Contact Person \_\_\_\_\_  
C. Phone # \_\_\_\_\_

2. COUNTY/STATE WHERE INCIDENT OCCURRED: \_\_\_\_\_

3. EDUCATOR'S INFORMATION:

A. Name \_\_\_\_\_  
B. SSN \_\_\_\_\_ C. DOB \_\_\_\_\_  
D. Most Recent Position \_\_\_\_\_  
E. Phone # (Home) \_\_\_\_\_ (Work) \_\_\_\_\_  
F. Address (Please complete and check box below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address is current                       Address is most recent but may be inaccurate

4. CURRENT STATUS:

In classroom                       Temporary reassignment  
 Suspended with pay               Resigned  
 Suspended without pay             Dismissed



SCHOOL'S MANDATORY REPORT FORM

5. DISMISSED FOR CAUSE:

A. Effective Date of Action: \_\_\_\_\_

B. Reason for Dismissal: Identify the inappropriate act or behavior; check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> Immorality   | <input type="checkbox"/> Drugs or Narcotics            |
| <input type="checkbox"/> Intemperance                                       | <input type="checkbox"/> Cruelty                       |
| <input type="checkbox"/> Incompetency                                       | <input type="checkbox"/> Negligence                    |
| <input type="checkbox"/> Persistent and Willful Violation<br>of School Laws | <input type="checkbox"/> Forged or Altered Certificate |
| <input type="checkbox"/> Other _____  | <input type="checkbox"/> Moral Turpitude               |

If Criminal or Civil Charges have been filed, enclose criminal complaint number and court documents: Complaint # \_\_\_\_\_

C. If a dismissal hearing or arbitration hearing was held, indicate the date(s) of the hearing(s) and the final outcome: \_\_\_\_\_

D. On a separate sheet, summarize the facts surrounding the dismissal. **This summary MUST be provided.**

E. Enclose the following when applicable:

1. For incompetency, certified copies of ratings.
2. For negligence/violation of school laws, copies of policies and/or directives not followed.
3. For School Board votes, findings or discussions, certified copies of Board minutes.

6. CHARGED WITH OR CONVICTED OF CRIME OF MORAL TURPITUDE:

A. List the crime(s): \_\_\_\_\_

B. List the county in which the educator was charged/convicted: \_\_\_\_\_

C. List the docket number: \_\_\_\_\_

D. List the date of the charge/conviction: \_\_\_\_\_

E. Enclose a copy of any available criminal court documents.

7. RESIGNING TO AVOID DISMISSAL (WITH NO CHARGE OR CONVICTION):

A. Fill in #5 above.

B. Enclose a copy of the educator's resignation and evidence of the Board's acceptance of the resignation.

\_\_\_\_\_  
(Signature of Chief School Administrator)

\_\_\_\_\_  
(Date)





**APPENDIX B**

## B. SYMPTOMS AND SIGNS OF ABUSE

#1673615.v1

## SYMPTOMS AND SIGNALS IN THE CHILD

Abused and neglected children tend to display a variety of symptoms and behaviors that are noticeably different from those of other children of the same age and in similar settings. Their behavior is generally adaptive and tends toward extremes.

A DIAGNOSIS OF CHILD ABUSE SHOULD BE CONSIDERED WHEN THE CHILD:

Type: Serious Physical Injury/Serious Bodily Injury

PHYSICAL SYMPTOMS	BEHAVIORAL SYMPTOMS	EMOTIONAL SYMPTOMS
1. shows evidence of repeated skin injuries, infections, or fractures.	1. avoids physical and/or eye contact with adults.	1. is unusually anxious or fearful
2. shows evidence of ingestion of inappropriate food, drink, or drugs.	2. becomes apprehensive when other children cry	2. is emotionally unresponsive
3. shows evidence of sexual abuse.	3. reports injury by parent(s).	3. expresses negative, self-destructive feelings
4. shows evidence of x-ray anomalies.	4. does not cry or cries excessively under treatment examination	4. is hesitant to interact with environment
5. shows evidence of subdural hematoma.	5. does not turn to parents or other adults for comfort and reassurance	5. is frightened of parents
6. shows evidence of an unexplained injury or injury not mentioned in the history.	6. demonstrates seemingly unprovoked hostility and/or aggression.	6. is afraid to go home
A. unexplained bruises or welts:	7. demonstrates inconsistent moods and/or behavior	7. wary of adult contacts
— on face, lips, mouth	8. demonstrates "role reversal" behavior	8. demonstrates extremely low self esteem.
— on torso, back, buttocks, and legs	— takes over situation attempting to meet parents' needs	9. imposes self isolation
— in various stages of healing	— demonstrates precocious and/or pseudo-mature language and/or behavior	10. perceives self as "bad", "different", or a "problem".
— clustered, forming regular patterns.	— attempts to make adult decisions	11. extreme introversion and/or extroversion
— reflecting the shape of the article used.	— answers for parent	12. maintains danger orientation
— on several different surfaces of the body	— assumes adult responsibilities, i.e. care	— distrust



PHYSICAL SYMPTOMS	BEHAVIORAL SYMPTOMS	EMOTIONAL SYMPTOMS
<ul style="list-style-type: none"> <li>- regularly appear after an absence, weekend, or vacation</li> <li><b>B. unexplained burns:</b> <ul style="list-style-type: none"> <li>- cigar, cigarette burns, especially in soles of feet, palms, back, or buttocks</li> <li>- immersion burns (sock-like glove-like, or doughnut-shaped on buttocks)</li> <li>- patterned like an electric iron, etc.</li> <li>- rope burns on arms, legs, neck, or torso.</li> </ul> </li> <li><b>C. unexplained fractures:</b> <ul style="list-style-type: none"> <li>- to skull, nose, facial structures, in various stages of healing.</li> <li>- multiple or spiral fractures</li> </ul> </li> <li><b>D. unexplained lacerations or abrasions:</b> <ul style="list-style-type: none"> <li>- to mouth, lips, gums, eyes</li> <li>- to arms, legs, back, torso</li> <li>- to external genitalia</li> </ul> </li> </ul>	<p style="text-align: center;">of siblings</p> <ul style="list-style-type: none"> <li>9. demonstrates unusual sensory hyper-alertness with accompanying hyper-response <ul style="list-style-type: none"> <li>- environmental scanning</li> <li>- visual and auditory hyper-alertness</li> <li>- extreme nervousness/restlessness</li> <li>- hyper-vigilance</li> <li>- compulsivity</li> <li>- danger alert and posture</li> </ul> </li> <li>10. demonstrates autistic-like behavior -- a desensitization to certain auditory, kinesthetic, and visual stimuli: <ul style="list-style-type: none"> <li>- passivity</li> <li>- immobility</li> <li>- unresponsiveness</li> <li>- inhibited verbal or crying response</li> <li>- chameleon ability to adjust to changing people and settings</li> <li>- accident prone</li> </ul> </li> <li>11. sudden negative changes in behavior</li> <li>12. abuses other children</li> <li>13. shows evidence of developmental delay or learning disability</li> </ul>	<ul style="list-style-type: none"> <li>- guardedness</li> <li>- tension and/or anxiety</li> <li>- reduced or impaired pleasure capacity</li> <li>13. is emotionally rigid and resistant to change</li> <li>14. is chronically depressed or fearful</li> <li>15. emotional desensitization/ withdrawal/ denial/ psychological avoidance</li> </ul>



Type: Serious Physical Neglect:

PHYSICAL SYMPTOMS	BEHAVIORAL SYMPTOMS	EMOTIONAL SYMPTOMS
1. evidence of dehydration and/or malnutrition without obvious medical cause	1. begging for/stealing food	1. unprovoked hostility
2. consistent hunger	2. extended stay at school (early arrival and late departure)	2. chronic depression and/or inhibited pleasure capacity
3. poor hygiene	3. chronic fatigue, illnesses, or falling asleep	3. negative communication content
4. overall poor care and/or failure to thrive	4. alcohol or drug abuse	4. radical/unpredictable mood and/or behavior changes
5. consistent lack of supervision, especially in dangerous activities for long periods of time	5. delinquency, i.e. theft	5. carelessness
6. evidence of unattended physical problems and/or medical needs	6. states there is no caretaker	6. poor self image
7. is abandoned	7. openly defiant toward authority	7. indiscriminate attachment to adults
	8. openly disruptive of the group	8. over-reacts to attention
	9. demonstrates self-destructive behavior	

Type: Sexual Abuse/Sexual Exploitation

PHYSICAL SYMPTOMS	BEHAVIORAL SYMPTOMS	EMOTIONAL SYMPTOMS
1. difficulty in walking/sitting	1. unwilling to change for gym or participate in physical education programs	1. heightened participation in fantasy
2. torn, stained, or bloody underclothing	2. withdrawal or infantile behavior	2. emotional withdrawal
3. pain or itching in genital area	3. poor peer relationships	3. high risk posture toward people and life
4. bruises or bleeding in external genitalia, vaginal, or anal areas	4. bizarre, sophisticated, or unusual sexual behavior or knowledge	4. self-imposed isolation
5. venereal disease, especially in pre-teens	5. delinquency	5. psychological avoidance and denial in sexual matters
6. pregnancy	6. run away	6. extremely low self esteem
	7. reports sexual assault to caretaker	





Type: Serious Mental Injury

PHYSICAL SYMPTOMS	BEHAVIORAL SYMPTOMS	EMOTIONAL SYMPTOMS
<ol style="list-style-type: none"> <li>1. speech disorder</li> <li>2. lags in physical development</li> <li>3. failure to thrive</li> </ol>	<ol style="list-style-type: none"> <li>1. habit disorders               <ul style="list-style-type: none"> <li>- sucking</li> <li>- biting</li> <li>- rocking</li> </ul> </li> <li>2. conduct disorders               <ul style="list-style-type: none"> <li>- antisocial</li> <li>- destructive</li> </ul> </li> <li>3. neurotic traits               <ul style="list-style-type: none"> <li>- sleep disorders</li> <li>- inhibition of play</li> </ul> </li> <li>4. psychoneurotic reactions               <ul style="list-style-type: none"> <li>- hysteria</li> <li>- obsession</li> <li>- compulsion</li> <li>- phobias</li> <li>- hypochondria</li> </ul> </li> <li>5. behavior extremes               <ul style="list-style-type: none"> <li>- aggressive/demanding</li> <li>- compliant/passive</li> </ul> </li> <li>6. overly adaptive behavior               <ul style="list-style-type: none"> <li>- inappropriately adult</li> <li>- inappropriately child/infant</li> </ul> </li> <li>7. developmental lags               <ul style="list-style-type: none"> <li>- mental</li> <li>- emotional</li> </ul> </li> <li>8. attempted suicide</li> </ol>	

