

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

BP 5141.4

Students

CHILD ABUSE AND NEGLECT REPORTING PROCEDURES

The Board of Education is committed to supporting the safety and well-being of district students and to facilitating the prevention of and response to child abuse and neglect. The Superintendent or designee will:

1. Develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse or neglect;
2. Ensure that staff (?) and parents/guardians have access to procedures whereby they can report suspected child abuse and/or neglect at a school site to appropriate child protective agencies; and
3. Establish regulations for use by employees in identifying and reporting child abuse. (cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.41 - Child Abuse Prevention)

District employees will report known or suspected incidences of child abuse and/or neglect in accordance with district regulations and state law. Employees will fully cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

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

District 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. The reporting duties of mandated reporters are individual and cannot be delegated to another person. The Superintendent or designee shall provide training regarding the duties of mandated reporters.

(Penal Code 11166).

Legal Reference:

EDUCATION CODE

[32280-32288](#) Comprehensive school safety plans

[33195](#) Heritage schools, mandated reporters

[33308.1](#) Guidelines on procedure for filing child abuse complaints

[44252](#) Teacher credentialing

[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](#)

[51900.6 Sexual abuse and sexual assault awareness and prevention](#)

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](#)

[11164-11174.3 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](#)

UNITED STATES CODE, TITLE 42

[11434a McKinney-Vento Homeless Assistance Act; definitions](#)

COURT DECISIONS

[Camreta v. Greene \(2011\) 131 S.Ct. 2020](#)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

[Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve](#)

[Health Framework for California Public Schools, Kindergarten Through Grade Twelve](#)

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Adopted: July 5, 2000

Revised: June 13, 2018

PIEDMONT UNIFIED SCHOOL DISTRICT

Administrative Regulation

AR 5141.4

Students

CHILD ABUSE AND NEGLECT REPORTING PROCEDURES

Duty to Report

All mandated reporters shall report known or suspected child abuse or neglect to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166.

Definitions

1. Child abuse or neglect includes the following (Penal Code 11165.5, 11165.6):
 - a. A physical injury or death inflicted by other than accidental means on a child by another person
 - b. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
 - c. Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody (Penal Code 11165.3)
 - d. Unlawful corporal punishment or injury resulting in a traumatic condition (Penal Code 11165.4)
 - e. 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 11165.2)
 - f. Neglect of a child or abuse in out-of-home care (Penal Code 11165.5)
2. Child abuse or neglect does not include:
 - a. A mutual affray between minors (Penal Code 11165.6)
 - b. 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)

- c. 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)
 - d. 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)

(cf. 5131.7 0 Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)
 - e. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)
 - f. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)
3. "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](#))
4. Child protective agencies are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department, and child protective services.
5. "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](#))

Responsibility of Mandated Reporters

District 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. 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 will thereafter make the report. ([Penal Code 11166](#))

No supervisor or administrator will 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](#))

A mandated reporter will make a report as outlined in this administrative regulation 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 will notify a peace officer. ([Penal Code 152.3, 288](#))

Reporting Procedures

1. To report known or suspected child abuse, any mandated reporter (as defined above) shall report by telephone to the Child Abuse Hotline of the Alameda County Social Services Agency at (510) 259-1800 and Piedmont Police Department (510) 420-3000.

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include:

- a. The name of the person making the report;
- b. The name of the child;
- c. The present location of the child;
- d. The nature and extent of any injury; and/or
- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

When the verbal 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. Within 36 hours of making the telephone report, the mandated reporter shall complete and mail to the local child protective agency a written report which includes a completed Department of Justice form (DOJ SS 8572).

Mandated reporters may obtain copies of the above form either from the district or the local child protective agency. Instructions are included on the form, and reporters may ask the site administrator for help in completing and mailing it; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.

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; and/or
- 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. 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. When so notified, the site administrator shall inform the Superintendent or designee.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing 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 district without his/her signature or name.

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)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (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)

Legal Responsibility and Liability

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.

If a mandated reporter fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000, or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.

When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.

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. (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, before the interview takes place, of the following legal 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 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 or Child Protective Services Agent

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Superintendent or designee and/or principal shall not notify the parent/ guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent 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 and child protective services agents will be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - Questioning and Apprehension)

When School Employees are Accused of Child Abuse

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 the 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.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, the employee may be subject a paid leave of absence.

Upon filing formal charges or upon conviction, the district may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements.

The Superintendent or designee shall seek legal counsel in connection with either the suspension or dismissal of the employee.

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](#).

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Instruction on Child Abuse and Neglect

The district's instructional program will include age-appropriate and culturally sensitive child abuse prevention curriculum, explaining a student's right to live free of abuse and including:

1. Instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly;
2. Information of available support resources;
3. Where to obtain help and disclose incidents of abuse; and
4. Age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention (Note: Upon written request of a student's parent/guardian, the student will be excused from taking such instruction). Ed Code 51900.6

cf. 6142.8 - Comprehensive Health Education

cf. 6143 - Courses of Study

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