

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: 938-5000	Fax: 938-5005
Child Protective Services (CPS)	Phone: 841-4200	Fax: 842-6277
Sheriff's Department	Phone: 926-2552	Fax: 842-0160

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.

CHILD ABUSE REPORTING STATEMENT

All employees who are child care custodians or health practitioners, as defined by Penal Code 11166.5, are required to report known or suspected instances of child abuse.

Persons in the above positions shall sign a statement to the effect that the employee knows of the legal requirement to report known or suspected instances of child abuse and is prepared to comply with the law. (Penal Code 11166.5)

The following are definitions as to what constitutes child abuse.

Penal Code Section 11165:

1. "Child" means a person under the age of 18 years.
2. "Sexual assault" means conduct in violation of the following sections of the Penal Code: Sections 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), Subdivisions (a) and (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age, and Sections 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), and 647a (child molestation).
3. "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.
 - a. "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 by subdivision (d), including the intentional failure to provide adequate food, clothing, or shelter.
 - b. "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred.
4. "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.
5. "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.
6. "Abuse in out-of-home care" means situations of physical injury on a child which is inflicted by other than accidental means, or of sexual assault or neglect 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 foster parent or the administrator or an employee of a public or private residential home, school or other agency.
7. "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury) "Child abuse" also means the neglect of a child or abuse in out-of-home care, as defined in this article.

Who has the obligation to report child abuse?

Penal Code Section 11165:

1. "Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; a licensed day care worker; and administrator of a community care facility licensed to care for children; headstart teacher; a licensing worker or licensing evaluator; public assistance worker; employee of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; a social worker or a probation officer.
2. "Medical practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
3. "Non-medical practitioner" means a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner, a paramedic; a marriage, family or child counselor; or a religious practitioner who diagnoses, examines or treats children.
4. "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department.

What is "Reasonable Suspicion" of child abuse?

The reporter does not need to investigate the circumstances of the alleged abuse; it is up to the authorities to determine whether child abuse has actually occurred. The duty to report arises as soon as there is "reasonable suspicion" of abuse. "Reasonable suspicion" exists whenever other persons, in the same occupation and under similar circumstances, would conclude that child abuse may have occurred.

CHILD ABUSE REPORTING PROCEDURES FOR EMPLOYEES
(California Penal Code Section 11165 and following)

Telephonic Reports

Telephonic reports must be made immediately or as soon as possible whenever “reasonable suspicion” of child abuse arises. The telephonic reports may be made to Children’s Protective Services or the law enforcement agency in your jurisdiction.

Children’s Protective Services	842-8760 (Day)	842-7009 (After Hours)
Siskiyou County Sheriff’s Department		926-2552 (Mount Shasta) 842-2911 (Yreka)
Weed Police Department		938-5000

Send Written Reports Within 36 Hours to

Children’s Protective Services
Siskiyou County Department of Social Services
201 Fourth Street
Yreka, CA 960697

Recommendations

1. If you need assistance filing a report, you may contact your site administrator.
2. It will assist this office if you inform your site administrator when filing a report. This, however, is not required.
3. 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 Superintendent’s Office.

Content 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. CPS will provide the form to be used for making the written report.

Students**CHILD ABUSE PREVENTION AND REPORTING****Child Abuse Prevention**

The Board of Trustees recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

(cf 6143 - Courses of Study)

The Superintendent or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

(cf 1020 - Youth Services)

Child Abuse Reporting

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

(cf 0450 - Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Legal Reference

EDUCATION CODE

- 32280-32288 *Comprehensive school safety plans*
- 33308.1 *Guidelines on procedure for filing child abuse complaints*
- 44690-44691 *Staff development in the detection of child abuse and neglect*
- 44807 *Duty concerning conduct of students*
- 48906 *Notification when student released to peace officer*
- 48987 *Dissemination of reporting guidelines to parents*
- 49001 *Prohibition of corporal punishment*
- 51220.5 *Parenting skills education*

PENAL CODE

- 152.3 *Duty to report murder, rape, or lewd or lascivious act*
- 273a *Willful cruelty or unjustifiable punishment of child; endangering life or health*
- 288 *Definition of lewd or lascivious act requiring reporting*
- 11164-11174.4 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

- 15630-15637 *Dependent adult abuse reporting*

CODE OF REGULATIONS, TITLE 5

- 4650 *Filing complaints with CDE, special education students*

Management Resources

CDE LEGAL ADVISORIES

- 0514.93 *Guidelines for parents to report suspected child abuse*

WEB SITES

- California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>*
- California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>*
- California Department of Social Services, Children and Family Services Division
<http://www.childsworld.ca.gov>*
- U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect
Information: <http://nccan.ch.acf.hhs.gov>*

CHILD ABUSE PREVENTION AND REPORTING

Definitions

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

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code 11165.1
3. Neglect 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

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)

(*cf. 5144 - Discipline*)

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

CHILD ABUSE PREVENTION AND REPORTING (continued)

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; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; and administrators, presenters, or 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. (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)

Any person shall notify a peace officer if he/she 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, where the victim is a child under age 14. (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, and when there is agreement among them, 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)

CHILD ABUSE PREVENTION AND REPORTING (continued)

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)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a 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 11166)

2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the above form from either the district or the appropriate agency.

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 information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

CHILD ABUSE PREVENTION AND REPORTING (continued)

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)

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee 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 or designee 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.

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

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, school 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

Training of mandated reporters shall include child abuse identification and reporting. (Penal Code 11165.7)

Victim Interviews

Whenever a representative of an agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. 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. (Penal Code 11174.3)

CHILD ABUSE PREVENTION AND REPORTING (continued)

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. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf 5145 11 - Questioning and Apprehension)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures that describe how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided.

CHILD ABUSE PREVENTION AND REPORTING (continued)

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

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

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

The Superintendent or designee may also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

CHILD ABUSE PREVENTION AND REPORTING (continued)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)