**SAMPLE BP 5141.X**

[Note: The Board Policy (BP) number is a number chosen by the adopting District. The indicated number is merely representative based on the number selected by the California Schools Boards Association (CSBA). In addition, the AR and BP numbers in the footnotes below are merely representative and must be matched with your District selections.]

**Child Abuse and neglect Prevention and Reporting**

**POLICY STATEMENT**

The District will not tolerate and will seek to eradicate any behavior which constitutes child abuse and neglect.

(Penal Code 11165.1) (Penal Code 11165.2) (Penal Code 11165.3) (Penal Code 11165.4) (Penal Code 11165.5) (Penal Code 11165.6) Education Code 44807) (Education Code 49001) (cf. AR 3515.3 - District Police/Security Department) (cf. AR 5144 - Discipline) (cf. AR 5141 –Child Abuse Prevention and Reporting)

**DEFINITIONS**

*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; administrators and employees of a licensed 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)

*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)

**PREVENTION**

The Superintendent or designee will implement procedures and programs that help prevent child abuse and neglect (1) by screening its employees, contactors, and volunteers who may interact with minors, (2) by enforcing its guidelines for proper interaction, with reasonable boundaries, between adults and minors, and (3) by including, within its instructional program, an age-appropriate and culturally sensitive child abuse prevention curriculum to educate its students about the dangers of child abuse so that they will acquire skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

(cf. AR 6143 - Courses of Study)

The Superintendent or designee will implement procedures and programs that incorporate community input and resources into the District's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community inputs and resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

(cf. AR 1020 - Youth Services)

**SCREENING**

The District’s screening and hiring process for employees and the screening process for volunteers and contractors shall be conducted in accordance with District administrative procedures. These processes will include dissemination and acknowledgement of the District’s guidelines for proper interaction with minors.

(cf. AR 5141 –Child Abuse Prevention and Reporting)

**Training**

Training of those identified as mandated reporters shall include identification and mandated reporting of known or reasonably suspected incidents of child abuse and neglect.

(Penal Code 11165.7) (cf. AR 5141 –Child Abuse Prevention and Reporting)

Training shall also include guidance in the appropriate interaction with minors, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse and neglect.

(cf. AR 4119.21/4219.21/4319.21 - Professional Standards) (cf. 4131 - Staff Development) (cf. AR 4231 - Staff Development) (cf. AR 4331 - Staff Development) (cf. AR 5145.7 - Sexual Harassment)

**REPORTING**

**Mandated Reporters**

The District expects prompt, accurate reporting of known or reasonably suspected child abuse and neglect. Reporting of known or suspected child abuse and neglect shall be conducted in compliance with state law and board policy.

Mandated reporters shall report known or reasonably suspected child abuse and neglect, *including suspicion 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*, whenever he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse and neglect.

(Penal Code 11166)

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

(Penal Code 11166)

No supervisor or administrator shall 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 and neglect to the appropriate agency.

(Penal Code 11166)

A mandated reporter who reports a known or suspected instance of child abuse and 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 and neglect outside of his/her professional capacity or outside the scope of his/her employment. 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)

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)

No employee shall be subject to any sanction by the District for making a bona fide report.

(Penal Code 11166)

**Reporting Procedures**

The District will ensure prompt, accurate reporting of known or reasonably suspected incidents of child abuse and neglect in compliance with state law and District administrative regulation.

(cf. AR 5141 – Child Abuse Prevention and Reporting) (Penal Code 11165.9) (Penal Code 11166) (Penal Code 11168) (Penal Code 11167) (Penal Code 11166.05)

**Victim Interviews by Social Services**

The Superintendent or designee will implement procedures and programs related to victim interviews by social services associated with child abuse and prevention incidents in compliance with state law and District administrative regulations.

(cf. AR 5141 – Child Abuse Prevention and Reporting) (Penal Code 11174.3) (Penal Code 11174.3) (Penal Code 11167.5)

**Release of Child to Peace Officer**

The Superintendent or designee will implement procedures and programs related to release of a minor to a peace officer associated with child abuse and prevention incidents in compliance with state law and District administrative regulations.

(cf. AR 5141 – Child Abuse Prevention and Reporting) (Education Code 48906) (cf. AR 145.11 - Questioning and Apprehension by Law Enforcement)

**Parent/Guardian Complaints**

The Superintendent or designee will implement procedures and programs related to parent/guardian complaints associated with child abuse and prevention incidents in compliance with state law and District administrative regulations.

(cf. AR 5141 – Child Abuse Prevention and Reporting) (cf. AR 1312.1 - Complaints Concerning District Employees) (cf. AR 1312.3 - Uniform Complaint Procedures)

**Discipline**

Any District employee, volunteer, or contractor who is determined, after an investigation, to have engaged in any activity in violation of this policy, including, but not limited to a failure to report known or reasonably suspected child abuse and neglect, will be subject to disciplinary action up to and including discharge.

False accusations regarding child abuse and neglect will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action up to and including discharge, with regard to employees or volunteers.

The District will discipline any individual who retaliates against any person who reports suspected child abuse and neglect or who retaliates against any person who testifies assists or participates in an investigation, a proceeding or a hearing relating to a child abuse and neglect complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

**Notifications**

The Superintendent or designee will implement procedures and programs that ensure prompt, accurate notifications related to mandated reporters and child abuse and prevention incidents in compliance with state law and District administrative regulations.

(cf. AR 5141 – Child Abuse Prevention and Reporting) (Penal Code 11165.7) (Penal Code 11166.5) (cf. AR 4112 - Employee Notifications) (Welfare and Institutions Code 15630-15637) (Penal Code 11172) (Penal Code 11166)

**MAINTENANCE OF RECORDS AND DOCUMENTS**

The District shall maintain all records and documentation required by law or otherwise required by this and other related policies including all documents related to procedures for hiring/volunteer/contractor screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up, and disciplinary action.

Policy: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DISTRICT approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_