

500: Students

Administrative Regulation 17-06

1. Definitions

1.1. Child abuse or neglect includes the following:

- 1.1.1. A physical injury or death inflicted by other than accidental means on a child by another person
- 1.1.2. Sexual abuse of a child, including sexual assault or sexual exploitation (Penal Code 11165.1)
- 1.1.3. Neglect of a child (Penal Code 11165.2)
- 1.1.4. Willful harming or injuring of a child or the endangerment of the person or health of a child (Penal Code 11165.3)
- 1.1.5. Unlawful corporal punishment or injury (Penal Code 11165.4)

1.2. Child abuse or neglect does not include:

- 1.2.1. A mutual affray between minors (Penal Code 11165.6)
- 1.2.2. 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)
- 1.2.3. An injury resulting from the exercise by a teacher 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
- 1.2.4. 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
- 1.2.5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student

1.3. Mandated reporters include, but are not limited to the Executive Director/designee, teachers and classified employees. (Penal Code 11165.7)

1.4. 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)

2. Reportable Offenses

- 2.1. A mandated reporter shall make a report 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)

- 2.2. 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. (Penal Code 11166.05, 11167)

3. Reporting Procedures

3.1. Initial Telephone Report

- 3.1.1. Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department, sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

- 3.1.2. When the initial telephone 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.

3.2. Written Report

- 3.2.1. Within thirty-six (36) hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare to submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

- 3.2.2. Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- 3.2.2.1. Name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter

- 3.2.2.2. Child's name, address, grade, and class

- 3.2.2.3. Names, addresses, and telephone numbers of the child's parents/guardians

- 3.2.2.4. Name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child

- 3.2.2.5. Information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

4. Internal Reporting

- 4.1. The mandated reporter shall not be required to disclose his/her identity to the Executive Director/designee. (Penal Code 11166)

- 4.2. However, employees reporting child abuse or neglect to an appropriate agency are encouraged to notify the Executive Director/designee who may assist in completing and filing the necessary forms.

5. Training
 - 5.1. Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect. (Penal Code 11165.7)
 - 5.2. Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.
6. Victim Interviews by Social Services
 - 6.1.
 - 6.1.1. Whenever a representative from Department of Social Services investigating suspected child abuse deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report from within the child's home or out-of-home care facility.
 - 6.1.2. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee selected by the child. (Penal Code 11174.3)
 - 6.2.
 - 6.2.1. A staff member selected by a child may decline to be present at the interview. If the selected person accepts, he/she shall follow requirements: (Penal Code 11174.3)
 - 6.2.2. To lend support to the child and enable him/her to be as comfortable as possible.
 - 6.2.3. Not participate in the interview.
 - 6.2.4. Not discuss the facts or circumstances of the case with the child.
 - 6.2.5. Is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable. (Penal Code 11167.5)
 - 6.3. 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)
7. Release of Child to Peace Officer
 - 7.1. When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Executive Director/designee 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.
 - 7.2. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation.
8. Parent/Guardian Complaints
 - 8.1. Upon request, the Executive Director/designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for reporting suspected child abuse occurring at a school to appropriate agencies.

- 8.2. To file a complaint against an employee suspected of child abuse or neglect at a school, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures."
- 8.3. 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 to file a report himself/herself using the procedures described above for mandated reporters. (Penal Code 11166)
- 8.4. In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education. (5 CCR 4650)
9. Notifications
 - 9.1. The Executive Director/designee shall provide to all new employees who are mandated reporters a statement that informs them of their status, their reporting obligations, and their confidentiality rights. He/she also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167.
 - 9.2. 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 and will comply with those provisions. (Penal Code 11166.5)
 - 9.3.
 - 9.3.1. 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.
 - 9.3.2. 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)
 - 9.3.3. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
 - 9.3.4. No employee shall be subject to any sanction by the school for making a report. (Penal Code 11166)