

Surprise Valley Joint Unified School District

Professional Standards and Child Abuse Prevention and Reporting Policies

Board Policy

BP 4119.21 4219.21,4319.21 Professional Standards

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

(cf. 0200 - Goals for the School District)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)
(cf. 9005 - Governance Standards)

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information

(cf. 3580 - District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Reports)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

44242.5 Reports and review of alleged misconduct

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Educational Leadership Policy Standards: ISLLC 2008, 2008

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

**WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS
PUBLICATIONS**

California Professional Standards for Educational Leaders, 2001

WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Department of Education: <http://www.cde.ca.gov>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.WestEd.org>

First Reading 5-9-13

Administrative Regulation

AR 5141.4 Child Abuse Prevention And Reporting

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Modoc County Sheriff
530 233-4416

Child Protective Services
530 233-6502

Alturas Police Department
530 279-2011

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the

person who might have abused or neglected the child

e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services or Keenan Safe Schools. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report

an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be

provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

May 19, 2015

June 18, 2015

☆ **CHILD ABUSE REPORTING PROCEDURES FOR EMPLOYEES**

(California Penal Code – Sections 11165 and following)

Child abuse includes child abuse, sexual abuse, sexual assault, sexual exploitation, neglect, severe neglect, willful cruelty, unjustifiable punishment, unlawful corporal punishment or injury, or abuse in out-of-home care. Generally, child abuse means physical injury inflicted by other than accidental means on a child by another person, and includes sexual abuse, willful cruelty or unjustifiable punishment, or unlawful corporal punishment or injury as well as neglect. Child abuse does not include a mutual affray or fight between minors.

Who Must Report

All District Employees.

The obligation to report child abuse is not satisfied by making a report to your supervisor or principal. The obligation to report child abuse must be satisfied by making telephone and written reports to the appropriate agency.

Telephonic and Written Reports

Any employee child care custodian who has knowledge of or observes a child whom he or she knows or reasonable suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone, and shall thereafter prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident. The written report shall be sent to a child protective agency. "Reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion drawing upon his or her training and experience to suspect child abuse.

Modoc County

Child Protective Service	(530) 233-6502
Sheriff's Department	(530) 233-4416
Police Department	(530) 233-2011

Suspected Child Abuse Report form is attached.

IN CASE OF EMERGENCY: In all cases, particularly if there is no answer at any of the above agencies, be sure to call 911.

1. If you need assistance filing a report, you may contact your site principal.
2. To provide confidentiality and to protect employees required to file a report, it would be desirable to have a copy of the report on file in the office of the Superintendent. This, however, is not required.

Contents of Reports

The telephonic report shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury and any other information, including information that led such person to suspect child abuse. You may obtain forms, should you so desire, for the written report, from a child protective agency.

Conclusion

When in doubt remember that it is better to err on the side of reporting.

Definitions

The following definitions are provided for your review. If you have any questions regarding these definitions, you should telephone a child protective agency:

- (a) "Child" means a person under the age of 18 years.
(Penal Code Section 11165)
- (b) "Sexual abuse" means sexual assault or sexual exploitation including rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object and child molestation. (Penal Code Section 11165.1)
- (c) "Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person. (Penal Code Section 11165.2)
- (d) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed in Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (Penal Code Section 11165.2)
- (e) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. (Penal Code Section 11165.2)
- (f) "Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered. (Penal Code Section 11165.3)
- (g) "Unlawful corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, as authorized by Section 49001 of the Education Code. It also does not include an amount of force that is reasonable and necessary for a peace officer to quell a disturbance threatening physical injury to person or damage to property to prevent physical injury to person or damage to property, for purposes of self-defense, to obtain possession of weapons or other dangerous objects within the control of the child, or to apprehend an escapee. (Penal Code Section 11165.4)

- (h) "Abuse in out-of-home care" means a situation of physical injury on a child which is inflicted by other than accidental means, or of sexual abuse or neglect or unlawful corporal punishment or injury, or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. "Abuse in out-of-home care" does not include an injury caused by reasonable and necessary force used by a peace officer to quell a disturbance threatening physical injury to a person or damage to property, to prevent physical injury to person or damage to property, for purposes of self-defense, to obtain possession of weapons or other dangerous objects within the control of a child, or to apprehend an escapee. (Penal Code Section 11165.5)
- (h) "Abuse in out-of-home care" means a situation of physical injury on a child which is inflicted by other than accidental means, or of sexual abuse or neglect or unlawful corporal punishment or injury, or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. "Abuse in out-of-home care" does not include an injury caused by reasonable and necessary force used by a peace officer to quell a disturbance threatening physical injury to a person or damage to property, to prevent physical injury to person or damage to property, for purposes of self-defense, to obtain possession of weapons or other dangerous objects within the control of a child, or to apprehend an escapee. (Penal Code Section 11165.5)

10 MANDATORY REPORTING: THINGS YOU NEED TO KNOW



1. YOU are a Mandated Reporter

Anyone who works for the organization should keep their eyes and ears open to protect children!

Reporting suspected abuse is part of your job.

Not reporting suspected child abuse can create a liability for your organization and yourself, as the primary goal is to keep our children safe.



2. WHAT is Reportable?

If you reasonably suspect any of the following, **REPORT IT!**

- Child Abuse
- Neglect
- Physical Abuse
- Emotional Abuse
- Sexual Activity between a Minor and Adult
- Unjustified Punishment
- Unlawful Corporal Punishment
- Willful Cruelty

Rumors: If unsure, err on the side of caution, report it and allow the agency to investigate and make the final conclusion.



3. WHEN AND WHERE Do I Report?

Immediately, or as soon as possible!

By Phone (Child Protective Services or Local Police) To be safe, you may want to report to both.

By Fax/Email within 36 hours.

Submit a written follow up report within 36 hours to the same agency you contacted by phone.

Remember: Telling your supervisor does **NOT** satisfy your obligation to report!

YOU ARE OBLIGATED TO REPORT.



4. WHERE Do I Find the Report?

Form 8572: SCAR/Suspected Child Abuse Report
http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

Or CPS Website.

You will need:

- Your name, child's name
- Location of child, school, grade
- Involved parties
- What happened? Why the concern?

Keep a record of date, time and who you spoke with when filing.



5. Can I Share the Report with Others?

The report can only be given to:

- The agency you called the report in to:
Police or Sheriff's Department (not school police), or Child Protective Services
- Report may also be given to designated personnel within your organization, such as:
Superintendent, Assistant Superintendent, Human Resources Administrator

DO NOT give the report to any others without consulting legal counsel as you may lose your immunity.



6. Your Protection

Confidentiality

- Your identity will be kept confidential. Know that if the case is criminally prosecuted, your identity most likely will be disclosed.

Immunity

- Mandated Reporters have immunity under California law from civil and criminal liability for reporting suspected child abuse.



7. What if I Choose NOT to Report?

A mandated reporter who knowingly and willfully fails to report:

- Is **GUILTY** of a misdemeanor
- Punishable by up to 6 months in jail
- Fine of \$1,000 or both

Other possible implications:

- Loss of license or credential
- Civil Lawsuit
- Loss of Job



8. Remember, YOU Signed a Statement

Those working with and around children are required to sign a statement that they have knowledge of their mandatory reporting requirements.

Your signed document is in your personnel file.

It states that **YOU KNOW** that reporting suspected child abuse is part of your job and it's your obligation to report any misconduct or child abuse.



9. Self - Protection

Here are a few tips to help you avoid situations that could lead to fraudulent allegations of inappropriate conduct.

- Avoid child contact that involves hugging, touching, grabbing, or rubbing/massaging.
- When privacy with children is necessary, leave the doors and windows open when possible.
- For teachers, classroom arrangement should not have sections for privacy.



10. Resources

California Department of Social Services (CDSS)
<http://www.cdss.ca.gov/cdssweb/Default.htm>

Child Abuse and Neglect Reporting Act (CANRA)
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>

The CA Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters
www.mandatedreporterca.com/images/Pub132.pdf

Remember, it's **YOUR** obligation to **NOT** ignore child abuse and misconduct.

REPORT IT TO THE PROPER AUTHORITIES!



FOR MORE INFORMATION
**PLEASE VISIT KEENAN'S
ABUSE PREVENTION CENTER**

www.keenan.com/abusepreventioncenter

The Child Abuse EPIDEMIC

PROTECT YOUR STUDENTS. PROTECT YOURSELF. PROTECT THE COMMUNITY.



WHAT TO LOOK FOR

IN CHILDREN

Physical Abuse

- Aggressive or Hostile Toward Others
- Attempts to Hide Bruises or Injuries
- Frequently Absent from School
- Behavioral Problems

Sexual Abuse

- Demonstrating Sexual Acts on Other Children or Toys
- Inappropriate Sexual Knowledge for Age
- Emotional and Behavioral Problems

IN ABUSERS

Physical Abuse

- Humiliates, Berates, or Belittles
- Harsh and Rigid About Discipline
- Singles Out or Openly Rejects Child

Sexual Abuse

- Ignoring Social/Physical Boundaries
- Making Inappropriate Sexual Comments
- "Grooming"
- Has Secret Interactions With Children
- Unwanted Touching, Hugging, etc.



WHEN TO REPORT

If you suspect abuse, **REPORT** it! Proof of abuse is not required; law enforcement will determine proof during the course of their investigation.

When one "has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she **knows** or **reasonably suspects** has been the victim of child abuse or neglect..." (P.C. 11166 a)

Report **IMMEDIATELY** by phone to your local CWS Hotline – a report must be filed within 36 hours.



HOW TO REPORT

Step 1

Contact Local Police Department
Phone:
Fax:

Step 2

Contact Child Protective Services
Phone:
Fax:

Step 3

Within 36 Hours, complete the Department of Justice "**Suspected Child Abuse Report**" and fax to the local authorities and Child Protective Services. This report can be found at www.oag.ca.gov/childabuse



YOU ARE A MANDATED REPORTER!

Any employee of a public (or private) school is a mandated reporter. This includes teachers, aides, custodians, coaches, administrative personnel, principals, etc. Your failure to report could result in penalties, fines and imprisonment.



WHAT ELSE DO I NEED TO KNOW?

Self Protection

The following tips can protect you and help to avoid situations that could lead to fraudulent allegations of inappropriate conduct.

Avoid contact with students involving hugging, touching, grabbing, or rubbing/massaging.

When privacy with students is necessary, leave the doors and windows open when possible.

For teachers, classroom arrangement should not have sections for privacy.



Do Not Tell Your Friends or Colleagues!

Immunity is provided to individuals completing a report, but you are not protected against allegations of slander or libel if you disclose your suspicions with other colleagues and friends. Mandated reporters are immune from criminal and civil liability when reporting in good faith (not if intentionally making a fraudulent report). \$50,000 for attorneys' fees is available from the state to defend oneself in a civil suit if sued for making a mandated report.

Visit these websites for more information on how you can **stop child abuse!**

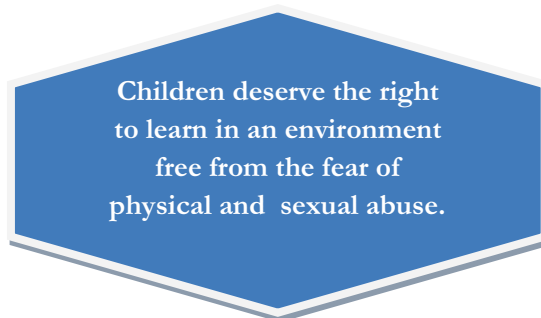
www.keenan.com/abusepreventioncenter | www.mandatedreporterca.com
www.childwelfare.gov | www.stopitnow.org

Physical & Sexual Abuse in Schools – A Harsh Reality Facing Your District

Physical and sexual abuse in schools, which used to be seen as an isolated local issue, has now become a national, federal and political issue. One report mandated by Congress estimated that as many as 4.5 million students between kindergarten and 12th grade are subject to sexual misconduct and physical or verbal abuse and national research concluded that less than 10% of abusers are ever caught or identified. Another recent report by the U.S. Government Accountability Office (GAO) said K-12 schools lack a systemic approach to preventing and reporting educator sexual abuse on students, despite a problem that the report said affects nearly one out of 10 students who are subjected to misconduct by teachers, coaches, principals, bus drivers and other personnel during their K-12 learning experience.

Sexual abuse exposure first became highly publicized as the Catholic Church paid billions of dollars to its victims. Recently we've seen Penn State University pay \$60 million to settle the Jerry Sandusky sexual abuse claims and L.A. Unified pay \$30 million in settlements for a teacher sexually abusing students at Miramonte Elementary School. Millions of dollars have also been paid for a number of physical abuse incidents predominately against special education students.

Individuals with power and influence are preying on innocent children. Physical and sexual abusers come from a variety of areas, including teachers, coaches, volunteers, vendors, custodians, aides and other students. Abusive situations can happen at any school at any time and have nothing to do with the size of a district. This problem simply must be addressed.



Beginning January 1, 2009, Government Code Section 905 and Civil Code Section 340.1 extended the statute to file a lawsuit for minors from age 18 to age 26 without the need to file a tort claim. There is pending legislation to extend this even further to age 40. The extended term for filing claims has significantly increased a school's liability exposures. In addition, Insurance Code Section 11583 allows for no tolling of prior statute if the district "pays for counseling" and fails to notify the victim of their right to file a claim. This means school districts' exposures may be indefinite in some cases with limited to no statutory defenses. Since the statutory limitation to pursue litigation has been extended, plaintiff attorneys have become quite educated on these extended filing timelines and are focused more than ever on pursuing abuse claims. As a result, both settlement and defense costs are increasing dramatically.

Laws to Protect Children

Mandatory Reporting laws require public school employees to immediately report suspected physical or sexual abuse whether the incident is believed to have occurred on or off campus. Reporting must be to the police (not the school police) or child protective services.

Local law enforcement and district attorneys are filing criminal action against school district employees who fail to report “reasonably suspicious” sexual abuse incidents under Mandatory Reporter laws. In fact, **a Principal was recently convicted for failing to report suspected child abuse.** Alarming, after the Principal stated “lack of facts” for the reason she didn’t report the suspected abuse, the Judge told her “while she did what she thought was right, the Judge didn’t think it was objectively reasonable at the time.” This situation exemplifies the lack of tolerance judges and juries have for those that aren’t fighting to protect children.

California juries have been punitive in their message and their verdict decisions make it clear there is no tolerance in instances where there has been the appearance of a failure to act or recognize abuse.

Following the 2011 Jerry Sandusky scandal, frequency of sexual abuse claims in California has increased well over 50%. Settlements and verdicts are escalating at an extremely rapid pace and regularly exceed \$1 Million dollars per claim. Many situations involve multiple victims, all of whom file claims, pushing defense and indemnity costs to potentially catastrophic levels. This is particularly true in cases where it appears that school districts didn’t employ preventative measures that they reasonably could or should have. Human capital costs also have significant impact when you take into account employee time spent throughout the litigation process, responding to negative media attention and defending the district and individual reputations in the court of public opinion.

Social media is further compounding the problem. Through social media, communication easily escalates to personal comments then to sexual flirtation and illegal acts. In January, a woman who said her former middle school teacher sexually abused her for years decided to confront the teacher and post the video of the exchange on YouTube. While this helps create closure for the victim, this will create a new avenue for victims to confront their abusers and most likely lead to additional sexual abuse allegations.

As allegations hit the media, additional claims are often filed well after abuse allegedly took place. Following the Catholic Church sexual abuse scandal, for example, we saw an increase in claims as victims came forward to report their abuse. The same occurred following the Sandusky allegations. Some call these “me too” or “media hyped claims,” but the fact of the matter in many cases is that a person of power and influence preyed on and sexually abused an innocent child.

As with most highly visible events, there are post-crisis criticisms. Congressman George Miller, (D-Martinez), recently stated “schools are not doing enough to protect kids from sexual abuse” and the GAO report stated schools can do more to prevent sexual abuse claims. While it’s easy to point blame after an incident, I’d rather focus on the fact that schools are confronted with a very serious issue that requires a comprehensive solution.

No one ever wants abuse to become a reality in their schools, but the exposure is there and is unfortunately very real. As a father of three children, this frightens me and as a risk management professional, I’m cognizant that more needs to be done to raise awareness to help schools and protect children. The 21st century is bringing new risks and ways for sexual predators to prey on children. Providing a safe environment for children to learn and prosper is paramount for our future.

Keenan is proud to take a leadership position on this very sensitive and important issue. We've created a ***Mandated Reporting and Awareness Program*** and provide access to courses such as *Mandatory Reporting, Sexual Misconduct: Staff to Student, Online Predators, Child Abuse: Identification & Intervention, Boundary Invasion, Diversity Awareness: Staff to Student, Human Trafficking Awareness* and *Youth Suicide: Awareness & Prevention*. In addition, we're building a "Social Media Interaction" course which will be made available soon. Through ***Keenan SafeSchools***, our award-winning learning management system, California public school districts can access these training programs and train all district employees at **no cost**.

Children deserve a right to learn without fear of physical or sexual abuse and Keenan is committed to helping California public schools provide a safe environment for children to learn and prosper. To access these courses, along with a comprehensive Frequently Asked Questions, Best Practices and other resources, visit our Physical and Sexual Abuse Prevention Resource Center at www.keenan.com/abusepreventioncenter.

John Stephens, Senior Vice President

Property & Casualty Practice Leader

jstephens@keenand.com

“Keenan’s Mandated Reporting and Awareness Training Programs are available at no cost for all California public school districts”

John Stephens, Senior Vice President

REPORT SUSPECTED CHILD ABUSE AND NEGLECT

All school district employees are required under California law to report suspected child abuse and neglect.

Any of these acts involving anyone under the age of 18 must be reported.

- ▶ **Sexual Abuse**
- ▶ **Physical Abuse**
- ▶ **Emotional Abuse**
- ▶ **Neglect**

The District employee **must** report to the appropriate law enforcement authorities any **reasonable suspicion** that a child has been abused or neglected. Responsibility for investigating suspected abuse lies with law enforcement or other legal authorities. You are not to investigate on your own.

Your job is to REPORT.

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to support child abuse or neglect.” (Penal Code 11166)

YOU MUST REPORT BY PHONE AND IN WRITING.

Police Department	Phone: 530 233-2011	Fax:
Child Protective Services (CPS)	Phone: 530 233-6502	Fax:
Sheriff’s Department	Phone: 530 233-4416	Fax:

1. PHONE: Immediately contact by phone your local police, Child Protective Services (CPS) or sheriff’s department and report the suspected abuse or neglect.

2. WRITING: Within 36 hours of phoning law enforcement, a written report must be sent, faxed or submitted electronically to your local Police, CPS or Sheriff’s department. The written report should be completed on a state form which can be downloaded at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf. The form also is available in the school principal’s office and at district headquarters. The form should be faxed to the same agency that received your phone report. Save the fax confirmation sheet with the written report.

By law, the name of the employee who makes the report is strictly confidential. It is provided only to investigators working on the case.

Failure to report suspected child abuse or neglect is a crime punishable by six months in jail and a \$1,000 fine.

SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY			
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS		Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	REPORTER'S TELEPHONE (DAYTIME) ()		SIGNATURE		TODAY'S DATE			
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY					
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		ADDRESS		City	Zip		
	DATE/TIME OF PHONE CALL		OFFICIAL CONTACTED - TITLE		TELEPHONE ()			
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX		
	ADDRESS			Street	City	Zip		
	PRESENT LOCATION OF VICTIM			SCHOOL		CLASS		
	GRADE			PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME				
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO			IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME		TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)		
RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
D. INVOLVED PARTIES	VICTIM'S SIBLINGS							
	NAME		BIRTHDATE	SEX	ETHNICITY	NAME		
	1. _____		3. _____		2. _____		4. _____	
	2. _____		4. _____					
	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY	
	ADDRESS			Street	City	Zip	HOME PHONE ()	
	BUSINESS PHONE ()			NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		
	SEX			ETHNICITY				
	ADDRESS			Street	City	Zip	HOME PHONE ()	
	BUSINESS PHONE ()			SUSPECT'S NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		
SEX			ETHNICITY					
ADDRESS			Street	City	Zip	TELEPHONE ()		
OTHER RELEVANT INFORMATION								
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____							
	DATE / TIME OF INCIDENT		PLACE OF INCIDENT					
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)							

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof *within 36 hours* of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- **SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (Continued)

- **SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- **SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- **SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- **SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

- **Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- **Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian