

With concern for the total well-being of each student, the Governing Board directs the employees of the district to report known or suspected incidences of child abuse in accordance with state law and district regulations. District employees shall cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

This policy and regulation apply to all certificated and classified employees of the district. (Penal Code 1165.7 and 11165.8)

The district shall develop regulations and procedures and shall provide training in child abuse identification and reporting for all certificated and classified personnel who routinely have contact with students.

All employees trained in child abuse identification and reporting shall be given, as part of that training, written notice of the child abuse reporting requirements and the employees' confidentiality rights. (Penal Code 1165.7)

#### Duty to Report:

Certificated employees and classified employees trained in child abuse identification and reporting shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within thirty-six (36) hours. The reporting duties are individual and cannot be delegated to another individual.

#### Definitions:

1. "Child Abuse," as defined by law, pursuant to Penal Code 273 and 11165, and for purposes of this regulation, includes the following:
  - a. Physical abuse resulting in a non-accidental physical injury.
  - b. Physical neglect, including both severe and general neglect, resulting in negligent treatment or maltreatment of a child.
  - c. Sexual abuse including both sexual assault and sexual exploitation.
  - d. Emotional abuse and emotional deprivation including willful cruelty or unjustifiable punishment.
  - e. Severe corporal punishment.



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2. Within thirty-six (36) hours of making the telephone report, the mandated reporter will complete and mail or FAX a written report to the local child protective agency.

The written report shall include completion of the required standard Department of Justice form (DOJ SS 8572). If faxed, use Orange County Social Services Agency form. (FO 9I20469)

The mandated reporter may request and receive copies of the appropriate form either from the school district or directly from the local child protective agency.

Detailed instructions for completion of the form are on the back sheet of the forms. Reporters may request assistance from the site administrator in completing and mailing the form; however, the mandated reporter is still responsible for ensuring that the written report is correctly filed.

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. The site administration, when notified, shall inform the Superintendent or designee and shall send all copies or related paperwork to Director, Special Youth Services, retaining nothing in school files.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that the verbal or written reporting procedures are carried out according to state law and district regulations. If requested by the mandated reporter, the principal may assist in the completion and filing of these forms.

If the mandated reporter does not disclose his/her identity to a district administrator, he/she shall at least provide or mail a copy of the written report to the Director of Special Youth Services without his/her signature or name.

### **Legal Responsibility and Liability**

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. A mandated reporter who fails to report an instance of child abuse, which he/she knows to exist or reasonably should know to exist, is guilty of a misdemeanor and is punishable by confinement in jail for a term not to exceed six (6) months or by a fine of not more than one thousand dollars (\$1,000) or both. The mandated reporter may also be held civilly liable for damages for any injury to the child after a failure to report.

3. When two (2) or more persons who are required to report jointly, have knowledge of suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by any one of them who is selected by mutual agreement, and a single report may be made and signed by the person selected. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.
4. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.

**Victim Interviews**

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

**NOTE: THE CHILD PROTECTIVE AGENCY REPRESENTATIVE IS DESIGNATED BY LAW AS THE PERSON WHO INFORMS THE CHILD OF HIS/HER RIGHT TO THE ABOVE CHOICE.**

A staff member or volunteer aide selected by a child may decline to be present at the shall inform him/her, before the interview takes place, of the following legal requirements:

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 Article 2.5 (Child Abuse Reporting, Penal Code III65 et seq.), a violation of which is punishable as specified by Penal Code III67.5.

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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 III74.3)

### **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, the Superintendent and/or principal shall not notify the parent or guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent or guardian.

It is the responsibility of the peace officer to notify the parent or guardian of the situation. Peace officers will be asked to sign an appropriate release or acceptance of responsibility form.

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to:

- (1) identify incidents of suspected child abuse, and
- (2) comply with laws requiring reporting of suspected abuse to the proper authorities.

Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

### **Legal Reference:**

#### **Education Code**

44690 et seq. staff development

48906 Notification when pupil released to peace officer

#### **Penal Code**

273a Endangering life or health

11165-11165.12 Definitions relating to child abuse

11166-1117 Reporting known or suspected cases

11172 Exemption from civil or criminal liability

11174.3 Interviewing victim at school

#### **Welfare and Institutions Code**

600 Referral by school attendance review board

Board of Trustees December 11, 1980

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