



## **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.

- 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**

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***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.

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**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](http://www.leginfo.ca.gov)

**F. REPORTS AND RECORDS**

1. Annual Training Report

**G. APPROVED BY**



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General Counsel, Legal Services  
As to form and legality

**H. ISSUED BY**



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Chief of Staff