

**HOPE for Hyndman Charter School
130 School Drive
Hyndman, PA 15545**

Board of Trustees Policy

Child Abuse Prevention Policy

HOPE for Hyndman Charter School's ("Charter School") Board of Trustees (the "Board") is vitally concerned with the physical and mental well-being of its students. The Board adopts this policy to affirm Charter School employees' obligation to assist in identifying possible child abuse as well as victimization of students by other school employees, and to establish procedures for reporting such in compliance with State and Federal laws. The Board also expects Charter School employees to adhere to the following:

Definitions

Direct Contact with Children: Significant likelihood of care, supervision, guidance, supervision or training with children.

Independent Contractor: An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children.

Mandated Reporter: A person required to make a report of suspected child abuse.

Program, Activity or Service: A public or private educational, athletic or other pursuit in which children participate. The term includes, but is not limited to, the following:

- (1) A youth camp or program.
- (2) A recreational camp or program.
- (3) A sports or athletic program.
- (4) An outreach program.
- (5) An enrichment program.
- (6) A troop, club or similar organization.

School: A facility providing elementary, secondary or postsecondary educational services. The term includes the following:

- (1) Any school of a school district.
- (2) An area vocational-technical school.
- (3) A joint school.
- (4) An intermediate unit.
- (5) A charter school or regional charter school.
- (6) A cyber charter school.
- (7) A private school licensed under the Private Academic Schools Act.
- (8) A private school accredited by an accrediting association approved by the State Board of Education.
- (9) A nonpublic school.
- (10) A community college.
- (11) An independent institution of higher education which is an institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees and entitled to apply to itself the designation "college" or "university".
- (12) A State-owned university.
- (13) A State-related university.
- (14) A private school licensed under the Private Licensed Schools Act.
- (15) The Hiram G. Andrews Center.
- (16) A private residential rehabilitative institution.

School Employee: An individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term excludes an individual who has no direct contact with children.

Mandated Reporters

The following adults shall make a report of suspected child abuse, if the person has reasonable cause to suspect that a child is a victim of child abuse:

- (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- (2) A medical examiner, coroner or funeral director.
- (3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- (4) A school employee.
- (5) An employee of a child-care service who has direct contact with children in the course of employment.
- (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.

- (7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
- (8) An employee of a social services agency who has direct contact with children in the course of employment.
- (9) A peace officer or law enforcement official.
- (10) An emergency medical services provider certified by the Department of Health.
- (11) An employee of a public library who has direct contact with children in the course of employment.
- (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
- (13) An independent contractor.

Basis to Report

A mandated reporter shall make a report of suspected child abuse or cause a report to be made if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- (1) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
- (2) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- (3) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- (4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

A child is not required to come before the mandated reporter in order for the mandated reporter to make a report of the suspected child abuse.

The mandated reporter is not required to identify the person responsible for the child abuse to make a report of suspected child abuse.

Report by Mandated Reporter

- (1) A mandated reporter shall immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number or a written report using electronic technologies.

(2) A mandated reporter making an oral report under paragraph (1) of suspected child abuse shall also make a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case in a manner and format prescribed by the department.

(3) The failure of the mandated reporter to file the report under paragraph (2) shall not relieve the county agency from any duty under this chapter, and the county agency shall proceed as though the mandated reporter complied with paragraph (2).

A written report of suspected child abuse, which may be submitted electronically, shall include the following information, if known:

- (1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of each subject of the report.
- (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
- (5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
- (6) Family composition.
- (7) The source of the report.
- (8) The name, telephone number and e-mail address of the person making the report.
- (9) The actions taken by the person making the report.
- (10) Any other information required by Federal law or regulation.
- (11) Any other information that the department requires by regulation.

Employee Clearances

Pursuant to Act 153, prior to any hire, an applicant of the Charter School, including a volunteer, having contact with children, must submit the following to the school (obtained within the preceding one-year period:

- (1) Criminal History Record;
- (2) Child Abuse Clearance;
- (3) Federal Criminal History Record Report (including fingerprinting).

Further, all Charter School employees and volunteers having contact with children, are required to obtain the required certifications every 36 months.

Act 126 Child Abuse Recognition and Reporting Training

Pursuant to Act 126, all school entities (including charter and cyber charter schools) and independent contractors of school entities, must provide certain training to all employees, including contracted substitute teachers who have direct contact with

children. The Charter School and independent contractors of the Charter School are responsible for all training compliance issues. While the law does not specify any recordkeeping or reporting requirements, it is recommended that the Charter School and independent contractor develop an accounting system for the training that is provided to each employee so that it can demonstrate compliance with the law.

The mandated training addresses child abuse recognition and reporting and, at a minimum, must including training on the following specific topics:

- (1) Recognition of the signs of abuse, which is defined as conduct that falls within the purview and reporting requirements under the Child Protective Services Law;
- (2) Recognition of the signs of sexual misconduct, as defined in Act 126;
- (3) Reporting requirements for suspected abuse and sexual misconduct in the commonwealth, including those set forth in the Child Protective Services Act and the Educator Discipline Act;
- (4) Provisions of the Educator Discipline Act, including mandatory reporting requirements;
- (5) School entity's policies related to reporting of suspected abuse and sexual misconduct; and
- (6) Maintenance of professional and appropriate relationships with students.

All Charter School employees (including independent contractors), who have direct contact with children must complete a minimum of three hours of training every five years. The emphasis should not be on the number of hours of training (other than satisfying the minimum three hours). While the law only mandates training within a five year period, it is recommended that Charter School and independent contractors provide training for their current employees as soon as reasonably possible during the first five year training cycle. It is also recommended that Charter School and independent contractor develop a training protocol to outline how current employees and prospective employees will be trained.

While Act 126 is silent with respect to student teachers and volunteers, it is recommended that these individuals be provided the opportunity to participate in any training provided by Charter School or independent contractor of Charter School. The training may be provided face-to-face, online or via distance communication systems; however, all of the topics listed above must be addressed in the training.

While Charter School and independent contractors have discretion in determining the type, timing and modality of training, if the school entity wishes to provide its professional educator staff with Act 48 continuing education credits then the training

must be approved by the Department of Education, in consultation with the Department of Human Services.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this day _____ of _____, 2015

President

Secretary