

PALOS VERDES PENINSULA SUMMER SCHOOLS EMPLOYEE POLICY REVIEW REGARDING CHILD ABUSE / NEGLECT MANDATED REPORTING REQUIREMENTS

PVPSS is committed to supporting the safety and well-being of all students participating in our summer programs and desires to facilitate the prevention and response to child abuse and neglect.

Child Abuse Reporting

PVPSS recognizes that child abuse has severe consequences and that our program has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse.

Employees who are mandated reporters, as defined by law, are obligated to report all known or suspected incidents of child abuse or 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.

Definitions

Child abuse or neglect include the following:

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation
3. Neglect of a child
4. Willful harming or injuring of a child or the endangering of the person or health of a child
5. Unlawful corporal punishment or injury

Child abuse or neglect does not include:

6. A mutual affray between minors
7. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment
8. An injury resulting from the exercise of a teacher, 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
9. 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
10. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student
11. Homelessness or classification as an unaccompanied minor

Mandated reporters include, but are not limited to, administrators, teachers, instructional aides, teacher's aides or assistants, clerical employees, nurses or health care providers and security officers.

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 in 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.

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.

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.

Any PVPSS 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 the age of 14 shall notify a peace officer.

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

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 shall thereafter make the report.

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.

Reporting Procedures

1. Initial Telephone Report

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.

Department of Children & Family Services
(800) 540-4000

Lomita Sheriff Station
(310) 539-1661

Palos Verdes Estates Police Department
(310) 378-4211

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.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report.

Reports of suspected child abuse or neglect shall include, if known:

- 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 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
- 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.

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.

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Executive Director or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall notify the Executive Director or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and PVPSS employee policy. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

Prior to the first week of each summer session, the Executive Director or designee shall provide this written summary of mandated reporting requirements to PVPSS employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the summer session shall receive the written summary of mandated reporting requirements prior to beginning their employment.

The written summary of mandated reporting requirements pertaining to child abuse and neglect must be signed by each employee and a copy retained by the Executive Director or designee. Whenever a representative from the Department of Social Services or another government agency investigating 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 a 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 selected by the child.

A staff member 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:

12. 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.
13. The selected person shall not participate in the interview.
14. The selected person shall not discuss the facts or circumstances of the case with the child.
15. 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.

Release of Child to Police Officer

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 or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation.

Parent/Guardian Complaints

Upon request, the Executive Director or designee shall provide parents/guardian with a copy of this document which contains procedures for reporting suspected child abuse occurring at a school site to appropriate agencies.

To file a complaint against a PVPSS 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.

Notifications

The Executive Director or designee shall provide to all new employees who are mandated reporters a copy of this document that informs them of their status as mandated reporters, and their reporting obligations.

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign an Employee Policy Review form indicating that he/she has knowledge of the reporting obligations and will comply with those provisions. The signed statement shall be retained by the Executive Director or designee.

The Executive Director or designee also shall notify all employees that:

16. 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 persons 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.
 17. 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.
 18. No employee shall be subject to any sanction by PVPSS for making a report.
- A copy of this document and a description of the PVPSS Employee Policy Review Regarding Child Abuse and Neglect Mandated Reporting Requirements are posted on the PVPSS website.