

YOUTH SERVICES

In alignment with LCAP Goal 4, the Board of Education desires to help all district students achieve to their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children. The district shall provide support services for children and families to the extent possible and shall work with other local governments, businesses, foundations, and community-based organizations, as appropriate, to improve the health, safety, and well-being of the community's youth.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.6 - School Health Services)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources. The Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

(cf. 0200 - Goals for the School District)
(cf. 9140 - Board Representatives)

The Superintendent and appropriate staff shall cooperate with public and private entities in the planning and implementation of joint projects or activities within the community. The Superintendent or designee may designate a coordinator to ensure effective implementation of the district's responsibilities in any such collaborative project.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

In order to identify priorities for youth services, the Board shall encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, homelessness, placement in foster care, lack of access to child care, substance abuse, or violence. The needs assessment also should examine the extent to which those needs are being met through existing services in the

YOUTH SERVICES (continued)

district and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.

The Board shall approve the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions.

(cf. 1330 - Use of School Facilities)

(cf. 3100 - Budget)

All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

The Superintendent or designee shall work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth service coordination and delivery.

Release of Student Information

In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies with parent/guardian consent and in accordance with laws pertaining to confidentiality and privacy.

Each agency is individually responsible for abiding by the applicable laws and regulations pertaining to the data each has collected regarding their clients. Nothing in this policy shall relieve an entity from abiding by relevant laws or regulation.

Any discussions regarding coordinated services, outcome measurements, and efficacy of services, intervention trends or strategies will be limited to the specific data elements identified by the applicable Local Management Advisory Team (LMAT). Any information provided to or by the agency shall be anonymized so that the workgroup will not know the identity of the individual who is subject of the discussion.

All information shared shall be treated as confidential and not disclosed by the recipient unless it is for the purpose of developing comprehensive services or by legal mandate.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5125 - Student Records)

YOUTH SERVICES (continued)**Reports to the Board**

The Board shall receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

(cf. 0500 - Accountability)

The Board shall communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

(cf. 9000 - Role of the Board)

Legal Reference:**EDUCATION CODE**

8800-8807 *Healthy Start support services for children*

49073 *Privacy of student records*

49075 *Parent/guardian permission for release of student records*

49557.2 *Sharing of information for MediCal eligibility*

HEALTH AND SAFETY CODE

120440 *Immunization records; release to local health departments*

130100-130155 *Early childhood development; First 5 Commission*

WELFARE AND INSTITUTIONS CODE

827 *Wards and dependent children, limited dissemination of records*

830 *Wards and dependent children, disclosure of confidential records relating to child abuse*

5850-5883 *Mental Health Services Act*

10850.1 *Administration of public social services, disclosure of confidential records relating to abuse*

18961.5 *Computerized database; families at risk for child abuse; sharing of information*

18980-18983.8 *Child Abuse Prevention Coordinating Council*

18986-18986.30 *Interagency Children's Services Act*

18986.40-18986.46 *Multidisciplinary services teams*

18986.50-18986.53 *Integrated day care program*

18987.6-18987.62 *Family-based services*

Management Resources:**CSBA PUBLICATIONS**

Expanding Access to High-Quality Preschool Programs: A Resource Guide for School Leaders, rev. April 2008

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007

Maximizing School Board Governance: Community Leadership, 1996

CHILDREN NOW PUBLICATIONS

California Report Card: The State of the State's Children, 2008

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Management Resources: (continued)

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006

Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

YOUTH LAW CENTER PUBLICATIONS

Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

California Department of Public Health: <http://www.cdph.ca.gov>

California Department of Social Services: <http://www.dss.cahwnet.gov>

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

First 5 California: <http://www.ccfc.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

Policy

adopted: July 25, 2017

Effective: October 1, 2017

SAN DIEGO UNIFIED SCHOOL DISTRICT

San Diego, California

YOUTH SERVICES

This regulation sets forth procedures governing referral of students to youth-serving agencies, sending school reports to social agencies, and for on-campus counseling of students by youth-serving agencies during school hours.

Release of Student Information

Written consent of parent, guardian, or student eighteen or over is required prior to release of any student information to any nondistrict organization, agency, or individual (see attached Exhibit, "Release of Information" form). Any party receiving student information pursuant to this regulation must certify that the information will not be used for any purpose other than that authorized.

Referrals

Referrals to any nondistrict organization, agency or individual may be made by school counselors and/or nurses after evaluating student and family needs with the student and parent/guardian. Appropriate referrals may be made when it has been determined that such services would be in the best interest of the student.

When referrals to outside agencies are provided, the district shall identify at least three possible service providers whenever possible, but no specific provider shall be recommended. Referrals are suggestions only and district staff shall not require families to seek outside professional services.

Probation interns and interns of other nondistrict approved youth-serving agencies may not counsel students on campus unless the approved agent is present.

The Principal or designee shall refer the student to a school counselor for identification of appropriate services. The school counselor shall refer the student to a school nurse if the major cause of concern is health-related. In cases of emergency, the Principal or designee shall call the San Diego Police Department or Fire Department.

The school counselor or nurse shall counsel the student and, when appropriate, the student's parent/guardian, and may confer with appropriate school personnel to evaluate the case and determine appropriate referrals for the student and/or family. The counselor/nurse shall obtain written consent from the student's parent/guardian before discussing the status of a particular concern or its resolution with nondistrict service providers.

YOUTH SERVICES

San Diego Unified School District
AUTHORIZATION FOR USE OR DISCLOSURE OF INFORMATION TO AND FROM
SCHOOLS

Completion of this document authorizes the disclosure and/or use of individually identifiable information, as set forth below, consistent with California and Federal laws (e.g., HIPAA) concerning the privacy of such information. Failure to provide all information requested may invalidate this authorization.

Use and Disclosure Information:

Patient/Student Name: _____
Last First MI Date of Birth

I, the undersigned, do hereby authorize (name of provider and/or agency)

(1)_____ (2)_____
to provide information from the above named child's record to and from:

| | |
|---|---------------------------------|
| School District to Which Disclosure is Made | Address/City and State/Zip Code |
| Contact Person at School District | Area Code and Telephone Number |

Disclosure of information is required for academic and school adjustment.

Requested information shall be limited to the following:

___ All minimum necessary information; or

___ Specific information as described: _____

Duration:

This authorization shall become effective immediately and shall remain in effect until _____ (enter date) or for one year from the date of signature, if no date entered.

Restrictions:

California law prohibits the requestor from making further disclosure of my information unless the Requestor obtains another authorization form from me or unless such disclosure is specifically required or permitted by law.

Your Rights:

I understand that I have the following rights with respect to this Authorization: *I may revoke this Authorization at any time. My revocation must be in writing, signed by me or on my behalf, and delivered to the health care agencies/persons listed above. My revocation will be effective upon*

YOUTH SERVICES (continued)

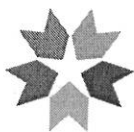
receipt, but will not be effective to the extent that the Requestor or others have acted in reliance to this Authorization.

Re-Disclosure:

I understand that the requestor (School District) will protect this information as prescribed by the Family Educational Rights and Privacy Act (FERPA) and that the information becomes part of the student's educational record. The information will be shared with individuals working at or with the School District for the purpose of providing safe, appropriate, and least restrictive educational settings, school services and programs. **I have a right to receive a copy in order for this student to obtain appropriate services in the educational setting.**

Approval: _____

| | | |
|----------------------------|-----------|-------|
| _____ | _____ | _____ |
| Print Student Name | Signature | Date |
| _____ | _____ | _____ |
| Print Parent/Guardian Name | Signature | Date |



ADMINISTRATIVE PROCEDURE

CATEGORY: **Students, Welfare**

SUBJECT: **Child Abuse or Neglect (Non-accidental Physical Injury)**

A. PURPOSE AND SCOPE

1. To outline administrative procedures to be followed in cases of suspected child abuse or neglect. "Child abuse or neglect" includes physical injury or death inflicted by other than accidental means upon a child by another person. This procedure also includes sexual abuse, emotional maltreatment and neglect of a child.
2. **Related Procedures:**
 - Juvenile Arrests/Interviews/Removal from School 5060
 - Release of Directory-Type Student Information 6525
 - Access to, Release of, and Confidentiality of Nondirectory-Type Student Information.. 6527

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policies C-2200, F-6000, H-8900, I-1350, and I-1400; California Education Code §44690; Penal Code §261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3; Civil Code §232; Welfare and Institutions Code §300 and 602; *Camreta v. Greene*, 131 S. Ct. 2020 (US 2011)
2. **Liabilities for Failure to Report.** Any person mandated by Penal Code who fails to report any instance of child abuse or neglect that he/she knows or reasonably suspects to exist may incur criminal, civil, and/or professional liability. Failure to report is a misdemeanor and punishable by confinement in county jail for a term not to exceed six months or by a fine of not more than one thousand dollars (\$1,000) or by both (Penal Code §11166[c]). However, if "death or great bodily injury" happens to the child as a result of the abuse, the mandated reporter is guilty of a misdemeanor punishable by not more than one year in a county jail, by a fine of not to exceed five thousand dollars (\$5,000) or by both (Penal Code §11166.1[b]).
3. **Liability.** No person shall incur any civil or criminal liability as a result of making any report authorized unless it can be proven that a false report was made and the person knew or should have known that the report was false (Penal Code §11172[a]).
4. **Confidentiality.** Reports of suspected child abuse or neglect and information contained therein are confidential and may be disclosed only as follows:
 - a. The identity of the reporting person(s) shall be disclosed only between child protective agencies; to counsel representing a child protective agency; to the district attorney in a criminal prosecution or in an action initiated under the Welfare and Institutions Code §602 arising from alleged child abuse or neglect; to counsel appointed pursuant to subdivision (c) of the Welfare and Institutions Code §317; to the county counsel or district attorney in an action initiated under Welfare and Institutions Code §300 (dependent children); to a licensing agency when abuse or neglect in out-of-home care is suspected; by court order; in a criminal or civil proceeding; or when the person who reports waives confidentiality.
 - b. The contents of the report shall only be disclosed to persons or agencies permitted under Section D.5.a. and Penal Code §11167(d) and 111675.5, which require that the identity of all persons who report child abuse or neglect remain confidential.

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- c. The reporting person may provide a copy of the report in a sealed envelope to the site principal/administrator for safekeeping.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to Student Services.
2. **Definitions:**
 - a. **Child:** A person under the age of 18 years.
 - b. **Perpetrator:** Any individual who commits child abuse as defined in California Penal Code §11165.1 through 11165.6.
 - c. **Child Abuse:** Includes physical abuse; unlawful corporal punishment or injury; general and severe neglect; sexual abuse; sexual assault; exploitation; willful harming or endangering of a child; and emotional maltreatment. Child abuse includes both obvious acts and omissions. Child abuse includes:
 - (1) **Physical Abuse:** May be defined as any act that results in a non-accidental physical injury. Inflicted physical injury most often represents unreasonably severe corporal punishment or unjustifiable punishment. This usually happens when a person is frustrated or angry and strikes, shakes, or throws the child. Intentional, deliberate assault, such as burning, biting, cutting, poking, twisting limbs, or otherwise torturing a child, is also included in this category of child abuse.
 - (2) **Sexual Abuse:** Defined as sexual assault and/or sexual exploitation. Sexual assault includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, penetration of a genital or anal opening by a foreign object, or child molestation. Sexual exploitation includes, and is not limited to, conduct or activities related to pornography depicting minors and promoting prostitution by minors (Penal Code §11165.1[c]). With modern advances in technology, the internet is another venue predators use to exploit children. Anytime an employee has a reasonable suspicion that a minor is involved in an actual abuse situation, it must be reported. Pregnancy of a minor, does not, in and of itself, form the basis of a reasonable suspicion of sexual abuse. Pregnancy may be cause for a report if a female under age 16 conceived the pregnancy and the male was over 21. In suspected sexual abuse cases where there are concerns about ages or perpetrator(s), the mandated reporter may find it helpful to discuss concerns with the local child protective agency supervisors.
 - (3) **Emotional Maltreatment:** Any situation where any person willfully causes or permits any child to suffer, or inflicts on any child, unjustifiable mental suffering. Emotional maltreatment includes emotional abuse and deprivation. Examples of emotional abuse include such things as belittling, screaming, threats, blaming and sarcasm. In emotional deprivation, a child is not provided the normal experiences that produce feelings of being loved, wanted, secure and worthy.

- (4) **Neglect:** The negligent treatment or maltreatment of a child by a person responsible for a child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. Includes both acts and omissions on the part of the reasonable person (Penal Code §11165.2).
- (a) **Severe Neglect:** The negligent failure of a person having the care or custody of a child to protect that child from severe malnutrition or medically diagnosed non-organic failure to thrive; those situations of neglect where any person having the care or custody of a child willfully causes or permits that child to be placed in a situation such that his/her person is endangered, including intentional failure to provide adequate food, clothing, or shelter (Penal Code §11165.2[a]).
- (b) **General Neglect:** The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred (Penal Code §11165.2[b]).

D. IMPLEMENTATION

1. **Reporting Requirements.** Penal Code §11165.7 and 11166 mandate the reporting to designated authorities of cases of suspected child abuse or neglect as follows:
 - a. Any **mandated reporter** who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse or neglect shall report the known or suspected instance of child abuse or neglect to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.
 - b. **Mandated reporters** include teachers, teachers' assistants or aides, classified employees, school police, and employees of child care centers, as well as other employees and school administrators who have contact with children (Penal Code §11165.7[a]).
 - c. **Reasonable suspicion.** It is objectively reasonable for a person to entertain a suspicion, based upon facts that would cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience to suspect child abuse or neglect. 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; any reasonable suspicion is sufficient. *Note: Included are traditional or cultural health practices. When a professional believes that such practice falls within the definitions of child abuse, it must be reported.*
 - d. Persons required to report, such as educators, are not liable either in civil damages or for criminal prosecution for reporting as required by law (Penal Code §11172[a]). The district will defend employees who make a report consistent with policy in the course of their employment against any actions or claims that may be made as a result of said report and will pay expenses associated with such defense. Failure to comply with this reporting policy may subject an employee to professional and personal liability.

- e. No supervisor or administrator may impede or inhibit reporting by a mandated reporter, nor may they take any actions against the reporter for making a report (Penal Code §11166[i]).
- f. Child abuse *does not* include:
 - (1) "Reasonable and necessary force" used by a person employed or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the student.
 - (2) Mutual altercations between minors.
 - (3) Injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.
 - (4) Spanking that is reasonable and age-appropriate and does not expose the child to risk of serious injury.
 - (5) Receiving treatment by spiritual means, or not receiving specific medical treatment for religious reasons shall not in themselves be considered neglect of a child, unless the practice presents a specific danger to the physical or emotional safety of the child.

2. **Reporting Procedures.**

- a. Reports of suspected child abuse or neglect should be made to an official child protective agency. In San Diego County, reports are made to either a law enforcement agency (i.e., San Diego Police Department [SDPD]) or to the San Diego County Health and Human Services Agency (HHSA) Children's Services Child Abuse Hotline. *The School Police Services Department is not a child protective agency and does not investigate child abuse allegations.*
- b. Typically, suspected child abuse or neglect in the absence of visible injury or trauma would be reported to the San Diego County Health and Human Services Agency (HHSA). In cases of suspected child abuse or neglect that includes visible injury, trauma, or if the child appears at risk given known facts, the mandated reporter should contact the San Diego Police Department. If in doubt, start with the San Diego County HHSA.
- c. When two or more persons who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, *and when there is agreement among them*, the reporting may be made by a member of the team selected by mutual agreement. Any member who has knowledge that the member designated to report has failed to do so shall then make the report (Penal Code §11166[h]).
- d. Reporting the information regarding a case of possible child abuse or neglect to a supervisor, school principal/administrator, or other person does not substitute for making a mandated report to the appropriate agency designated to receive mandated reports.

- e. The mandated reporter's duty is to report, not to investigate. When in doubt, always report.
3. **Reporting of Incident(s).** When a suspected child abuse or neglect report is made, the mandated reporter who observed or has knowledge of the abuse/neglect first makes the report by telephone; within 36 hours after the phone call is placed, the mandated reporter must follow up with a written report using the "Suspected Child Abuse Report" form (Attachment 1). Three options (mail, fax, electronic) to file the written follow-up report are outlined below. (Select only *one* option). **Note: Reporting person should not contact the child's home or conduct an investigation of any kind.**

- a. **Telephone (verbal) report.** The telephone report must be made immediately or as soon as practicably possible to *one* of the following agencies:

- (1) **San Diego County Health and Human Services Agency (HHSA)**
Children's Services Child Abuse Hotline
Phone 858-560-2191 (24-hour response number) or 800-344-6000

OR

- (2) **San Diego Police Department Child Abuse Unit**
Phone 619-531-2260 (Monday-Friday, business hours)
Phone 619-531-2000 (24-hour response number)

The reporting person shall give his/her own name (legally-mandated reporters may not report anonymously). If known, provide all of the following: the child's name, home address, telephone number, date of birth, parent's/guardian's name, names of siblings, prior reports, special needs of the child, home language, description of injury, statement about what led the reporter to suspect child abuse or neglect, and present location of the child. During the telephone report, reporting person shall:

- (i) Document the date and time the call is made.
 - (ii) Record contact person's name, title, position, and ID/badge number.
 - (iii) Apprise the contact person of the time school is dismissed and mode of transportation home (i.e., bus, parent).
 - (iv) Inquire and record the agency's plan regarding what action will be taken and when.
 - (v) Clarify and record the agency's directives as to what the school should/should not do regarding the reported incident/victim/perpetrator.
 - (vi) Have the contact person read back the report information verbatim.
- b. Following the telephone (verbal) report, a mandated reporter must *choose only one option* to submit the written report: by mail, by fax, or electronically (web-based).

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- (1) **Mailing the written report.** Following the telephone report, the mandated reporter must submit a written report, by mail, within 36 hours of receiving the information concerning the incident, using the "Suspected Child Abuse Report" form (Attachment 1). The written report shall be mailed to the following agencies:

San Diego County Health and Human Services Agency
Child Abuse Hotline
PO Box 711341
San Diego, CA 92111

AND

Child Abuse Team
San Diego Police Department (MS 719)
1401 Broadway
San Diego, CA 92101

Note: A copy of the report may be placed in a sealed envelope and kept in a confidential locked file in the site principal/administrator's office. On the envelope, record the name of the person to whom the telephone report was made, and the date and time of the report.

- (2) **Faxing the written report.** (Only use this option Monday through Friday between 8:00 a.m. and 5:00 p.m.)

The "Suspected Child Abuse Report" form (Attachment 1) may be faxed to the San Diego Child Abuse Hotline after it has been reported by telephone. The Hotline cross-references the report with the San Diego Police Department. Fax numbers are provided on the "Suspected Child Abuse Report" form (Attachment 1) and the "Suspected Child Abuse Reporting Instructions" (Attachment 2).

Note: A copy of the report may be placed in a sealed envelope and kept in a confidential locked file in the site principal/administrator's office. On the envelope, record the name of the person to whom the telephone report was made, and the date and time of the report.

- (3) **Electronic (web-based) report.** Upon making the telephone report, the Hotline staff will offer the mandated reporter the opportunity to register for the web-based system. Once this is done, the reporting party receives, via email, an access link to file the follow-up report. If the registered mandated reporter does not use the web-based system for 90 days, the mandated reporter needs to ask the Hotline screener to "re-activate" the account. The Hotline screener can also reset the password if necessary.

Note: A copy of the report may be placed in a sealed envelope and kept in a confidential locked file in the site principal/administrator's office. On the envelope, record the name of the person to whom the telephone report was made, and the date and time of the report.

- c. Persons observing evidence of suspected child abuse or neglect may inform site principal/administrator or designee. Although it is not required, it is strongly suggested

that employees inform the site principal/administrator of the incident. Students and parents/guardians shall be made aware that students also may report instances of child abuse or neglect on themselves or others to teachers, counselors, or the site principal/administrator. ***Note: Neither the site principal/administrator nor designee should conduct an investigation of any kind and should refrain from discussing the allegation with the alleged perpetrator or any person potentially involved.***

- d. **Removing a child from school.** When a site principal/administrator or other school official releases a minor student to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent/guardian or responsible relative of the minor regarding the release of the minor to the officer and the place to which the minor is reportedly being taken, *except* when a minor has been taken into custody as a victim of suspected child abuse or neglect, as defined in Penal Code §11165.1-11165.6 or pursuant to Welfare and Institutions Code §305. In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent/guardian. The peace officer shall take immediate steps to notify the parent/guardian or responsible relative of the minor that the minor is in custody and the place where he/she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is to be held or that disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The officer shall, however, inform the parent/guardian or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing. (See Education Code §48906)

4. **Report of incidents involving staff members.** Any employee, who becomes aware of facts that lead them to reasonably suspect another employee has engaged in child abuse with a student, shall do the following:

- a. Comply with mandated reporting requirements, including an immediate telephone call to the San Diego County Health and Human Services Agency (HHSA) Child Abuse Hotline or San Diego Police Department (SDPD), followed by filing a written report by mail, by fax, or electronically (web-based) using the "Suspected Child Abuse Report" form (Attachment 1).
- b. Notify the site principal/administrator.
- c. The site principal/administrator, who is notified of an incident alleging child abuse by an employee, shall do the following:
- (1) Ensure the reporting requirements are met.
 - (2) Contact the Chief Human Resources Officer at 619-725-8132 for assistance relating to the site principal's/administrator's role and responsibilities.

Note: The site principal/administrator or designee should not conduct an in-depth investigation of any kind concerning a district employee without input from School Police Services, Human Resource Services, or Legal Services. The site principal/administrator should gather basic information such as the child's

name and the names of parents/guardians, the names of any adult or child witnesses and such preliminary information as is necessary to ensure the safety of any student.

- d. **The Chief Human Resources Officer** or designee, who is notified of an incident alleging child abuse by an employee, shall do the following:
 - (1) In conjunction with Legal Services, determine appropriate course of action with respect to the suspected employee and assign a staff person (or outside investigator) to conduct a full investigation.
 - (2) Promptly schedule a meeting between the site principal/administrator, Human Resource Services representatives, and General Counsel.
 - (3) Advise the Superintendent of the incident and determined course of action.
 - (4) After review of the entire investigation, determine any appropriate disciplinary action, and in some cases, make recommendations to the Board of Education:
 - (a) For classified personnel: The employee may be disciplined pursuant to the Employment Regulations for the Classified Service of the San Diego Unified School District.
 - (b) For certificated personnel: A letter of reprimand, suspension, or termination may be appropriate.
5. **Regulations regarding interview at school of suspected victim of child abuse or neglect are outlined in Administrative Procedure 5060.**
6. **Staff training.**
 - a. Each site principal/administrator/program manager is responsible for:
 - (1) Ensuring that an annual Mandated Reporter training is provided for all new staff at each school site. The Mandated Reporter materials can be presented in person, by a school nurse and/or counselor, or can be emailed to new staff to complete.
 - (2) Determining if the Mandated Reporter training should include all site staff and making a request to the appropriate staff trainer (site nurse, cluster nurse, counselor, etc.).
 - (3) Ensuring that records of who has been trained are kept in a site administrator's file on the school site.
 - b. Training materials are available from the Nursing and Wellness Department and may be checked out on a temporary basis by calling 858-627-7597. A PowerPoint and post-test are available on the principal's webpage of the district website.

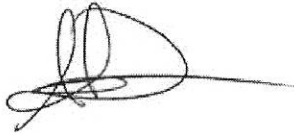
E. FORMS AND AUXILIARY REFERENCES

1. Suspected Child Abuse Report Form, SS8572 (Attachment 1)
2. Suspected Child Abuse Reporting Instructions (Attachment 2)
3. Child Abuse Reporting Flowchart (suspect is *not* a district employee) (Attachment 3)
4. Child Abuse Reporting Flowchart (suspect is a district employee) (Attachment 4)
5. Child Abuse Prevention Handbook, Office of the California Attorney General
6. Child Abuse Reporting Law – Penal Code §11164-11174.3, www.leginfo.ca.gov

F. REPORTS AND RECORDS

1. Annual Training Report

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

H. ISSUED BY



Chief of Staff



SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166
PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

| | | | | | | | |
|---|--|--|-------------------------|---|----------------------------|---|-----------|
| A. REPORTING PARTY | NAME OF MANDATED REPORTER | | TITLE | | MANDATED REPORTER CATEGORY | | |
| | REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street _____ City _____ Zip _____ | | | | | DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| | REPORTER'S TELEPHONE (DAYTIME) () - | | SIGNATURE | | TODAY'S DATE | | |
| B. REPORT NOTIFICATION | <input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION <input type="checkbox"/> COUNTY WELFARE/CPS (Child Protective Services) | | AGENCY | | | | |
| | ADDRESS Street _____ City _____ Zip _____ | | DATE/TIME OF PHONE CALL | | | | |
| | OFFICIAL CONTACTED - TITLE | | | | | TELEPHONE () - | |
| C. VICTIM <small>One report per victim</small> | NAME (LAST, FIRST, MIDDLE) | | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY |
| | ADDRESS Street _____ City _____ Zip _____ | | | TELEPHONE () - | | | |
| | PRESENT LOCATION OF VICTIM | | | SCHOOL | | CLASS | GRADE |
| | PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO | DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO | | OTHER DISABILITY (SPECIFY) | | PRIMARY LANGUAGE SPOKEN IN HOME | |
| | IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO | IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME | | | | TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY) | |
| | RELATIONSHIP TO SUSPECT | | | PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO | | DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| D. INVOLVED PARTIES | VICTIM'S SIBLINGS | NAME | | BIRTHDATE | SEX | ETHNICITY | |
| | | 1. | | | | | |
| | | 2. | | | | | |
| | | 3. | | | | | |
| | VICTIM'S PARENTS/GUARDIANS | NAME (LAST, FIRST, MIDDLE) | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY |
| | | ADDRESS Street _____ City _____ Zip _____ | | HOME PHONE () - | | BUSINESS PHONE () - | |
| | | NAME (LAST, FIRST, MIDDLE) | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY |
| | | ADDRESS Street _____ City _____ Zip _____ | | HOME PHONE () - | | BUSINESS PHONE () - | |
| | SUSPECT | SUSPECT'S NAME (LAST, FIRST, MIDDLE) | | BIRTHDATE OR APPROX. AGE | | SEX | ETHNICITY |
| | | ADDRESS Street _____ City _____ Zip _____ | | TELEPHONE () - | | | |
| OTHER RELEVANT INFORMATION | | | | | | | |
| E. INCIDENT INFORMATION | IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> | | | | | IF MULTIPLE VICTIMS, INDICATE NUMBER: _____ | |
| | DATE / TIME OF INCIDENT | | PLACE OF INCIDENT | | | | |
| | NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect) | | | | | | |

SS 8572

PLEASE REFER TO INSTRUCTIONS AND DEFINITIONS FOR ADDITIONAL INFORMATION

N&W (Rev 7/09)

A report must be telephoned to the Child Abuse Hotline first (1-800-344-6000 or 858-560-2191). Followed by a written report by fax, U.S. mail or *web based.

Fax: 858-467-0412- Available 8am-5pm Monday-Friday only

Mail: HHSA Child Welfare Services, P.O. Box 711341, San Diego, CA 92111

(* Refer to instructions for information on web based report and for additional information on distribution of reports)



SUSPECTED CHILD ABUSE REPORTING INSTRUCTIONS

As stated in the California Penal Code, Section 11164-11174.3, "Mandated reporters shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically submit a written follow-up report thereof within 36 hours of receiving the information concerning the incident."

Instructions for filing a Suspected Child Abuse Report

1. Call the Child Abuse Hotline first (800-344-6000 or 858-560-2191) to make a **verbal report**. Be sure to get the name of the hotline worker. Must follow up the verbal report with a written report via **one** of these options: **mail, fax or electronically (web based)**.
2. The appropriate form for the follow-up report is **DOJ SS 8572** if submitting it by mail or fax. This form is available in a fillable format in the district's Nursing and Wellness website in the Forms section. You may print the form and handwrite the information; or you may save the template to your computer and type directly into the boxes. To move from one box to another, press the tab key. Print report. **DO NOT SAVE A COMPLETED REPORT ON YOUR COMPUTER.** To submit an electronic report, the Hotline Staff emails you a link to access the report once you register with them.
3. Complete every space on the SS 8572 form. If you do not know certain requested information, write "unknown." Type or print legibly in black ink to avoid a callback.

"Narrative" - Give detailed information. If you have additional information beyond what you have given by phone, indicate this on the written report. If necessary, continue your narrative on an additional sheet of paper, identifying the minor and indicating it is page 2 of the referral.

DISTRIBUTION OF FAX OR ELECTRONIC SS8572 FORM AFTER PHONE REPORT:

Note: the fax machines are only available from 8:00 a.m. until 5:00 p.m., Monday through Friday.

1. Fax form to SD Child Abuse Hotline (858-467-0412); or submit form electronically (web based) and print copy when done. The Hotline will cross-reference with SD Police.
2. You may place the original in a sealed envelope and keep in a confidential locked file in the principal's office. Record on the envelope: the name of the person to whom the phone report was made, date and time of the report.

OR

DISTRIBUTION OF WRITTEN SS8572 FORM AFTER PHONE REPORT:

1. Original to SD Child Abuse Hotline P.O. Box 711341, San Diego, CA 92111
2. Send a copy to SD Police Department, (MS) 719, Child Abuse Team, 1401 Broadway, SD, CA 92101
3. You may place a copy in a sealed envelope and keep in a confidential locked file in the principal's office. Record on the envelope: the name of the person to whom the phone report was made, date and time of the report.

NOTE: You no longer need to send a copy to Nursing & Wellness or Health Services. Suspected Child Abuse Reports are never placed in the student's cumulative record or documented in the student's health record.

Ethnicity Codes:

| | | | | |
|--------------------|---------------------|--------------|----------------------------|----------------------------|
| 1. Alaskan Native | 7. Central American | 13. Hispanic | 19. Other Asian | 26. White |
| 2. American Indian | 8. Chinese | 14. Hmong | 21. Other Pacific Islander | 27. White-Armenian |
| 3. Asian Indian | 9. Ethiopian | 15. Japanese | 22. Polynesian | 28. White-Central American |
| 4. Black | 10. Filipino | 16. Korean | 23. Samoan | 29. White-European |
| 5. Cambodian | 11. Guamanian | 17. Laotian | 24. South American | 30. White-Middle Eastern |
| 6. Caribbean | 12. Hawaiian | 18. Mexican | 25. Vietnamese | 31. White-Romanian |

REPORTING RESPONSIBILITIES

1. No child care custodian or health practitioner reporting a suspected instance of child abuse in good faith shall be civilly or criminally liable for any report required or authorized by this article (California Penal Code Article 2.5). Any other person reporting an instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this section unless it can be proved that a false report was made and the person knew or should have known that the report was false.
2. Any child care custodian, health practitioner, or employee of the child protective agency (CPS) who has knowledge of or has observed a child in his or her professional capacity or within the scope of his other employment whom he or she reasonably suspects has been the victim of child abuse shall report such suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report or fax report there of within 36 hours of receiving the information concerning the incident.
3. Any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or its emotional well-being is endangered in any other way, may report such suspected instances of child abuse to a child protective agency. Infliction of willful and unjustifiable mental suffering must be reported.

DEFINITIONS

1. "Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; a licensee, and administrator, or an employee of a community care facility licensed to care for children; head start teacher, a licensing worker or licensing evaluator, public assistance worker; an employee of a child care institution including, but not limited to foster parents, group home personnel and personnel or residential care facilities; a social worker or a probation officer or any person who is an administrator or presenter or, or a counselor in, a child abuse presentation program in any public or private school.
2. "Health practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, a person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family and child counselor trainee, as defined in subdivision (c) of Section 49803 of the Business and Professions Code and unlicensed marriage, family and child counselor intern registered under Section 4980.44 of the Business and Professions Code, a state or county public health employee who treats a minor for venereal disease or any other condition, a coroner, or a religious practitioner who diagnoses, examines, or treats children.
3. "Child protective agency" (CPA) means a police or sheriff's department, a county probation department, or a county welfare department.

For more information on the Child Abuse Reporting laws, the link is www.leginfo.ca.gov

- When the site appears, click on "**Accessing California Legislative Information on the Internet.**"
- This will lead the user to the next page with a list of links. Choose the link "**What legislative Information is available**" and then click on the link "**California Codes.**"
- When the next page that says "**California Laws**" appears, select the "**Penal Codes**" section and hit "**Search.**" The user will then see a list of codes with corresponding section numbers on the right hand side (in blue as these are links). The user will need to select "**section number 11164-11174.3**" to read the reporting laws.

CHILD ABUSE PREVENTION AND REPORTING

The Board of Education is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

CHILD ABUSE PREVENTION AND REPORTING (continued)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 *Comprehensive school safety plans*
33195 *Heritage schools, mandated reporters*
33308.1 *Guidelines on procedure for filing child abuse complaints*
44252 *Teacher credentialing*
44691 *Staff development in the detection of child abuse and neglect*
44807 *Duty concerning conduct of students*
48906 *Notification when student released to peace officer*
48987 *Dissemination of reporting guidelines to parents*
49001 *Prohibition of corporal punishment*
51220.5 *Parenting skills education*
51900.6 *Sexual abuse and sexual assault awareness and prevention*

PENAL CODE

152.3 *Duty to report murder, rape, or lewd or lascivious act*
273a *Willful cruelty or unjustifiable punishment of child; endangering life or health*
288 *Definition of lewd or lascivious act requiring reporting*
11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

15630-15637 *Dependent adult abuse reporting*

CODE OF REGULATIONS, TITLE 5

4650 *Filing complaints with CDE, special education students*

UNITED STATES CODE, TITLE 42

11434a *McKinney-Vento Homeless Assistance Act; definitions*

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Policy

adopted: July 25, 2017

Effective: October 1, 2017

SAN DIEGO UNIFIED SCHOOL DISTRICT

San Diego, California

CHILD ABUSE PREVENTION AND REPORTING

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

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, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
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)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, 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 (Education Code 44807)
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 a student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

CHILD ABUSE PREVENTION AND REPORTING (continued)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

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; athletic coaches, administrators, and directors; administrators and employees of a licensed child 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)

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. (Penal Code 11166)

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. (Penal Code 11166.05, 11167)

Any district 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 age 14 shall notify a peace officer. (Penal Code 152.3, 288)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

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. (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 or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

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 (excluding a school district police/security 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)

San Diego County Health and Human Services Agency (HHSA)
Children's Services Child Abuse Hotline
Phone 858-560-2191 (24-hour response number) or 800-344-6000

OR

San Diego Police Department Child Abuse unit
Phone 619-531-2260 (Monday-Friday, business hours)
Phone 619-531-2000 (24-hour response number)

CHILD ABUSE PREVENTION AND REPORTING (continued)

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, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department. Child Abuse Report form can also be found on the eteams, Nursing & Wellness website, and/or the Counseling and Guidance website.

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

- 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 child's 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. (Penal Code 11167)

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 pursuant to Penal Code 11166.05. (Penal Code 11167)

CHILD ABUSE PREVENTION AND REPORTING (continued)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

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 inform the Superintendent 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, Board policy, and administrative regulation. 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. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Training materials are available on the Human Resources website and Nursing and Wellness website.

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (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 of the following requirements: (Penal Code 11174.3)

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 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. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal 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. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

CHILD ABUSE PREVENTION AND REPORTING (continued)**Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district 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.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

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 under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

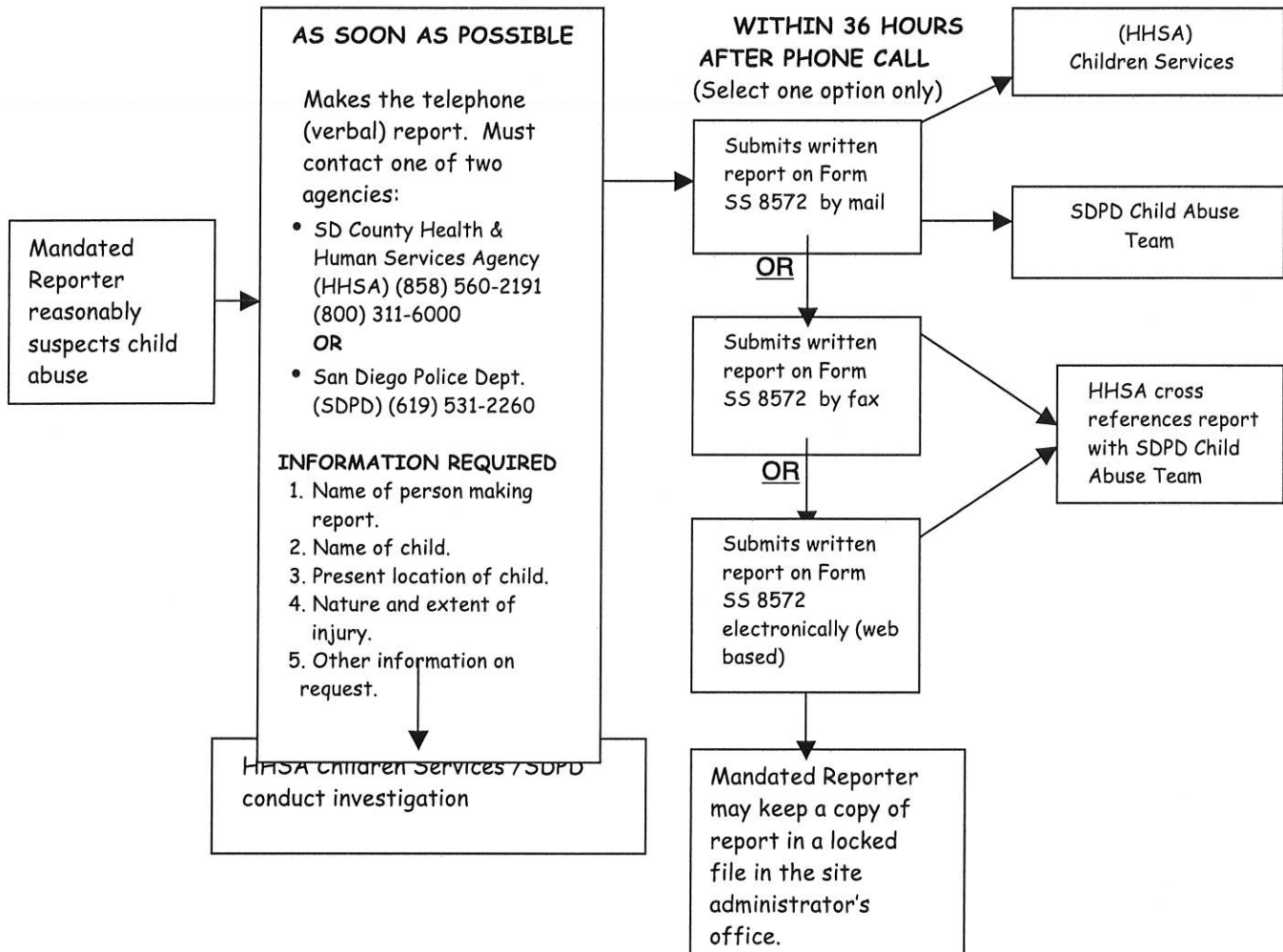
CHILD ABUSE PREVENTION AND REPORTING (continued)

The Superintendent or designee also shall notify all employees that:

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 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)
2. If a mandated reporter fails to timely 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)
3. No employee shall be subject to any sanction by the district for making a report unless it can be shown 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 11166)

**FLOWCHART FOR
REPORTING PROCESS -
SUSPECT IS NOT A
DISTRICT EMPLOYEE**

ATTACHMENT 3



FLOWCHART FOR REPORTING PROCESS - SUSPECT IS A DISTRICT EMPLOYEE

Attachment 4

