

*Reporting Suspected Child Abuse*

A. Definitions:

1. *Child abuse*—A term meaning intentionally, knowingly or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
  - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
  - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
  - (iii) Forcefully shaking a child under one year of age.
  - (iv) Forcefully slapping or otherwise striking a child under one year of age.
  - (v) Interfering with the breathing of a child.
  - (vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being

investigated by law enforcement.

(vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III Sexual Offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors).

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(9) Causing the death of the child through any act or failure to act.

(10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

## 2. *Exclusions from Child Abuse*

(1) Environmental factors—No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides.

(2) Practice of religious beliefs—If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused.

(3) Use of force for supervision, control and safety purposes—the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:

(i) the use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.

(ii) the use of reasonable force is necessary:

(A) to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to personal or damage to property

(B) to prevent the child from self-inflicted physical harm;

(C) for self-defense or the defense of another individual; or

(D) to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.

(4) Rights of Parents—Nothing in this definition shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.

(5) Participation in events that involve physical contact with child—An individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirement.

(6) Child-on-child contact—harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight or scuffle entered into by mutual consent.

The following child-on-child acts constitute crimes against a child which are subject to reporting requirements of this regulation:

(i) rape as defined in 18 Pa.C.S. § 3121 (relating to rape);

(ii) involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);

(iii) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);

(iv) aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);

(v) indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault);

(vi) indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(7) Defensive force—Reasonable force for self-defense or the defense of another individual, consistent with the provisions of with 18 Pa.C.S. §§ 505 (relating to use of force for self-protection) and 506 (relating to use of force for the protection of other persons), shall not be considered child abuse.

3. *Bodily injury*—Impairment of physical condition or substantial pain.

4. *Child*—An individual under 18 years of age.

5. *Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

(1) renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; or

(2) seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

6. *Serious bodily injury*—Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

7. *Parent*—A biological parent, adoptive parent or legal guardian.

8. *Serious physical neglect*—Any of the following when committed by a perpetrator that endangers a child’s life or health, threatens a child’s well-being, causes bodily injury or impairs a child’s health, development or functioning:

(1) A repeated, prolonged or unconscionable egregious failure to supervise a child in a manner that is appropriate considering the child’s developmental age and abilities.

(2) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

9. *Sexual abuse or exploitation*—Any of the following:

(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct, which includes, but is not limited to, the following:

(i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual

(ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual

(iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual

(iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child’s age.

(2) Any of the following offenses committed against a child:

(i) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

- (ii) Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (iii) Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (iv) Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (v) Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (vi) Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (vii) Indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to indecent assault).
- (viii) Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (ix) Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).
- (x) Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
- (xi) Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- (xii) Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
- (xiii) Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

10. *Perpetrator*—A person who has committed child abuse as defined in this section. The following shall apply:

- (1) The term includes only the following:
  - (i) A parent/guardian of the child.
  - (ii) A spouse or former spouse of the child's parent/guardian.
  - (iii) A paramour or former paramour of the child's parent/guardian.

(iv) A person 14 years of age or older and responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school, or through a program, activity, or service.

(v) An individual 14 years of age or older who resides in the same home as the child.

(vi) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(i) A parent/guardian of the child.

(ii) A spouse or former spouse of the child's parent/guardian.

(iii) A paramour or former paramour of the child's parent/guardian.

(iv) A person 18 years of age or older and responsible for the child's welfare.

(v) A person 18 years of age or older who resides in the same home as the child.

11. *Direct contact with children* — The possibility of care, supervision, guidance or control of children or routine interaction with children.

12. *Sexual misconduct*— Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- a) sexual or romantic invitation.
- b) dating or soliciting dates.
- c) engaging in sexualized or romantic dialog
- d) making sexually suggestive comments.

- e) self-disclosure or physical exposure of a sexual, romantic or erotic nature.
- f) any sexual, indecent, romantic or erotic contact with the child or student.

13. *Person responsible for the child's welfare* — a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision, and control.

14. *Program, activity or service* – any of the following in which children participate and which is sponsored by a school or public or private organization: (1) a youth camp or program; (2) a recreational camp or program; (3) a sports or athletic program; (4) a community or social outreach program; (5) an enrichment or educational program; or (6) a troop, club or similar organization.

15. *Routine interaction* – regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

16. *Recent act or failure to act* – any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services or county agency,

## B. Mandated Reporters

1. Definition: *Mandated reporters* – The following adults shall make a report of suspected child abuse, subject to subsection B.2 below, if the person has reasonable cause to suspect that a child is a victim of child abuse:
  - (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
  - (2) A medical examiner, coroner or funeral director.
  - (3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
  - (4) A school employee.
  - (5) An employee of a child-care service who has direct contact with children in the course of employment.
  - (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.



(7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.

(8) An employee of a social services agency who has direct contact with children in the course of employment.

(9) A peace officer or law enforcement official.

(10) An emergency medical services provider certified by the Department of Health.

(11) An employee of a public library who has direct contact with children in the course of employment.

(12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.

(13) An independent contractor who has direct contact with children.

(14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.

(15) A foster parent.

2. Basis to Report: A mandated reporter enumerated shall make a report of suspected child abuse or cause a report to be made in accordance with the reporting procedure described below in Section C, if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(1) the mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service;

(2) the mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child;

(3) A person makes a specific disclosure to the mandated reporter that an identifiable child is a victim of child abuse;

(4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

A child is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.

It is ultimately the responsibility of each mandated reporter to refer all cases of suspected child abuse as provided in Section C.1 below.

Any person who in good faith makes a report of suspected child abuse, regardless of whether the report is required, cooperates with an investigation, testifies in a proceeding, or engages in other action authorized by law shall have immunity from civil and criminal liability related to those actions.

A mandated reporter who willfully fails to report suspected child abuse maybe be subject to disciplinary action and criminal prosecution.

A mandatory reporter who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse commits a misdemeanor of the second degree. Such failure will also be grounds for disciplinary action, up to and including termination.

Any person who engages in intimidation, retaliation, or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.

The District shall not discriminate or retaliate against any person for making a good faith report of suspected child abuse.

#### C. Procedures:

1. Any mandated reporter who has reasonable cause to suspect that a child is a victim of child abuse must make either (but not both) an electronic report through the Child Welfare Portal<sup>1</sup> or an oral report of suspected child abuse to the Department of Human Services, ChildLine, by calling (800) 932-0313.
  - (1) If ChildLine receives a report of suspected child abuse that also alleges that a criminal offense has been committed against the child, the Department of Human Services will immediately transmit notice to the appropriate law enforcement official in the county where the suspected child abuse is alleged to have occurred.

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<sup>1</sup> <https://www.compass.state.pa.us/cwis/public/home>

2. Unless the report was made electronically, the mandated reporter designated in C.1. above must also complete a written report of suspected child abuse within 48 hours to:

Chester County Children, Youth and Families  
601 Westtown Road Suite 310  
West Chester, PA 19380  
Phone: (610) 344-5800 Fax: (610) 344-5858

Upon receipt of an electronic report, the electronic reporting system will automatically send an email confirmation, providing the District with a record of the report.

The written report of suspected child abuse shall include the following information, if known, but the absence of any such information shall not preclude a report from being made:

- (1) The names and addresses of the child, the child's parents/guardians and any other person responsible for the child's welfare.
  - (2) Where the suspected abuse occurred.
  - (3) The age and sex of each subject of the report.
  - (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
  - (5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
  - (6) Family composition.
  - (7) The source of the report.
  - (8) The name, telephone number and e-mail address of the person making the report.
  - (9) The actions taken by the person making the report, including those actions taken under section 6314 (relating to photographs, medical tests and X-rays of child subject to report), 6315 (relating to taking child into protective custody), 6316 (relating to admission to private and public hospitals) or 6317 (relating to mandatory reporting and postmortem investigation of deaths).
  - (10) Any other information required by Federal law or regulation.
  - (11) Any other information that the Department of Human Services requires by regulation.
3. Immediately after reporting to ChildLine, the mandated reporter must notify the Building Principal and provide them with a copy of the electronic report confirmation, if an electronic report was submitted. Upon notification, the Building Principal shall ensure that the mandated reporter submits a written report as

provided in C.2 above and provides the Building Principal with a copy of the electronic report confirmation, if such a report had not already been submitted. The Building Principal shall assume the responsibility of facilitating the cooperation of the District with the investigation of the report.

4. The Superintendent or designee shall immediately also contact local law enforcement officials in all cases where a report has been made to ChildLine.
5. After a report to ChildLine has been made and law enforcement has been contacted, the Building Principal or designee shall contact the parent/guardian of the suspected victim of child abuse, unless a parent/guardian is the alleged perpetrator of suspected child abuse, or if, in the judgment of the Building Principal or designee, notifying the parent/guardian would endanger the student and/or the investigation of the incident. The Building Principal or designee shall document contact (and attempts to contact) with the parent/guardian. If a parent/guardian is contacted, the Building Principal or designee may advise them that a report of suspected child abuse was filed, the general circumstances surrounding the report, and that the county agency and/or law enforcement may be contacting them. The identity of the reporter shall not be disclosed. If the Building Principal contacts the child's parent/guardian, they must inform the parent/guardian that the local police department has been notified of the incident.
6. If physical abuse is suspected, the school nurse, if a school nurse is available, shall examine the student and report their results to the building administrator. When there is visible trauma and it is necessary to preserve potential evidence of suspected child abuse from a reportedly non-accidental physical injury, a school nurse or, in the absence of a school nurse, other school official may, after the initial report is made, take photographs of the child who is the subject of the report as authorized by the building administrator and in the presence of another adult. Any such photographs shall be provided to the county agency at the time the written report is sent, or within forty-eight (48) hours after a report is made by electronic technologies, or as soon thereafter as possible.
7. Within 15 days of notice or discovery, the Superintendent shall file the applicable report with the Department of Education any of the following information:
  - (1) Any educator who has been provided by the District with notice of intent to dismiss or remove for cause, notice of nonrenewal for cause, notice of removal from eligibility lists for cause or notice of a determination not to reemploy for cause. ;
  - (2) Any educator who has been arrested or indicted for or convicted of any crime that is graded a misdemeanor or felony or any crime enumerated under Section 111(e) and (f.1) of the Public School Code. (The term conviction shall include a plea of guilty or nolo contendere)

- (3) Any educator against whom allegations have been made that the educator has:
  - (i) committed sexual abuse or exploitation involving a child or student; or
  - (ii) engaged in sexual misconduct with a child or student
- (4) Information which constitutes reasonable cause to suspect that an educator has caused physical injury to a child or student as a result of negligence or malice.
- (5) Any educator who has resigned, retired or otherwise separated from employment after the District has received information of alleged misconduct under the Professional Educator Discipline Act;
- (6) Any educator who is the subject of a report filed by a mandated reporter designated in C.1 above;
- (7) Any educator who the District knows to have been named as the perpetrator of an indicated or founded report of child abuse or named as an individual responsible for injury or abuse in an indicated or founded report under the Child Protective Services Law.

#### D. Agency Cooperation

1. The District will cooperate with any subsequent investigation regarding suspected child abuse conducted by the proper authorities. Such cooperation will include, but shall not be limited to, permitting authorized personnel from the investigating county agency to interview a student while the student is in attendance at school.

#### F. Child abuse recognition and reporting training

1. The District shall provide all employees who have direct contact with children with mandatory training on child abuse recognition and reporting.
  - (1) Training shall address, but shall not be limited to, the following topics:
    - (i) this Administrative Regulation and the accompanying Board Policy related to reporting suspected abuse and sexual misconduct.
    - (ii) recognition of the signs of abuse and sexual misconduct and reporting requirements under the Child Protective Services Law.

- (iii) the provisions of the "Professional Educator Discipline Act," including mandatory reporting requirements.
- (iv) maintenance of professional and appropriate relationships with students.
- (2) The District may provide this training through the internet or other distance communications systems.
- (3) All employees shall complete a minimum of three (3) hours of training every five (5) years.
- (4) When applicable, in order that employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing profession education requirements, the District shall submit its training program to be approved by the Department of Education in consultation with the Department of Human Services.
- (5) Employees of independent contracts of the District who have direct contact with children are required to comply with the requirements of Pennsylvania law regarding mandatory training on child abuse recognition and reporting.

#### G. Confidentiality

- 1. As part of its notification of an incident to the local police department, the Superintendent or designee shall provide information in accordance with the MOU developed with local law enforcement officials and pursuant to the Safe Schools Act regulation 22 Pa. Code § 10.21.
- 2. All information collected in the process of reporting suspected child abuse shall remain confidential and shall only be disclosed in accordance with applicable law.

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**TREDYFFRIN-EASTTOWN SCHOOL DISTRICT  
CHILD ABUSE REPORTING FLOW CHART - SUMMARY**

1. A mandated reporter who has reasonable cause to suspect that a child is a victim of child abuse must promptly and directly make a report to Department of Human Services (DHS) either (but not both) by phone via ChildLine (800-932-0313) (a state-wide, toll-free number that is staffed 24/7) or via the state's electronic reporting system at [www.compass.state.pa.us/cwis/public/home](http://www.compass.state.pa.us/cwis/public/home). Unless the report was made electronically, the mandated reporter must also complete a written report of suspected child abuse in the form attached as Attachment A within 48 hours as set forth in the accompanying Administrative Regulation.
2. After reporting to ChildLine, the reporter must immediately notify the Building Principal or the designated agent that they have done so. The reporter must also give the Principal or designee a copy of the electronic confirmation form if they reported electronically. If the reporter first reported by phone, the Principal or designee must ensure that the reporter submits a written report and provides a copy of the electronic confirmation form.
3. The Principal or designee must inform the Superintendent or designee that a report has been made and, if it was made electronically, must give the Superintendent or designee a copy of the electronic confirmation form.
4. The Superintendent or designee is required to contact local law enforcement in all cases where a report has been made to ChildLine.
5. After a report to ChildLine has been made and law enforcement has been contacted, the Building Principal or designee shall contact the parent/guardian of the suspected victim of child abuse, unless a parent/guardian is the alleged perpetrator of suspected child abuse, or if, in the judgment of the Building Principal or designee, notifying the parent/guardian would endanger the student and/or the investigation of the incident. The Building Principal or designee shall document contact (and attempts to contact) with the parent/guardian. If a parent/guardian is contacted, the Building Principal or designee may advise them that a report of suspected child abuse was filed, the general circumstances surrounding the report, and that the county agency and/or law enforcement may be contacting them. The identity of the reporter shall not be disclosed. If the Building Principal contacts the child's parent/guardian they must inform the parent/guardian that the local police department has been notified of the incident.
6. If physical abuse is suspected, the school nurse, if a school nurse is available, shall examine the student and report their results to the building administrator. When there is visible trauma and it is necessary to preserve potential evidence of suspected child abuse from a reportedly non-accidental physical injury, a school nurse or, in the absence of a school nurse, other school official may, after the initial report is made, take photographs of the child who is the subject of the report as authorized by the building administrator and in the presence of another adult. Any such photographs shall be sent to the county agency at the time the written report is sent or within forty-eight (48) hours after a report is made by electronic technologies or as soon thereafter as possible.

7. If the initial report to ChildLine is made by phone, a written report must be submitted within 48 hours of the oral report. This may be done electronically as stated above, or on a hard-copy DHS Form CY-47 (“Report of Suspected Child Abuse”). This report is submitted to DHS or the county agency to which the case is assigned.