

ACT 126
The PA Child Protective
Services Law

Mandated Reporting for School Employees

MODULE 4

Student Abuse



Student Abuse Legislation: History

Act 151 of 1994 (effective 7/1/95)

- Amended the Department of Public Welfare's Child Protective Services Law (CPSL)
- Outlines changes which affect a school's policies and procedures regarding the reporting of suspected abuse of students by school employees and background checks for employment

3 Components of Student Abuse

1. Student:

- must be under the age of 18
- enrolled in a public or private school, Intermediate Unit, or Vo-Tech School

2. School Employee:

- Any person employed by a public or private school, Intermediate Unit, or Vo-Tech School that has the possibility of coming into contact with children

3 Components of Student Abuse

3. Two types of Student Abuse – abuse of a student by a school employee that causes:

Serious Bodily Injury -

- That creates substantial risk of death or which causes serious or permanent disfigurement; or protracted loss or impairment of an organ or other body part

Sexual Abuse or Exploitation

- As defined earlier

Additional Definitions

- Administrator
- County Agency
- Public or private school
- Subject of a report
- Unfounded report
- Indicated report
- Founded Report

Reporting Process for Student Abuse – School Employee

School Employee

- Has reasonable cause to suspect that the student is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee
 - Immediately inform the School Administrator (which fulfills your reporting mandate)
 - The reporting school employee **may not** reveal the existence or content of the report to another person

Note: If the accused abuser of a student is the Administrator the reporting School Employee shall immediately report to Law Enforcement officials and the District Attorney

Reporting Process for Student Abuse – School Employee

- The student must be physically seen by the employee before the school employee is mandated to report the suspected abuse or injury
- A school employee who refers a report in good faith of suspected abuse of a student by another school employee is immune from civil and criminal liability arising out of the report.
- A School Employee's willful failure to follow reporting requirements is a summary offense for the first violation and any subsequent violation of required reporting is then guilty of a misdemeanor of the third degree.

Reporting Process for Student Abuse - Administrators

School Administrator

- A school administrator **immediately** reports to **Law Enforcement officials** and **the District Attorney** any report of serious bodily injury, sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student.

Reporting Process for Student Abuse - Administrators

- The Department of Public Welfare's "Report of Suspected Student Abuse" CY 47-D form is completed by the Administrator
- After the CY 47-D form is submitted, law enforcement officials and the appropriate district attorney will investigate and make decisions

Reporting Process for Student Abuse – Law Enforcement & District Attorney

Law Enforcement and District Attorney

- Coordinate an investigation of the report and determine what, if any, criminal charges will be filed against the School Employee
- With reasonable cause to suspect abuse of a child by a School Employee they **immediately** contact the county Children and Youth Agency

Notifications by the County Agency

County Children and Youth agency

- **Immediately** notifies ChildLine and begins an investigation.
- Every attempt is made to coordinate their investigation with Law Enforcement:
 - County agency shall verbally notify the subject
 - Written notice shall be provided within 72 hours of the oral notification
 - Notification may be reasonable delayed if the safety of the student could be threatened
 - The county agency shall notify:
 - The school administrator or employee who made the report of the final status of the report, i.e., founded, indicated or unfounded when the investigation is complete

Failure to Report

School Employees	Administrators
<ul style="list-style-type: none">• A school employee who willfully violates the mandated reporting law commits a summary offense.• A school employee who, after the first offense, willfully violates the mandated reporting law commits a misdemeanor of the third degree.	<ul style="list-style-type: none">• An administrator who willfully violates the mandated reporting law commits a misdemeanor of the third degree.

Required Reporting to PDE

- When to report to PDE?
 - Employee is formally charged
 - Employee is convicted of a crime of moral turpitude

Check Your Understanding

All schools are included in Student Abuse including public and private schools defined by the Public School Code and private academic schools.

-- True or False?

Check Your Understanding

Student Abuse is comprised of three components: a Student, a School Employee and a type of abuse.

-- True or False?

Check Your Understanding

An administrator shall report **immediately to Law Enforcement officials and the District Attorney any report of serious bodily injury, sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student.**

-- True or False?

Check Your Understanding

What is the correct sequence of the Student Abuse Reporting Process?

- A. School Employee to ChildLine to Administrator to Law Enforcement & District Attorney to Children & Youth Agency
- B. School Employee to Administrator to Law Enforcement & District Attorney to Children & Youth Service Agency to ChildLine

Check Your Understanding

An administrator who willfully violates the law regarding the reporting of student abuse commits a misdemeanor of the third degree.

-- True or False?

School District Policies and Procedures

- School districts encouraged to adopt policies and procedures
- Meet obligations under the amended Child Protective Services Law
 - Related to child abuse
 - Related to comprehensive violence prevention programs

Child Abuse Clearances

- Any organization that works with children is required by law to obtain for their prospective employees both a criminal background check and Child Abuse Clearances, which are obtained from ChildLine's child abuse registry

Child Protective Services System Response

- ChildLine available 24/7 to receive reports
- Investigation begins and includes Risk and Safety Assessments
- Interviews of the child, the perpetrator, and others involved
- Visit to the child's home

Child Protective Services System Response

- Emergency Protective Custody
 - Only permitted by a physician, a medical director or law enforcement
 - Children and Youth must obtain a court order
- Collect Evidence
- After the investigation is complete, mandated reporters are entitled to limited information

Agency Referrals to Law Enforcement

Children and Youth Agencies are required to automatically refer a case to law enforcement for criminal investigation in these circumstances:

- Homicide
- Sexual Abuse and Exploitation
- Serious Physical Injury
 - Burns, broken bones, shaken baby syndrome
- Serious Bodily Injury
- Abuse perpetrated by a non-family member

Protecting the Abused Child

- Be proactive and understand that as a mandated reporter when you have reasonable cause to suspect child abuse it is your legal obligation to report it
- Cooperate with investigations and focus on building positive relationships with colleagues, administrators, local law enforcement, county Children and Youth agencies, and the appropriate district attorney
