



Student Policies BP 18-18

Board Policy: Child Abuse Policy

Every child has the right to live free of physical and emotional abuse, including neglect and sexual assault. The Gateway Community Charters Board recognizes that such abuse has severe consequences for the child, sometimes resulting in the child's own violent behavior or in drug addiction. Our schools are in a position to promote the prevention of child abuse and its reoccurrence, and to reduce the general vulnerability of children.

The following policy and procedures shall apply to all GCC employees. Any employee who knows or reasonably suspects a child has been the victim of child abuse shall report the instance pursuant to the following policy. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166. It is the policy of the GCC Board that all employees shall comply with the law's reporting procedures whenever they have knowledge of or observe a child in the course of their employment whom they know or reasonably suspect to have been the victim of child abuse.

Definitions

1. "Child Abuse" or "neglect" includes the following:
 - a. A physical injury inflicted by other than accidental means on a child by another person.
 - b. Sexual abuse of a child.
 - 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.
 - d. Unlawful corporal punishment or injury resulting in a traumatic condition.
 - e. Neglect of a child or abuse in out-of-home care.

Child abuse and/or neglect include both acts and omissions on the part of the responsible person.

2. "Mandated Reporters" are those people defined by law as "child care custodians," "health practitioners," "child visitation monitors" and "employees of a child protective agency." All GCC personnel are Mandated Reporters of suspected abuse and/or neglect, including but not limited to: Teachers, specialists, administrators, school psychologists, licensed nurses, counselors, and Para-educators, or other classified. All GCC employees are required to report instances of suspected or known child abuse and/or neglect *immediately* when the employee has knowledge of or observes a child that the employee knows or reasonably suspects has been the victim of child abuse or neglect.

3. "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.

4. "Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such 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. (Penal Code 11166)

5. "Child" means any person less than 18 years of age.

Reporting Procedures

Once an employee witnesses, has been made aware of, has knowledge of, or reasonably suspects that an incident, behavior, or conduct may be an indication of suspected child abuse, the employee shall:

1. **Step #1: Telephone Report.** The telephone report must be made immediately, or as soon as practically possible, upon knowledge or suspicion.
 - a. This report will include:
 1. The name of the person making the report.
 2. The name of the child.
 3. The present location of the child.
 4. The nature and extent of any injury.
 5. Any other information requested by the child protective agency or law enforcement office, including the information that led the Mandated Reporter to gain knowledge of or suspect child abuse.
 - (i) When the verbal report is made, the employee shall note in writing the name of the official contacted, the date and time contacted, and any instructions or advice received.
 - b. Appropriate agency to report to:
 1. If the suspected child abuse has taken place **within** the family,
 - (i) Call Sacramento Child Protective Services at: 916-875-5437
(Note: sites outside Sacramento should contact local CPS)
 2. If the suspected child abuse has taken place **outside** the family,
 - (i) Call the local law enforcement department at:
 - (a) Sacramento Police Department 916-204-5471
 - Within City of Sacramento
 - (b) Sacramento Sheriff's Department 916-874-5115
 - Within Sacramento County
 - (c) Yolo County Sheriff's Department 916-375-6493
 - Within Yolo County
 - (d) West Sacramento Police Department 916-617-4900
 - Within City of West Sacramento
 - c. If the agency asks the child be held until authorities arrive, the employee must remain with the child.
2. **Step #2: Written Report**
 - a. Within 36 hours of hearing about the incident, the employee shall complete and mail to the local child protective agency (or law enforcement as appropriate) a written report,

“Suspected Child Abuse Report,” which includes a completed Department of Justice form (DOJ SS 8572).

Employees may obtain copies of the above form either from the GCC central office 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 employee is personally responsible for ensuring that the written report is correctly filed.

b. The written report is to be addressed to the person to whom the telephone report was made.

3. Employees reporting child abuse to a child protective agency or law enforcement agency are directed to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. Administrators so notified shall provide the employee with any assistance necessary to ensure that reporting procedures are carried out in accordance with applicable law and GCC policy and procedure. At the employee’s request, the principal may assist in completing and filing these forms. If the employee does not disclose his/her identity to a site or GCC administrator, he/she shall at least provide or mail a copy of the written report to the GCC without his/her signature or name.

4. After completing the process above, the employee’s primary responsibility is finished. The employee is not to conduct an investigation regarding the suspected abuse, not to confer with the person(s) alleged, to have mistreated the child, nor contact the child’s home or the alleged perpetrator prior to making the report. There is no duty for the reporter to contact the child’s parents. In fact, if a child is released to a peace officer or a child protection agency, the reporter shall not notify the parent as required in other instances of removal.

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. This immunity shall apply even if the Mandated Reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his or her professional capacity or outside the scope of his or her employment.

2. 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 personally liable for damages resulting from any injury to the child after a failure to report and could incur costs of defense and any subsequent damages to the child.

3. All employees are subject to disciplinary action for failure to report suspected child abuse pursuant to this policy. Moreover, GCC is not obligated to defend an employee who neglects or fails to make a required report.

3. 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.

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. (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:

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.

When School Employees are Accused of Child Abuse

Regardless of the identity of the suspected child abuser, 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.

The GCC may at any time take action in accordance with the at will nature of GCC employment. Possible employee actions by the GCC may include, but are not limited to, reassignment, leave of absence, or release from employment. The Superintendent or designee may seek legal counsel in connection with employee actions related to this policy.

Training

GCC shall provide training to all new personnel regarding the obligations as Mandatory Reporters and the steps required to report suspected abuse. Employees new to the GCC will receive a more extensive Child Abuse training within 6 weeks of employment. Child abuse reporting procedures are reviewed yearly for all returning GCC employees within the first 6 weeks of the school year. Employees requiring English translation of the training will be offered translation. Both the employee and translator will sign an acknowledgment form indicating this service was used.

GCC Staff Acknowledgement

As a part of the employee hire packet, employees will sign a Child Abuse Acknowledgement form that outlines their designation as a Mandated Reporter and receipt and understanding of this policy.

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