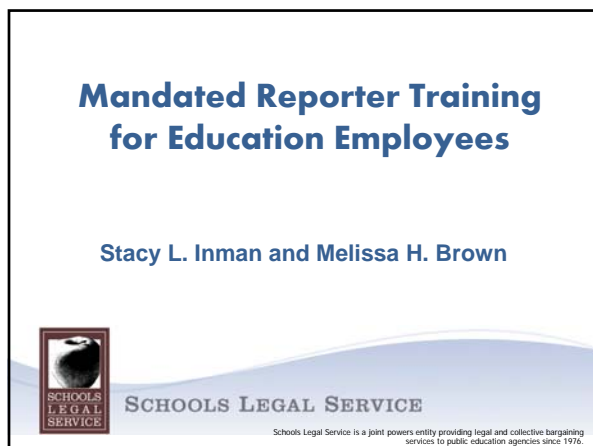
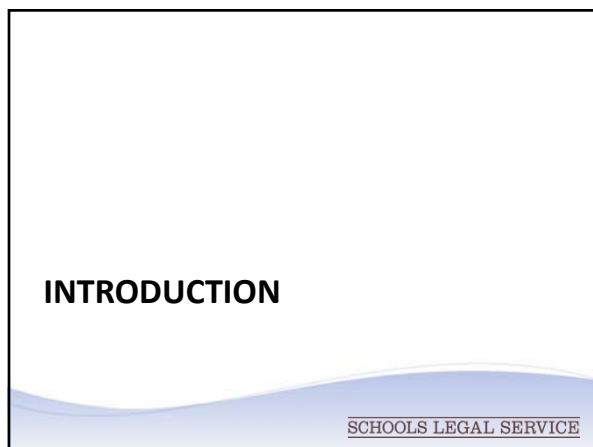
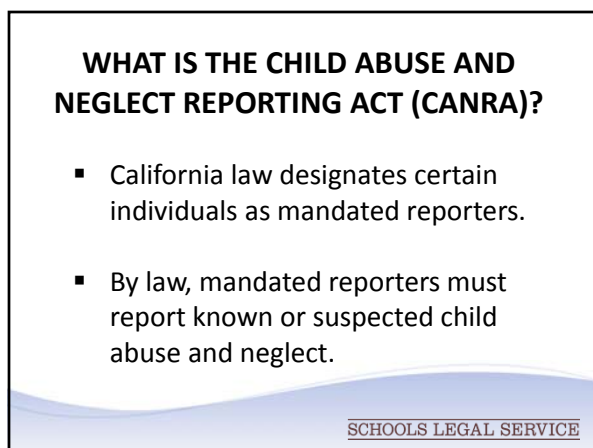


Mandated Reporter Training For Education Employees







WHAT IS THE CANRA?

- Education employees play a vital role in preventing continued abuse of children.
- Education employees must know how to detect and report child abuse and neglect.

SCHOOLS LEGAL SERVICE

WHAT IS THE CANRA?

- CANRA became law in 1980.
- Found in Penal Code sections 11164-11174.3.
- CANRA provides:
 - Procedures for reporting suspected abuse;
 - Protections for mandated reporters;
 - Definitions; and
 - Liabilities for mandated reporters.
- Education Code provisions also provide procedures.

SCHOOLS LEGAL SERVICE

WHAT ARE THE RESPONSIBILITIES OF AN LEA EMPLOYING MANDATED REPORTERS?

- Provide new employees copies of applicable code sections and statement informing them of:
 - Obligation to comply with reporting law;
 - Mandated reporter status and confidentiality rights under Penal Code section 11167(d).
- Employees must sign, acknowledging receipt (Penal Code section 11166.5(a)).

SCHOOLS LEGAL SERVICE

**WHAT ARE THE RESPONSIBILITIES OF AN
LEA EMPLOYING MANDATED REPORTERS?**

Per AB 1432, effective January 1, 2015, LEAs must:

- Annually train education employees who are mandated reporters within first 6 weeks of school on the mandated reporting requirements.
- Ensure all new employees are trained within first 6 weeks of employment.
- Retain proof of the training and report to CDE if using alternative training method.

SCHOOLS LEGAL SERVICE

LICENSING WITH CCTC

- As of January 1, 2015, teachers applying for new or renewed credentials will have to sign a statement acknowledging reporter obligations.
- Educators who fail to report may lose their credential.

SCHOOLS LEGAL SERVICE

**MEET MANDY
(THE MODEL MANDATED REPORTER)**

- Hypotheticals will appear throughout training.
- You will be asked: "What would Mandy, the Model Mandated Reporter, do?"
- Mandy knows the law and knows her obligation under the law as a mandated reporter working in education.
- Mandy cares about students and wants them to be safe.

SCHOOLS LEGAL SERVICE

RECOGNIZING CHILD ABUSE AND NEGLECT

SCHOOLS LEGAL SERVICE

RECOGNIZING CHILD ABUSE AND NEGLECT

- There are 4 types of child abuse and neglect:
 - Physical abuse;
 - Sexual abuse;
 - Neglect;
 - Emotional abuse.

SCHOOLS LEGAL SERVICE

PHYSICAL ABUSE – DEFINITION

- An injury inflicted by intentionally injuring a child, or inflicted by other than accidental means.
- The injury may be the result of a single episode or repeated episodes.
- Any injury resulting from physical punishment that requires medical treatment is considered outside normal disciplinary procedures.

SCHOOLS LEGAL SERVICE

WHAT TO REPORT

- The type, location, and pattern of injuries such as bruises or burns can help distinguish accidental injuries from suspected physical abuse.
- Any injury, even a small bruise on a very young infant is concerning. This is because young infants are not mobile and are completely dependent on their caregivers.

SCHOOLS LEGAL SERVICE

WHAT TO REPORT

- Abusive bruises and burns may be patterns or have a distinct outline; accidental bruises do not typically have a clear pattern or outline.
- Broken bones, lacerations, unexplained bruises.
- Burns (cigarette, scalding water, iron).

SCHOOLS LEGAL SERVICE

WHAT TO REPORT

- Any injury with a delay in seeking treatment or medical care.
- Any injury with an improbable explanation
- A statement by the child that the injury was caused by abuse.
- An injury that is unusual for the child's age.
- A history of previous or recurrent injuries.

SCHOOLS LEGAL SERVICE

WHAT TO REPORT

- Unexplained injuries or the story does not match the injury.
- A parent or caregiver who delays or fails to seek medical care for a child's injury.

SCHOOLS LEGAL SERVICE

WHAT TO LOOK FOR – PARENTAL RED FLAGS

- Use of objects to discipline, harsh treatment of children, calling a child "bad" or "evil."
- Parent berates, humiliates or belittles the child.
- Parent misinterprets the child's behavior.
- Parent is indifferent to the child.

SCHOOLS LEGAL SERVICE

WHAT TO LOOK FOR – CHILDREN RED FLAGS

- Hostile, aggressive or verbally abusive toward others.
- Self-destructive (self mutilates, bangs head).
- Destructive (breaks windows, sets fire).
- Frightened of going home; frightened of parents/caregivers.

SCHOOLS LEGAL SERVICE

**WHAT TO LOOK FOR –
CHILDREN RED FLAGS**

- Attempts to hide injuries.
- Clingy behavior, forms indiscriminate attachments.
- Fearful or withdrawn behavior.

SCHOOLS LEGAL SERVICE

WHAT IS **NOT PHYSICAL ABUSE**

- A “mutual affray between minors.”
- “Reasonable and necessary force” used by a peace officer acting within the course and scope of his or her employment.

SCHOOLS LEGAL SERVICE

WHAT IS **NOT PHYSICAL ABUSE**

- “Reasonable and necessary force” used by a person employed by 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 pupil.

SCHOOLS LEGAL SERVICE

WHAT IS NOT PHYSICAL ABUSE

- A child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons, shall not, for that reason alone, be considered a neglected child. An informed medical decision made by parent/guardian after consultation with a physician who has examined the child does not constitute neglect.

SCHOOLS LEGAL SERVICE

SEXUAL ABUSE – DEFINITION

- Sexual abuse refers to sexual assault or sexual exploitation of anyone under age 18.
- Sexual assault includes rape, incest, sodomy, lewd and lascivious (indecent or of a sexual nature) acts upon a child, oral sex, sexual penetration, or child molestation.

SCHOOLS LEGAL SERVICE

SEXUAL ABUSE – DEFINITION

- It includes:
 - Vaginal or anal sex;
 - Oral contact with genital or anal area;
 - Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except acts performed for a valid medical purpose.

SCHOOLS LEGAL SERVICE

SEXUAL ABUSE – DEFINITION

- The intentional touching or fondling of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, for purposes of sexual arousal or gratification.
- Masturbating in the presence of a minor.

SCHOOLS LEGAL SERVICE

SEXUAL EXPLOITATION – DEFINITION

- Depicting a minor engaging in obscene acts; distributing obscene matter that depicts minors in obscene acts.
- Promoting, aiding or assisting a child to engage in prostitution or a live performance involving obscene sexual conduct or posing for a film, photograph, slide, drawing or painting involving obscene sexual conduct.
- Anyone who develops, duplicates, prints or exchanges film, photos, videotape, negatives or slides in which a child is engaged in an obscene sexual act.
- Any child who is sexually trafficked.

SCHOOLS LEGAL SERVICE

WHAT SEXUALLY TRAFFICKED MEANS

A child whom a person has deprived or violated the personal liberty of with the intent to effectuate some type of sexual crime, or a child whom a person has caused, induced, or persuaded, or attempted to cause, induce, or persuade, to engage in a commercial sex act is sexually trafficked.

SCHOOLS LEGAL SERVICE

WHAT TO REPORT – SEXUAL ABUSE

- Incest.
- Lewd acts with a child.
- Sexually annoying or molesting conduct.
- Statutory rape.

SCHOOLS LEGAL SERVICE

SEXUAL ABUSE CHILDREN RED FLAGS

- Inappropriate sexual knowledge for the child's age.
- Demonstrating sexual acts on other children or toys.
- Molesting other children.
- Post-traumatic stress disorder.
- Emotional and behavioral problems.
- Sexually transmitted infections.

SCHOOLS LEGAL SERVICE

OTHER UNUSUAL CHARACTERISTICS

- It is not uncommon for victims of sexual abuse to report the crime(s) months or even years after they have occurred.
- Many victims never report sexual abuse
- It is also very common for children to recant a disclosure of sexual abuse. They may change their story or deny it ever happened. This occurs for various reasons: fear, guilt, shame, embarrassment, a desire not to hurt the perpetrator, or due to pressure from family.

SCHOOLS LEGAL SERVICE

NEGLECT – DEFINITION

- The negligent treatment or the maltreatment of a child by his/her caregiver that results in harm or could be harmful.
- The term includes acts (locking a child in a hot car) or omissions (not providing food, clothing or shelter).

SCHOOLS LEGAL SERVICE

NEGLECT – DEFINITION

- General neglect means the failure of a child's caregiver to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

SCHOOLS LEGAL SERVICE

NEGLECT – DEFINITION

- Severe neglect means the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care. It also means those situations where any person having the care or custody of a child to willfully cause or permit the person or health of the child to be placed in a situation such that his or her person or health is endangered.

SCHOOLS LEGAL SERVICE

NEGLECT – FURTHER EXPLAINED

- **General or physical neglect:** not providing adequate food, clothing or shelter.
- **Medical neglect:** not providing appropriate medical care, dental care or immunizations.
- **Emotional neglect:** not interacting with an infant or child.
- **Educational neglect:** not enrolling a child in school or not providing appropriate home-schooling.

SCHOOLS LEGAL SERVICE

NEGLECT – FURTHER EXPLAINED

- **Note:** It is very important to distinguish between neglect and failure to provide “necessities” due to poverty or cultural norms.

SCHOOLS LEGAL SERVICE

NEGLECT CHILDREN RED FLAGS

- Dirty clothes, poor hygiene.
- Failure to thrive, or a malnourished child.
- Severe dental cavities.
- Self-abusive behaviors.
- Socially withdrawn.
- Behavioral problems (anxiety or aggression).
- Developmental delay (BE CAREFUL HERE!).

SCHOOLS LEGAL SERVICE

NEGLECT – PARENTAL RED FLAGS

- Domestic violence.
- Mental illness or mood disturbances.
- History of abuse of the parent when they were a child.
- Substance abuse.
- Depression.
- Poverty/unemployment.
- Lack of social support.

SCHOOLS LEGAL SERVICE

NEGLECT – OTHER RED FLAGS

- Medications, cleaners, toxins within the reach of the child.
- Guns or other weapons that are not properly secured.
- Trash, rotted food, insects, or animal waste in the home.
- Choking hazards within reach of an infant or toddler.

SCHOOLS LEGAL SERVICE

EMOTIONAL ABUSE – DEFINITION

- Acts or omissions by the parents or caregivers that have caused, or could cause, serious behavioral, cognitive, emotional, or mental disorders.
- Some single acts are sufficient to report without the child showing harm (bizarre punishment, torture or confinement in closet).

SCHOOLS LEGAL SERVICE

EMOTIONAL ABUSE – DEFINITION

- Some acts are less severe, such as habitual scapegoating, belittling a child or using cruel words to a child.
- This is the most difficult form of child maltreatment to identify.

SCHOOLS LEGAL SERVICE

EMOTIONAL DISTURBANCE vs. EMOTIONAL ABUSE

- Parents of an emotionally disturbed child generally recognize the existence of a problem whereas parents of an emotionally abused child often blame the child for the problems or ignore the existence of a problem.
- Parents of an emotionally disturbed child show concern, whereas parents of an emotionally abused child often refuse offers of help and appear punitive to the child and unconcerned about the child.

SCHOOLS LEGAL SERVICE

EMOTIONAL ABUSE CHILDREN RED FLAGS

- Frightened of going home, frightened of parents/caregivers.
- Clingy, may form indiscriminate attachments.
- Self-abusive behaviors.
- Socially withdrawn.
- Behavioral problems (anxiety or aggression).
- Developmental delay (BE CAREFUL WITH THIS).

SCHOOLS LEGAL SERVICE

**EMOTIONAL ABUSE
PARENTAL RED FLAGS**

- Parent has unrealistic expectations of the child (6-month old able to toilet and walk).
- Parent is unduly harsh and/or rigid about child rearing.
- Parent singles out a child as “bad” “evil” or “beyond control.”

SCHOOLS LEGAL SERVICE

**EMOTIONAL ABUSE
PARENTAL RED FLAGS**

- Parent berates, humiliates, or belittles the child.
- Parent is indifferent to child (ignores).
- Parental depression or other mental illness.

SCHOOLS LEGAL SERVICE

**WHAT IT MEANS TO BE A
MANDATED REPORTER**

SCHOOLS LEGAL SERVICE

WHO ARE MANDATED REPORTERS?
PENAL CODE SECTION 11165.7

- 44 different categories of California workers.
- Public schools:
 - Teachers;
 - Aides;
 - Classified employees;
 - Athletic coaches;
 - Administrators with direct contact and supervision;
 - COE employees in regular contact with children.
- **YOU!**

SCHOOLS LEGAL SERVICE

WHEN TO REPORT?
PENAL CODE SECTION 11166

- Duty to report triggered by:
 - Knowledge;
 - Observation;
 - Reasonable suspicion.
- "Reasonable suspicion" does not require certainty.

SCHOOLS LEGAL SERVICE

WHEN TO REPORT?
PENAL CODE SECTION 11166

- "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 or her training and experience, to suspect child abuse or neglect has occurred.

SCHOOLS LEGAL SERVICE

WHAT MUST MANDATED REPORTERS DO?

WHEN IN DOUBT, REPORT!

SCHOOLS LEGAL SERVICE

**WHEN NOT TO REPORT
PENAL CODE SECTION 11166**

- Pregnancy of a minor does not necessarily constitute a basis for reasonable suspicion.
- Homelessness or status as unaccompanied minor does not necessarily constitute a basis for reasonable suspicion. (Penal Code section 1165.15)

SCHOOLS LEGAL SERVICE

**WHAT MUST MANDATED REPORTERS DO?
PENAL CODE SECTION 11166**

- Report immediately by phone to child welfare agency.
- Follow up in writing within 36 hours.
Form: http://ag.ca.gov/childabuse/pdf/ss_8572.pdf
- Child welfare agencies include police department/ sheriff's department/child welfare service.

Note: School district police or security departments are not authorized to receive reports. (Penal Code section 11165.9)

SCHOOLS LEGAL SERVICE

Mandated Reporter Training For Education Employees

[Print](#)
SUSPECTED CHILD ABUSE REPORT
[Reset Form](#)

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
B. REPORT NOTIFICATION	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE		TODAY'S DATE	
	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY			
C. VICTIM <small>One report per victim</small>	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		ADDRESS		DATE/TIME OF PHONE CALL	
	OFFICIAL CONTACTED - TITLE		TELEPHONE			
	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 AT 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:		TYPE OF ABUSE (CHECK ONE OR MORE)		
		<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"/> PHYSICAL <input type="checkbox"/> EMOTIONAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT		
		<input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME		<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 <input type="checkbox"/> UNKNOWN		

WHAT IS REQUIRED INFORMATION ON REPORT FORM?

PENAL CODE SECTION 11167(a)

- Reporter's name, business address, telephone.
- Capacity that makes the person a mandated reporter.
- Information giving rise to reasonable suspicion.
- Child's/parents'/abuser's information, if known.
- Must report even if some information is unknown/uncertain.

SCHOOLS LEGAL SERVICE

WHAT ABOUT REPORTS TO SUPERVISOR OR JOINT REPORTS?

PENAL CODE SECTION 11166

- Responsibility for reporting is individual.
- Reporting to a supervisor, principal, school counselor or psychologist, or other personnel DOES NOT meet the duty to report.
- If two or more reporters have knowledge or suspect the abuse or neglect, single report is sufficient.

SCHOOLS LEGAL SERVICE

SHOULD A MANDATED REPORTER INVESTIGATE BEFORE REPORTING?

Not really, but . . .

- Necessary questions/observations to support reasonable suspicion.
- Supporting information included in report.

Note: Duty to thoroughly investigate rests with law enforcement or other child welfare agency employees who are trained.

SCHOOLS LEGAL SERVICE

HYPOTHETICAL WHAT WOULD MANDY DO?

You are a bus driver. You drive 30-60 students every day and especially enjoy your afternoon bus route, taking the kindergarten students home. One afternoon, a 5-year old tells you her father hit her in the stomach yesterday and it hurt. You radio your Principal and inform her about the child's statements. Have you made your legally mandated report? What are you obligated to do? (What would Mandy, the Model Mandated Reporter, do?)

SCHOOLS LEGAL SERVICE

CAN REPORT BE ANONYMOUS? IS IT CONFIDENTIAL?

- Reporters must give name when making report.
- Reporter's identity is confidential, unless reporter waives confidentiality, a court orders disclosure, or appropriate agencies need the information.
 - Penal Code section 11167(d)(1)
- Report itself is confidential, except official agencies or professionals can use the information for investigation, treatment, prosecution, or record-keeping.
 - Failure to maintain confidentiality is a misdemeanor punishable by up to six months in county jail, fine of \$500, or by both.

SCHOOLS LEGAL SERVICE

**WHAT IF OTHERS DISAGREE
WITH REPORT?**

- Individual obligation of each staff member.
- Administrator should never impede/inhibit reporter's attempt to fulfill obligation.
 - Impeding or inhibiting report is punishable by imprisonment, a fine, or both.
- Employee should never be disciplined for making a report. (Penal Code section 11166)

SCHOOLS LEGAL SERVICE

IMMUNITY

- Mandated reporters have absolute immunity from state criminal or civil liability when reporting is required.
- If civil action is brought, ability to recover fees defending lawsuit. (Penal Code section 11172(d)(1))

SCHOOLS LEGAL SERVICE

WHAT RECORDS SHOULD BE KEPT?

- Documentation of report or decision not to report.
- Kept in a confidential, safe place.

SCHOOLS LEGAL SERVICE

WHAT HAPPENS IF MANDATED REPORTER FAILS TO REPORT?

- Can be charged with a misdemeanor and be found guilty.
- Punishable by up to 6 months in county jail and/or \$1,000 fine. (Penal Code section 11166(c))
- Can be up to 1 year in county jail and/or \$5,000 fine. (Penal Code section 11166.01(b))
- May also be civilly liable if child is further harmed because of failure to report.
- Educators who fail to report may lose credential. (Education Code section 44421)

SCHOOLS LEGAL SERVICE

Principal guilty of not reporting suspected abuse

THE ASSOCIATED PRESS

SAN JOSE — A jury on Monday convicted a former San Jose principal of failing to report suspected sexual abuse of a child by a teacher.

Lyn Vijayendran, 36, was found guilty of the misdemeanor after jurors deliberated for two days. A judge then sentenced the former principal of O.B. Whaley Elementary School to two years of probation, \$602 in fines and 100 hours of community service, which likely will involve training other educators in the proper reporting of suspected child abuse, the San Jose Mercury News reported.

"I agree with the jury's verdict," Santa Clara County Judge Deborah Ryan told a tearful Vijayendran.

SCHOOLS LEGAL SERVICE

HYPOTHETICAL WHAT WOULD MANDY DO?

You are a music teacher and notice deep purple bruises and what appears to be a burn mark on a seventh-grade student's lower back when he lifted his saxophone out of the case. You ask him after class if everything is alright. He says, "I was stupid and backed into a door. I don't want to talk about it." You talk to your colleague who advises she knows the child and his family well and is sure nothing is wrong. What should you do?
(What would Mandy, the Model Mandated Reporter, do?)

SCHOOLS LEGAL SERVICE

**HYPOTHETICAL
WHAT WOULD MANDY DO?**

- What if you did not report as you should have in the last hypothetical because you forgot to think of Mandy? What are the consequences?

SCHOOLS LEGAL SERVICE

LEGAL AND ETHICAL ISSUES

SCHOOLS LEGAL SERVICE

LEGAL AND ETHICAL ISSUES

- What happens after a report is made?
- Reports are investigated either by local law enforcement or Child Welfare Services:
 - Kern County Sheriff;
 - Bakersfield Police;
 - Local Police;
 - County Department of Human Services;
 - Child Protective Services.

SCHOOLS LEGAL SERVICE

RESPONSE TIME

- The type of response depends on the seriousness of the event(s).
- If the child appears to be in danger, the response will be immediate.
- Where there is less risk involved, it may take 3 to 10 days before action is taken.

SCHOOLS LEGAL SERVICE

RESPONSE TIME

- Not all reports are serious enough to require the assistance of a law enforcement agency.
- Reporters must be aware that just making a report will not necessarily cause a civil or a criminal proceeding to be initiated.
- If the investigation suggests a potential problem however, then child welfare may intervene and offer services.

SCHOOLS LEGAL SERVICE

NOTIFICATION OF LICENSING AT CHILD CARE FACILITIES

- If the reported abuse occurred at a facility licensed to care for children by the State Department of Social Services, the agency receiving the report must notify the licensing office within 24 hours.
- This also applies to the death of a child in a licensed facility, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility.

SCHOOLS LEGAL SERVICE

CHILD WELFARE SERVICES ROLE

- The social worker will interview the child and family to evaluate the situation.
- The worker's primary responsibility is the protection of the child and to enable families to stay together whenever possible.
- The social worker's job is to offer services and resources to help manage the problems of the family and child(ren).
- Often parents or others who mistreat children are beset by problems that overwhelm them. Some of these parents may not be able to handle the normal stresses of raising children without help.

SCHOOLS LEGAL SERVICE

LAW ENFORCEMENT ROLE

- The law enforcement officer has a primary responsibility to protect the child.
- The officer will interview the parent(s) and the child and gather information based on the interview, physical evidence, and information from other sources such as medical and school records.
- Often the parent or the caregiver is neither arrested nor criminally charged in a child abuse case. That is because the goal of intervention is to protect the child from further maltreatment and to help the parent(s) change their behavior.
- However, there are instances of serious criminal abuse when the parent(s) or caregiver(s) may be arrested and the case may be referred to the district attorney for criminal prosecution.

SCHOOLS LEGAL SERVICE

FEEDBACK TO REPORTER OF CHILD ABUSE

- After the investigation is completed or the matter reaches a final disposition, the investigation agency shall inform the mandated reporter of the results of the investigation and any action the agency is taking.
- If you are a reporter, and you do not receive feedback within an appropriate period of time, you may contact the child protective agency and request general information about your report.

SCHOOLS LEGAL SERVICE

CHILD ABUSE CENTRAL INDEX

- When you report abuse, you create a “paper trail” that makes it easier to stop a repeat offender or to build a solid case against an offender.
- The California Department of Justice maintains a central repository of information about reported child abuse, called the Child Abuse Central Index (CACI).
- The CACI contains summary information from the investigative reports submitted by law enforcement and child welfare department on child abuse victims and suspected abusers.

SCHOOLS LEGAL SERVICE

CACI TYPES OF REPORTS

- **Unfounded report:** Determined to be inherently improbable, to involve an accidental injury or not constitute child abuse.
- **Substantiated report:** It has been determined by the investigator who conducted the investigation to have constituted child abuse or neglect.
- **Inconclusive report:** It has been determined by the child welfare investigator not to be unfounded, but that the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect have occurred.*

** These reports are no longer forwarded to CACI.*

SCHOOLS LEGAL SERVICE

FINAL NOTES

- The primary intent of the Child Abuse and Neglect Report law is protection of the child.
- Protecting a victim may provide the opportunity to protect other potential victims, or locate other past victims.
- The law is also to help the suspected abuser.

SCHOOLS LEGAL SERVICE

FINAL NOTES

- **YOU!** play a crucial role by identifying and reporting concerns of abuse and neglect that may go unseen and unreported.
- The standard is “Reasonable Suspicion.”

SCHOOLS LEGAL SERVICE

FINAL NOTES

- Hard proof of abuse or neglect is **NOT** needed.
- Mandated Reporters are immune from liability when a report is made in good faith.
- You may be potentially held liable for failing to make a report.
- **Do the right thing. If you have a reasonable suspicion, REPORT!**

SCHOOLS LEGAL SERVICE

SPECIAL SITUATIONS APPLICABLE
TO EDUCATION EMPLOYEES

SCHOOLS LEGAL SERVICE

WHAT IS CORPORAL PUNISHMENT?

- Corporal punishment means the prohibited willful infliction of physical pain on a student. (Education Code section 49001)
- Corporal punishment is not reasonable amount of force or control used . . .
 - To quell a disturbance threatening physical injury or property damage;
 - To obtain control of weapons or dangerous objects
 - In self-defense;
 - To maintain order and conditions conducive to learning. (Education Code section 44807)

SCHOOLS LEGAL SERVICE

WHAT IS APPROPRIATE PHYSICAL CONTACT WITH STUDENTS?

- Physical contact can be a positive gesture of affirmation when used appropriately.
- Appropriateness is affected by facts such as age, gender, personal experience, and cultural background.
- Physical contact is always a concern if done in secret, in isolation away from others, for sexual gratification, or an inappropriate attempt at discipline.

SCHOOLS LEGAL SERVICE

WHAT IF YOU MUST REPORT A COLLEAGUE?

- If you become aware of a colleague's abuse or neglect of a student, you must report:
 - Penalties for failure to report apply to all situations of child abuse and neglect.
- You may also wish to report the allegation to immediate supervisor/site supervisor:
 - Alleged perpetrator may be placed on paid administrative leave pending investigation by law enforcement.
- Perpetrator may face criminal charges and loss of credential.

SCHOOLS LEGAL SERVICE

**WHAT IF YOU MUST REPORT
A COLLEAGUE?**

**DO NOT BE INFLUENCED BY
YOUR OWN ASSESSMENTS,
JUDGMENTS OR FRIENDSHIPS!**

SCHOOLS LEGAL SERVICE

**HYPOTHETICAL
WHAT WOULD MANDY DO?**

You are an elementary school principal. A yard aide reports to you that a student told her that his sixth grade teacher often invites male students to spend the lunch period with him. He has been invited several times and feels very uncomfortable each time he goes. He reported the teacher locks the classroom door and after they eat, gives special “treats” for dessert. They taste funny and the teacher smiles while the students eat them. Sometimes, he rubs the students’ shoulders or asks them to sit on his lap. What should you do? (What would Mandy, the Model Mandated Reporter, do?)

SCHOOLS LEGAL SERVICE

Thank you for your attention

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SCHOOLS LEGAL SERVICE
