

No. 806-P

TYRONE AREA SCHOOL DISTRICT

PROCEDURES FOR ENFORCEMENT OF THE
REPORTING
REQUIREMENTS IN COMPLIANCE WITH THE
CHILD PROTECTIVE SERVICES LAW OF 1990

1. Definitions. For purposes of compliance with The Act, the following terms shall have the following meanings:
 - a. Child Abuse - Serious physical or mental injury which is not explained by the available medical history as being accidental, sexual abuse, sexual exploitation, or physical neglect of a child under eighteen (18) years of age, caused by the acts or omissions of the child's parents or by a person responsible for the child's welfare or any individual residing in the same house of the child, or a paramour of the child's parent.
 - b. Child Protective Services - Children and Youth Services of the county in which the child resides.
 - c. Department - The Department of Public Welfare for the Commonwealth of Pennsylvania.
 - d. Sexual Abuse - The obscene or pornographic photographing, filming or depiction of children for commercial purposes or the rape, molestation, incest, prostitution or other forms of sexual exploitation of children under the circumstances which indicate the child's health or welfare is harmed or threatened thereby as determined in accordance with regulations of the Department.
 - e. Persons Required to Report - Persons who in the course of their employment come into contact with children; specifically including school administrators, school teachers, school nurses, social service workers or mental health professionals.

- f. Persons Permitted to Report - Any employe of the district who has reasonable cause to suspect a child is an abused child.

2. Reporting Procedures

- a. General Rule. Persons required to report shall, and persons permitted to report may, report or cause a report to be made when they have reason to believe that a student coming before them in their professional or official capacity is an abused child, except where the perpetrator is another district employe.

- b. Oral Reports. Oral reports shall be made immediately to the building principal of the building to which the student is assigned. The building principal shall immediately make an oral report to the Department by telephone to the single state wide child abuse toll free number, the County Child Protective Service, and the Superintendent of the district.
- c. Written Reports. Written reports shall be made by the principal to the Department, to the County Child Protective Service, and the Superintendent within forty-eight (48) hours of the oral report.
- d. Individual Reporting. Nothing herein shall be deemed to prohibit persons required or permitted to report from reporting incidents of suspected child abuse directly to the Department or the County Child Protective Services by oral and written report.
- e. Forms. All written reports shall be in the manner and form prescribed by Department regulations.
- f. Privileged Communication. The privileged communication between persons required to report and a student shall not apply to situations involving child abuse and is not grounds for failure to report.

3. School Employees

PA Statutea. Reporting. Except as provided in subparagraph
 23 P.S. b, district employees who have reasonable cause
 or
 6351- suspect, on the basis of professional or other
 6353.4 training and experience, that a student coming
 be-
 Act 151 fore the district employe in the employe's
 profes-
 of 1994 sional or official capacity is a victim of
 serious
 Eff. 7-1-95bodily injury or sexual abuse or sexual exploita-
 tion by a district employe shall
 immediately con tact the Superintendent.

- b. Reporting of Superintendent. If the

district employe accused of seriously injuring or sexually abusing or exploiting a student is the Superintendent, the district employe shall immediately report to local law enforcement officials and the County District Attorney.

- c. Reporting by Superintendent. Upon receipt of a report of a student who is a victim of serious bodily injury or sexual abuse or sexual exploitation by a district employe, the Superintendent shall immediately report the same to local law enforcement officials and the County District Attorney.

- d. Confidentiality. School employes shall not reveal the existence or content of a report of a student who is victim of serious bodily injury or sexual abuse or sexual exploitation by a district employe to any person other than those prescribed in this section.
- 4. Immunity. School employes who refer reports under this section are immune from civil and criminal liability arising out of the report.
- 5. Failure to Report. A district employe who willfully refuses to refer a report or otherwise violates this section commits a summary offense under the Pennsylvania Criminal Code and for subsequent offenses commits a misdemeanor of the third degree.
- 6. Notice to Employes
 - a. Obligations. All employes shall be notified in writing of their obligation under The Act to report suspected child abuse if they have reason to believe the student is a subject of child abuse or abuse by another district employe.
 - b. Procedures. All employes shall be provided with written notice of the school district procedures for reporting child abuse or abuse of a student by another district employe.
 - c. Immunity. All employes shall be advised in writing of their immunity from civil or criminal proceedings by reason of reporting child abuse or abuse of a student by another district employe.
 - d. Violations of The Act. All employes shall be notified in writing that persons required to report who willfully fail to do so commit a criminal summary offense for the first violation and a misdemeanor of the third degree for the second and subsequent violations.
- 7. Background Checks (Effective July 1, 1996)

PA Statutea. Applicant. "Applicant" is any individual who
 23 P.S. applied for a position as a school employe.
 This
 6354-6358 term includes an individual who transfers from

b. Investigation. The Superintendent shall require each applicant to submit an Official Clearance Statement obtained from the Department within the immediately preceding year as to whether the applicant is named as a perpetrator of an indicated or a founded report or is named as the individual responsible for the injury or abuse in an indicated report for school employees or a founded report for school employees.

c. Grounds for Denying Employment.

- 1) Except as is provided in paragraph d, the Superintendent shall not hire an applicant if the Department verifies that the applicant is named as a perpetrator of a founded report or is named as an individual responsible for injury or abuse in a founded report for school employees.
- 2) No individual who is a school employe of the district on July 1, 1996, shall be required to obtain an Official Clearance Statement.