



TITLE: CHILD ABUSE AND NEGLECT
REPORTING REQUIREMENTS

NUMBER: BUL – 1347

ISSUER: Kevin S. Reed, General Counsel
Office of General Counsel

DATE: November 15, 2004

ROUTING
All Employees
Administrators

POLICY: The Los Angeles Unified School District is committed to providing a safe and secure learning environment for its students. It is the responsibility of all District employees to protect students from suspected abuse and neglect by becoming knowledgeable about abuse and neglect, cooperating with child protective services agencies responsible for protecting children from abuse and neglect, and filing mandatory reports as required by law and District policy. This bulletin ensures that all District employees have access to the information needed to fulfill their obligations under the law.

MAJOR CHANGES: This Bulletin replaces District Bulletin No. Z-10 of the same subject issued by the Office of the Superintendent, dated August 1, 1996 and District Bulletin 279 “Procedures for Reporting Child Abuse and Neglect,” issued by the Child Development Division, dated September 5, 1996. It provides updated information and clarification of guidelines for reporting suspected child abuse and neglect, as required by law.

GUIDELINES: The following guidelines apply:

I. PURPOSE

The Board of Education and District staff, recognize that students have greater opportunities to benefit from instruction when they are safe and secure. It is the responsibility of all staff to increase students’ opportunities for learning by protecting them from abuse and neglect by becoming knowledgeable about abuse and neglect, its indicators and ramifications; and cooperating with public agencies responsible for protecting children. Therefore, IT IS DISTRICT POLICY THAT ALL EMPLOYEES SHALL COMPLY WITH STATE LAW REGARDING CHILD ABUSE REPORTING.

II. SCHOOL DISTRICT EMPLOYEE OBLIGATIONS FOR ABUSE/NEGLECT REPORTING

A. Pursuant to State law and District policy, **ALL** District employees are mandated reporters of suspected child abuse/neglect. State law applies to **ALL** District employees,



- including: certificated employees, health practitioners, school police, employees of child care centers, instructional aides, teachers' aides, teachers' assistants, and classified employees.
- B. State law and District policy require that mandated reporters sign a statement acknowledging the responsibility to serve as a mandated reporter of abuse and neglect. This statement must be signed at the time of initial employment and again at each site to which the employee is assigned. The employee need sign only once at each site, not every year.
 - C. State law provides immunity from civil or criminal liability for mandated reporters who file suspected abuse/neglect reports.
 - D. The District will defend employees who file reports consistent with policy in the course of their employment against any actions/claims that may be made as a result of the reports.
 - E. Failure to comply with this policy may subject an employee to disciplinary action, professional and/or personal liability.

III. DEFINITIONS

- A. "Child Abuse" includes:
 - 1. Physical Abuse - Physical injury (external or internal) such as a bruise, welt, burn, or cut inflicted by other than accidental means on a child by another person.
 - 2. Sexual Abuse - Sexual assault 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 conduct or encouragement of activities related to pornography depicting minors and promoting prostitution by minors (Penal Code section 11165.1).
 - 3. Non-Consensual vs. Consensual Sexual Activity - Sexual abuse as defined by statute. Certain sexual conduct, even between consenting parties, may constitute child abuse. Child abuse reporting laws require mandated reporters to report as suspected child abuse, conduct that has been defined as unlawful under the California Penal Code. These acts are reportable as follows:
 - a. Non-Consensual acts of sexual abuse (defined above) must be reported (even when the perpetrator is a minor). *It is important to note that in instances of suspected child-on-child sexual abuse, both children may be reported as victims depending on age and circumstances.*
 - b. Consensual sexual acts or "lewd and



lascivious” conduct involving a minor (i.e., where you do not have a reasonable suspicion of “abuse”) must be reported in the following circumstances:

- (1) The minor is under 14 and the partner is 14 or over; or
- (2) The minor is 14 or 15 years of age and an adult 10 years older or more are engaged in “lewd and lascivious conduct”; or
- (3) The minor is under 16 and an adult 21 years old or over are engaged in consensual sexual intercourse.

NOTE: As this area of the reporting law is complicated please contact the Office of General Counsel with , any questions regarding the legal requirements.

- c. A minor’s pregnancy in and of itself does not constitute child abuse. One must consider the age of the minor at the time of conception and the circumstances under which conception occurred (e.g., physical abuse, duress, statutory sexual assault).

NOTE: There is no obligation to ask for ages of the minor and partner.

4. Neglect - The negligent treatment or maltreatment of a child by a person responsible for the child’s welfare indicating harm or threatened harm to the child’s health or welfare. (Includes: acts or omissions.) “Severe neglect” is defined as the negligent failure to protect a child from malnutrition or medically diagnosed non-organic failure to thrive, causing or permitting the child’s person or health to be endangered. Such neglect includes the intentional failure to provide the child with adequate food, clothing, shelter, supervision or medical care.
5. Willful Cruelty or Unjustifiable Punishment - A situation where any person willfully causes, inflicts or permits unjustifiable physical pain or mental suffering, or a caregiver willfully causes or permits the child to be placed in a situation in which the child’s person or health is endangered. Endangerment and cruel punishment are both reportable categories of child abuse which do not require that injury be sustained.
6. Mental Suffering, Emotional Well-Being - Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-



being is endangered in any other way may report the known or suspected instance of child abuse. **This is the only reporting responsibility that is permissive.**

- B. “Child Abuse” does **not** include:
1. The use of an amount of force that is reasonable and necessary for 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, as authorized by Education Code Section 49001.
 2. A mutual affray (e.g., fight) or a physical altercation between minors. Schools must address this type of physical violence on campus.
 3. Pregnancy in and of itself.
- C. “Child Protective Services Agency”
The child protective services agencies that service LAUSD include (but may not be limited to):
- Los Angeles County Department of Children and Family Services
 - Local law enforcement agencies (i.e., police and sheriffs’ departments).

By law, the Los Angeles Unified School District Police Department is not a child protective services agency and is not authorized to take reports or to investigate allegations of child abuse/neglect.

- D. “Investigation” vs. “Clarification”
1. “Investigation” – for purposes of this bulletin, a formal process that consists of gathering information in order to determine the truth of the allegation. School personnel may not undertake an “investigation” in response to an allegation of child abuse. District officials/administrators may conduct administrative investigations only subsequent to the conclusion of the child protective services agency’s investigation or when such agency advises District officials to “handle administratively.”
 2. “Clarification” – for purposes of this bulletin, an attempt to glean sufficient information from the disclosing person to determine whether reportable child abuse has occurred. An example may be asking a child, “what’s wrong?” and receiving a response that may trigger reasonable suspicion.



- E. “Mandated Reporter”– by law and District policy, **all District employees** . **NOTE: Volunteers in direct contact with, or who supervise children are not deemed mandatory reporters by statute; however, volunteers are encouraged to obtain training in the identification and reporting of abuse and neglect.**
- F. “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. For example, child abuse is brought to the attention of the mandated reporter from any spoken or written source, including but not limited to:
- the alleged victim,
 - a friend of the alleged victim,
 - a colleague,
 - or anonymous individual.
- “Reasonable suspicion does not require proof or investigation by the reporting party.
- G. “Reportable Victims” include any individual under the age of 18.

IV. INDIVIDUAL RESPONSIBILITIES (*See Attachment D for Employee Certification/Acknowledgement Form*)

- A. Each District employee has an affirmative duty to report suspected child abuse.
- B. Reporting must be immediate. All reporters must follow the reporting procedures described in Section V, below.
- C. No removal or arranging of any clothing to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the pupil shall be permitted.
- D. Joint reporting requirements: When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single written report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the designated member failed to report the incident shall thereafter make the report.



- E. Role of school medical professionals
1. Consultation with school medical professionals (school nurses and doctors) does not remove the individual reporting responsibility of the employee referring the reportable victim to the school nurse/doctor.
 2. School medical professionals may be requested to provide first aid or basic treatment. Medical professionals must always complete both forms SS 8572 and DOJ 900 when reporting suspected child abuse or neglect. Any indicator of abuse observed during a child's examination may be photographed; however these photographs may only be given to the child protective services agency along with the report.

V. REPORTING PROCEDURES

Mandated reporters must file reports of suspected child abuse/ neglect with any child protective services agency. These agencies include any police department, sheriff's department, or county welfare department such as the Department of Children and Family Services (DCFS). Early Education Centers and State preschools must also report incidents of child abuse to the Department of Social Services Community Care Licensing Office. (See this section, paragraph B, below.) **School district police and security departments are specifically excluded from this section.** Therefore, mandated reporters **may not** file reports with school police, or school security officers.

A report of suspected child abuse is to be made to one agency only (except in the case of child abuse occurring at an early education center or preschool). It is the responsibility of the child protective services agency to determine which agency will handle the report and they may reroute the report as they determine.

- A. Making the Report
1. When a suspected abuse/neglect report is made, the individual who observed or has knowledge of the abuse makes the report in two parts: **1) a telephone report; and 2) a written report.** The telephone report must be made immediately or as soon as practically possible; the written report must be completed and mailed within 36 hours of receiving the information concerning the incident.
 - a. **Telephone Report.** The reporting person shall include the following information in the oral report:
 - Reporter's full name.
 - Reporter's business address and telephone number.



- identification as a mandated reporter.
- the child's name, address, school, grade, class, and present location if known.
- the names, addresses and telephone numbers of the child's parents/ guardians.
- the information that gave rise to the reasonable suspicion of child abuse/ neglect including the source(s) of that information.
- the name, address, telephone number, and other relevant personal information about the person(s) who might have abused the child.

During the telephone report, the reporting person should, on the report form:

- Document the date and time the call is made.
- Record contact person's name, title, position, I.D./badge number.
- Apprise the contact person of the time school is dismissed and how the child goes home (i.e., bus, parent.)
- Ascertain and record (in a personal note) the agency's plan regarding what action will be taken, including when an investigation will be initiated, if the contact person indicates an investigation will occur
- Clarify and record the agency's directive as to what the school should/ should not do regarding the reported incident/victim/perpetrator.
- Have the contact person read back the report information verbatim.
- If advised by the contact person that there will be no investigation and/or you are to handle the suspected abuse/neglect administratively, your reporting obligation still requires you to complete and submit the written report on the appropriate form.

b. Written Report. The following State reporting form(s) must be completed and mailed within 36 hours from the time information concerning the incident is received by the mandated reporter:

- Suspected Child Abuse Report Form



SS 8572 (all mandated reporters must complete this form, which comes with multiple copies) (See Attachment 1).

- Medical Report - Suspected Child Abuse
In addition to filing form SS 8572, medical professionals must complete Form DOJ 900 (See Attachment 2).

Mailing reporting forms:

- Law enforcement: when reporting to law enforcement, complete appropriate form and send for distribution to the agency to which the telephone report was made (See Attachment A).
- Department of Children and Family Services: when reporting to the DCFS, complete appropriate form(s) and send with attached copies to:
 - DCFS Child Abuse Unit
 - 3075 Wilshire Blvd., 5th Floor
 - Los Angeles, CA 90010
- The mandated reporter may keep the yellow copy of Form SS 8572.
- In addition to the directions provided on the back of Form SS 8572, mandated reporters must note the following:
 - Completing the required forms is separate from, and in addition to, any report completed by law enforcement or DCFS.
 - Identifying information must be provided in full. Include the name of the school and school address (not reporter's home) in Part B of Form SS 8572.
 - Statements concerning observations of the child's injuries, conditions and behavior should be factual, objective and complete.
 - Statements of personal judgment or opinions concerning the child or the alleged perpetrator should be avoided.
 - Any information the reporter receives describing how injuries occurred or any aspect of the allegations should be reported verbatim as space allows. Quotation marks should be used where appropriate.



- Additional comments, observations, information, and photographs, if available, should be attached.
- Name(s) and age(s) of alleged perpetrator(s) should be included if known.

- Any time a reporter feels it necessary to discuss a situation of possible abuse, the reporter may call the Department of Children and Family Services at 1-800-540-4000 and ask to speak with a child protective services worker.
- The contents of Suspected Child Abuse Reports and the identity of the reporter must remain confidential (unless otherwise prescribed by law.) To ensure confidentiality for all parties, no other individual, including clerical and other office staff, may read, type, file or be apprised of reports of suspected child abuse. Reports are to be completed only by the reporter and may be handwritten, printed or typed.
- Additional Forms SS 8572 and DOJ 900 may be obtained from a child protective services agency, by calling 1-800-540-4000.
- Mandated reporters legally cannot be required to disclose their identity to other than child protective agencies. However, to ensure maximum protection of the alleged victim and the safety of others and to provide a means to verify that a report was taken, employees are requested to mail a photocopy of the completed report (Forms SS 8572, DOJ 900, SOC 341) in a sealed envelope with the flap taped and marked: "CONFIDENTIAL" to:
Field Services Team
Office of General Counsel
333 S. Beaudry Ave., 20th Floor
Los Angeles, CA 90017

B. Early Childhood Education Division: Reporting Requirements for Children's Centers and Preschools.



1. In addition to the reporting procedures described above, mandated reporters must report to the Department of Social Services (“DSS”), incidents of child abuse and other health and safety events that occur while children are in the care of early education centers and State preschools. Such reports shall be made as follows:
 - a. Make the telephone report to the appropriate law enforcement agency or to DCFS (as described in paragraph A.1.a. of this section).
 - b. Immediately thereafter, telephone the DSS Community Care Licensing Office and provide an oral report.
 - c. Complete and mail the appropriate forms to the local law enforcement agency or to DCSF (as described in paragraph 1.b. of this section).
 - d. Complete and mail or fax an Unusual Incident/Injury/Death Report Form (DSS Form LC 624) within 7 days to:

Department of Social Services
Community Care Licensing
6167 Bristol Parkway, Suite 400
Culver City, CA 90230
Phone: (310) 337-4335
Fax No. (310) 337-4360
- C. Responding to and Dealing With Parents/Family Members of the Alleged Victim
1. Should the parent request any explanation or information about a report, the circumstances surrounding a report or the reporting party, the school should inform the requester that we are not at liberty to discuss child abuse reports. The school may refer the parent to the agency which took the report.
 2. Child protective services agency representatives are required to contact the family regarding temporary custody or location of the alleged victim. If the representative does not contact the parent, should the parent ask the school about the matter, the school may provide the parent with the contact information for the child protective services agency representative.
 3. The reporter may request information regarding the results of the investigation from the child protective services agency representative.



4. If a mandated reporter believes his/her name was wrongfully disclosed by child protective services, the reporter should contact the Office of General Counsel for follow up.

VI. DISTRICT EMPLOYEE AS AN ALLEGED PERPETRATOR

- A. Witnesses to, or recipients of information about suspected child abuse when a district employee is the alleged perpetrator, should:

1. Immediately telephone the appropriate child protective agency and follow-up with a written report in accordance with the procedures outlined in this bulletin; and
2. Immediately advise their supervising administrator of the alleged conduct (such notification may be oral or in writing).

Note: Advising the administrator is not a child abuse report and does not relieve the reporter from his or her legal obligation to file a formal report.

- B. When facts are brought to an administrator's attention that suggest or create a reasonable suspicion that a district employee engaged in child abuse, the administrator must:

1. File a child abuse report in accordance with the procedures outlined in this bulletin.
2. If the child protective services agency conducts an investigation, cooperate with the representative during the investigation and obtain approval from the agency representative to take the administrative action necessary to secure the safety of the victim and of others at the site.
3. ***Except as provided below (see this section, paragraph C), administrators may not take action with staff, students or the employee in question prior to or during the child protective services agency investigation without the approval of the agency.*** This means that the administrator may not: interview witnesses, interview the alleged perpetrator, contact parent(s) of alleged victim, take written statements, seek verification of information, or take disciplinary action. Taking any such actions without the acquiescence of the investigating agency could interfere with, or compromise the agency investigation.
4. If the child protective services agency elects not to conduct an investigation, completes an investigation



and/or advises the school official to “handle administratively,” document the incident, immediately call the Local District office and apprise the Local District Superintendent/designee of the alleged conduct and take appropriate action.

5. School administrators should consult with the Local Superintendent/designee to determine what administrative action should be taken.

C. Temporary Removal of Employee Accused of Suspected Child Abuse

1. District officials may temporarily relocate an employee named as the alleged perpetrator in a report of suspected child abuse provided that:
 - a. The child protective services agency is notified prior to the actual relocation of the employee; and/or
 - b. If the child protective services agency objects to the relocation, the agency may negotiate a mutually agreeable resolution.
2. Circumstances under which a district employee named as an alleged perpetrator in a report of suspected abuse may be temporarily relocated/ reassigned may include, but are not limited to:
 - a. Instance(s) where the student/alleged victim sustains physical injury.
 - b. Allegations of sexual abuse, molestation/ child annoyance.
(i.e., molestation without physical contact)
 - c. Multiple incidents of physical assault.
 - d. Instances where the age and/or developmental ability of the student(s) are risk factors to the student’s safety.

Note: In all instances, the safety of students will be the primary criterion for any relocation decision. Employees temporarily transferred/ relocated will not be presumed guilty and will have all appropriate due process rights.

VII. CHILD ABUSE REPORTING PROCEDURES AND SEXUAL HARASSMENT POLICY

- A. School officials have a legal obligation to ensure that the school environment is safe, and free from sexual harassment. Sometimes, conduct that constitutes child abuse may also constitute sexual harassment. In these circumstances, once the



child protective services agency has completed its investigation of the child abuse report, the administrator must address the sexual harassment. For more information regarding sexual harassment claims and investigations, see Bulletin -1041, "Sexual Harassment Policy—Student -to-Student, Adult-to-Student and Student-to-Adult," dated June 10, 2004.

- B. Child abuse reporting procedures, sexual harassment policies and procedures, and disciplinary policies must operate in a coordinated manner. If conduct by a student or employee constitutes both child abuse and sexual harassment, the child abuse report must be made immediately. Normally, the child protective services agency will complete its investigation or determine that it will not investigate within a reasonably brief period of time. Once administrators are aware that a child abuse report has been made, they are responsible for monitoring the status of the child abuse investigation. Immediate steps should be taken, however, to protect any alleged victim of sexual harassment.
- C. Conduct constituting sexual harassment may result in disciplinary action. Therefore, a report of inappropriate sexual conduct could possibly require: (1) a child abuse report, (2) a sexual harassment investigation, and (3) the imposition of discipline on the perpetrator of the conduct. (With regard to student disciplinary matters, see Bulletin No. Z-14, "Guidelines for Student Suspensions," dated March 15, 1999.)
1. District officials may conduct administrative investigations subsequent to the conclusion of the child protective services agency's investigation, or at the request of the agency in charge of the investigation, or when advised to handle administratively.
 2. A determination of whether child abuse has occurred and a determination of whether sexual harassment has occurred involve different standards and different outcomes. Child abuse investigations involve possible criminal conduct; they are not designed to address issues about the education environment for students. For these and other reasons, making a report of child abuse does not relieve the District of its responsibility under Title IX to take administrative action to investigate and determine whether sexual harassment has taken place. Appropriate administrative steps in response to sexual harassment might include action to end the harassment, ensure that it does not reoccur, and remedy any hostile education environment that may have been created for the student who had been the



target of the conduct. Response might also involve the initiation of disciplinary proceedings against the perpetrator.

VIII. SCHOOL SITE PROCEDURES

Although State law mandates individual responsibility to ensure required reporting, it also allows for reporters to develop internal procedures to facilitate the reporting process. Each school shall develop a local child abuse/neglect reporting site plan that includes, at minimum, a schedule for professional development regarding child abuse reporting, and the distribution to school-site employees of the Child Abuse Reporting Information Sheet (see Attachment B). Documentation of these activities shall be incorporated in the School Site Safety Plan. Staff training certification should be recorded on the form included with Memorandum L-7.

Note: No school-site employee should be required to submit, maintain, or distribute copies or logs of child abuse reports.

IX. CHILD PROTECTIVE SERVICES AGENCY RESPONSE

Once at the school site, a child protective services agency official has specific legal authority and responsibilities. The official:

- where deemed necessary by the child protective services agency, may interview the alleged victim during school hours, on school premises, if the alleged abuse/neglect took place in the home or out-of-home care facility;
- may request to interview anyone in the course of an investigation of alleged abuse;
- must afford the alleged victim the option of being interviewed in private or selecting any adult member of the school staff to sit in on the interview (the staff member may decline the request);
- may take the alleged victim into temporary protective custody without an order.

X. PROHIBITED ACTIONS

- A. The individual's reporting responsibility must not be impeded, inhibited, or assumed by an employee's administrator, colleague or supervisor nor may any person be subject to sanctions of any kind for making such a report.
- B. School police or security officers must not be asked to, and may not investigate reports of alleged child abuse.
- C. The reporting employee must not seek to verify the suspicion or prove that abuse has occurred. Investigation (questioning witnesses, obtaining written statements) as well as notification



- (family, alleged perpetrator), counseling, and/or family intervention are the responsibility of the child protective services agency.
- D. Under no circumstances should a staff member be required to explain or justify a decision to report or be compelled to meet with the parent/alleged perpetrator named in the report. Should a parent/alleged perpetrator request information about a report, why a report was made or who made the report, he/she should be referred to the appropriate child protective services agency. Staff may discuss the legal requirements as well as the District's policy and procedure for child abuse reporting with a parent/alleged perpetrator but never the specifics/contents of a report.
 - E. Any individual(s) bringing forth an allegation of abuse should not be made to repeat the allegation(s) or to provide a written statement regarding the allegation(s) prior to the report being made. Likewise, if a child discloses that he/she was abused, the child should not be asked to provide a written statement or to repeat the information to other adults at the site.
 - F. Mandated reporters should never contact the reportable victim's home or the alleged perpetrator prior to making the report if abuse is suspected.
 - G. Mandated reporters should not contact the reportable victim's home or the alleged perpetrator, including District employees once the report is made unless approval is obtained from the investigating agency or until the agency investigation has been completed.
 - H. Prior to making a report, mandated reporters should never conduct an investigation of any kind once abuse is suspected.
 - I. Mandated reporters shall not be retaliated against for reporting under these procedures and applicable laws.

XI. LIABILITY FOR FAILURE TO REPORT/PROTECTIONS AGAINST LIABILITY

- A. Any person mandated by the Penal Code who fails to report any instance of abuse/neglect which he or she knows or reasonably suspects to exist can incur criminal, civil, and/or professional liability.
 - 1. Criminal Liability - may be guilty of a misdemeanor punishable by imprisonment in the county jail for a maximum of six months or by a fine of up to \$1,000 or by both; and/or
 - 2. Civil Liability - could be assigned costs of defense and any subsequent related damages the child incurs; and/or
 - 3. Professional Liability - faces the possibility of discipline, demotion or dismissal and the suspension or



- revocation of credentials.
- B. Employee protections against liability
1. No employee mandated under provisions of the Penal Code shall be civilly or criminally liable for reporting suspected child abuse.
 2. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or neglect, or causing photographs to be taken of a suspected victim of child abuse or neglect, without parental consent, or for disseminating the photographs with the reports to child protective agencies required by this article. However, this section shall **not** be construed to grant immunity from this liability with respect to any other use of the photographs (Penal Code Section 11172 (a)).

XII. CONFIDENTIALITY

- A. Suspected child abuse reports and information contained therein are confidential and may be disclosed only as follows:
- between child protective agencies.
 - to legal counsel representing a child protective services agency.
 - to the district attorney in a criminal prosecution or in an action initiated under the Welfare and Institutions Code Section 602 arising from alleged child abuse.
 - to legal counsel appointed pursuant to Welfare and Institutions Code Section 318 to the county counsel or district attorney in an action initiated under Civil Code Section 232 (termination of parental rights) or Welfare and Institutions Code Section 300 (dependent children).
 - to a licensing agency when abuse in out-of-home care is suspected.
 - to the Department of Social Services for early education centers and State preschool programs.
 - by court order in a criminal or civil proceeding.
 - when the reporter voluntarily waives his/her confidentiality, which would include the limited waiver to disclose a report to a school site administrator or other District official.
- B. Any violation of the confidentiality of abuse/neglect reports shall be a misdemeanor punishable by up to six months in jail or by a fine of one thousand dollars, or by both jail and fine.



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

AUTHORITY: This is a policy of Penal Code Section 11164 et seq.; Education Code Sections 49001 and 49050; and the Welfare & Institutions Code Sections 232, 300, 318, and 602.

RELATED RESOURCES: Policy Bulletin No. BUL—1041, “Sexual Harassment Policy–Student-to-Student, Adult-to-Student, and Student-to-Adult,” issued June 10, 2004, by Office of General Counsel

Policy Bulletin No. Z-14, “Guidelines for Student Suspensions,” issued March 15, 1999, by Student Health and Human Services

ASSISTANCE: For assistance with determining whether an incident should be reported as suspected child abuse/neglect, contact the Department of Children and Family Services Hotline at (800) 540-4000.

For assistance with school site procedures, school administrators may contact designated Local District Operations Coordinators.

For legal questions, contact the Office of General Counsel, Field Services Team at (213) 241-7600.

For questions regarding sexual harassment reporting, contact the Educational Equity Compliance Office at (213) 241-7682.

ATTACHMENT A

LAW ENFORCEMENT DEPARTMENTS - ABUSED CHILD UNITS

Below is a list of local law enforcement departments that contain Abused Child Units. When reporting to law enforcement, complete and mail the written report (SS 8572) to the same department within 36 hours of the allegation (write Attn: Abused Child Unit on envelope.)

CITY JURISDICTION

Bell Police Dept.
6326 Pine Avenue
Bell, CA 90201
(323) 585-1245

Los Angeles Police Dept., ACU
150 North Los Angeles Street, Room 140
Los Angeles, CA 90012
(213) 485-4700

Culver City Police Dept.
4040 Duquesne Avenue
Culver City, CA 90230
(310) 837-1221

Maywood Police Dept.
4317 E. Slauson Avenue
Maywood, CA 90270
(323) 562-5005

Gardena Police Dept.
1718 W. 162nd Street
Gardena, CA 90248
(310) 323-7911/217-9670 (follow-up calls)

Monterey Park Police Dept.
320 W. Newmark Avenue
Monterey Park, CA 91754
(626) 307-1234

Hawthorne Police Dept.
12501 S Hawthorne Blvd
Hawthorne, CA 90250
(310) 675-6254

San Fernando Police Dept.
910 First Street
San Fernando, CA 91340
(818) 898-1267

Huntington Park Police Dept.
6542 Miles Avenue
Huntington Park, CA 90255
(323) 584-6254

South Gate Police Dept.
8620 California Avenue
South Gate, CA 90280
(323) 563-5436

Inglewood Police Dept.
1 Manchester Blvd.
Inglewood, CA 90301
(310) 412-8771

Vernon Police Dept.
4305 South Santa Fe Avenue
Vernon, CA 90058
(323) 587-5171/8135



COUNTY JURISDICTION

Norwalk Sheriff's Station
12335 Civic Center Drive
Norwalk, CA 90650
(562) 863-8711

Pico Rivera Sheriff's Station
6631 S. Passons Blvd.
Pico Rivera, CA 90660
(562) 949-2421

Malibu/Lost Hills Sheriff's Station
27050 Agoura Road
Agoura, CA 91301-5336
(818) 878-1808
(310) 456-6652



CHILD ABUSE REPORTING INFORMATION SHEET

Los Angeles Unified School District (“District”) would like to take this opportunity to apprise you of some of its significant policies and procedures regarding the reporting of child abuse or neglect to child protective agencies. The purpose of this summary is to serve as a quick reference guide to those policies and procedures, which are pertinent to the detection and reporting of child abuse or neglect. In addition to this summary, the District *strongly recommends that you familiarize yourself with the District’s Child Abuse and Neglect Reporting Bulletin, BUL--1347*. Please review this summary and the Child Abuse and Neglect Bulletin carefully as each employee will be expected to adhere to the policies and procedures identified in each of them.

I. California Law

All District employees are mandated by law to report suspected child abuse. District employees are “mandated reporters.” A report made by a mandated reporter is deemed a “mandated report.”

A District employee who “. . . in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom . . . [the employee] knows or reasonably suspects has been the victim of child abuse or neglect . . . “ shall report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible by telephone. Thereafter, the District employee must prepare and send a written report within 36 hours of receiving the information concerning the incident to the child protective agency. (Penal Code Section 11166).

Each District employee is individually responsible for reporting suspected child abuse.

Reporting suspected child abuse to an employer, supervisor, school principal, school counselor, co-worker, or other person *does not substitute for making a mandated report to the appropriate child protective agency*.

Contents of a child abuse report shall remain confidential. Only individuals directly involved in a specific case may have access and/or be privy to information regarding the report and its contents.

II. Definitions

The term “child abuse” is defined to include the following:

Physical Abuse – actual physical injury.

Sexual Abuse – sexual assault, sexual exploitation, molestation of child, etc.

Neglect – negligent failure to provide adequate food, clothing, shelter, medical care or supervision.

Life Endangerment – any act by person who willfully causes, inflicts or permits any child to endure cruel and inhuman corporal punishment, mental suffering, etc.

III. Child Abuse Reporting Procedures

If you suspect child abuse or neglect, you must telephone immediately, or as soon as possible, the appropriate child protective agency to report the suspected child abuse.



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

Child abuse reports are made to the Department of Children and Family Services (“DCFS”), or to the local law enforcement agency. For children’s centers and preschools, reports must *also* be made to the Department of Social Services (“DSS”).

A written report must be completed and sent to the child protective agency within 36 hours of receiving the information concerning the incident. The report must be submitted to the agency which received the telephone report.

The identity of a District employee who reports suspected child abuse shall remain confidential and disclosed only between designated child protective agencies, by court order, or when needed for specified court actions.

IV. Prohibited Actions

Prior to making a report, never contact the child’s home or the alleged perpetrator if indicators point to possible abuse or if abuse is suspected.

Never conduct an investigation of any kind once abuse or neglect is alleged and prior to making a report.

Never report suspected child abuse or neglect to School Police. The law specifically states that *School Police is not a child protective agency*.

V. District Employee Named as Alleged Perpetrator

Any employee who has reasonable suspicion that another District employee has committed child abuse must file a report with a local child protective services agency (such as LAPD or the sheriff’s department) and must report the suspected conduct to the appropriate supervising District administrator.

District officials may temporarily relocate an employee who has been named as an alleged perpetrator in a report of suspected child abuse.

A District employee who is temporarily transferred or relocated will not be presumed guilty and will have all appropriate due process rights.

VI. Consequences for Reporting/Failure to Report

Generally, District employees are immune from civil and criminal liability when reporting suspected child abuse as required by law.

Failure to report suspected child abuse is a misdemeanor, and punishable by up to six months in the county jail and/or a \$1,000 fine may be imposed.

A violation of District policies and legal procedures may lead to disciplinary action, up to and including, suspension, demotion, and/or termination, from the District.

**FOR FURTHER ASSISTANCE, PLEASE CONTACT
THE OFFICE OF GENERAL COUNSEL AT (213) 241-7600.**



FREQUENTLY ASKED QUESTIONS

1. **EMPLOYEES WHO HAVE REASONABLE SUSPICION OF CHILD ABUSE MUST REPORT THE SUSPECTED ABUSE, SO WHAT DOES A “REASONABLE SUSPICION” MEAN?** Reasonable suspicion means it is objectively reasonable for a person, based on facts that could cause a reasonable person, drawing on his/her experience, to suspect child abuse. You may ask a child “what’s wrong?” and get a response that leads to reasonable suspicion.
2. **MAY AN EMPLOYEE USE ANY SOURCE OF INFORMATION TO ACQUIRE REASONABLE SUSPICION OF ABUSE?** Yes, an employee can use any source, such as the victim, friend, third parties, and oral/written words.
3. **IF AN EMPLOYEE HAS REASONABLE SUSPICION, MAY THE EMPLOYEE INVESTIGATE AND CONFIRM THE CHILD ABUSE?** No, the employee should not attempt to verify that the abuse occurred.
4. **DOES CHILD ABUSE ONLY INCLUDE PHYSICAL AND/OR SEXUAL ABUSE?** No, child abuse can also include neglect (failure of caregiver to protect the child or provide adequate food, shelter, medical care or supervision), mental cruelty, life endangerment (willfully causing a child to endure mental suffering or placing the child in a situation where his mental or physical health is in danger) and cruel or inhuman “corporal” punishment or injury (resulting in a traumatic condition).
5. **DOES AN EMPLOYEE’S KNOWLEDGE OF A STUDENT’S PREGNANCY OR S.T.D. IN AND OF ITSELF REQUIRE THE EMPLOYEE TO FILE A REPORT?** No, unless sexual abuse is suspected, such as the pregnancy or STD was the result of forced or coerced sexual activity, one partner is under the age of 14, or one partner is 21 or older. However, if you are not certain of the facts, it is best to report.
6. **WHEN TWO OR MORE EMPLOYEES HAVE REASONABLE SUSPICION OF CHILD ABUSE, CAN THEY AGREE ONE WILL MAKE THE REPORT?** Yes. A joint report may be submitted by one of the two employees per mutual agreement. However, each employee must ascertain that the report was made, because reporting is an individual duty.
7. **MAY AN EMPLOYEE WAIT UNTIL THE END OF THE DAY OR WEEK TO REPORT?** No, the law requires that the report by phone call be made immediately or as soon as possible and the written report mailed within 36 hours. Even if the 36 hour time limit has lapsed, the employee must still file the written report.
8. **SHOULD A PRINCIPAL PROVIDE A TEACHER CLASS COVERAGE, WHEN NEEDED, SO THAT THE REPORT CAN BE MADE IMMEDIATELY OR AS SOON AS PRACTICAL?** Yes, the law states that the report must be made immediately or as soon as possible.
9. **MAY REPORTS BE MADE TO SCHOOL POLICE?** No, the law requires that reports must be made to a child protective services agency, not school police. The law specifically states that school police is not a child protective agency.



10. **HOW SHOULD STAFF RESPOND TO A PARENT/ALLEGED PERPETRATOR WHO IS REQUESTING INFORMATION ABOUT THE REPORT (I.E. WHO, WHAT, WHERE, WHEN, AND WHY)?** Child abuse reports are confidential; therefore, staff should not provide the parent with specific information concerning the report. The parent/alleged perpetrator should be referred to the appropriate child protective services agency. The law specifically states that school police is **not** a child protective agency.
11. **DOES A LAW ENFORCEMENT OFFICER OR SOCIAL WORKER HAVE ACCESS TO THE CHILD'S SCHOOL RECORDS WHEN INVESTIGATING CHILD ABUSE ALLEGATIONS?** No, unless they have parent's consent, subpoena, or court order; however, they may request to interview anyone in the course of the child abuse investigation.
12. **DURING A CHILD ABUSE INVESTIGATION, MAY DCFS OR THE LOCAL LAW ENFORCEMENT AGENCY TAKE THE CHILD VICTIM INTO PROTECTIVE CUSTODY?** Yes, a law enforcement official or a DCFS worker may take a student into protective custody. The law does NOT require law enforcement to accompany DCFS when taking the child into custody.
13. **WILL THE DISTRICT DEFEND AN EMPLOYEE IF HE/SHE IS SUED AS A RESULT OF FILING A CHILD ABUSE REPORT?** Yes, the District will defend an employee who makes a report consistent with District policy against any lawsuits that may be the result of the report.
14. **DOES THE LAW PROVIDE ANY PROTECTION AGAINST LAWSUITS FOR FILING MANDATED REPORTS?** Yes, the law provides that mandated reporters shall not be civilly or criminally liable for reporting the suspected child abuse.
15. **CAN IMPROPER CONDUCT ON A CAMPUS CONSTITUTE BOTH CHILD ABUSE AND SEXUAL HARASSMENT?** Yes, a school may have a dual duty to report child abuse and respond to allegations of sexual harassment.
16. **HOW DOES A SCHOOL GET ADDITIONAL CHILD ABUSE REPORTING FORMS?** Additional reporting Forms § 8572 (employees). DOJ 900 (medical professional) may be obtained from DCFS (800/540-4000).
17. **ARE SCHOOL OFFICIALS REQUIRED TO KEEP LOGS OR COPIES OF CHILD ABUSE REPORTS?** No. Child abuse reports are confidential. Copies and logs of child abuse reports maintained at the school site would be considered pupil records and would therefore be accessible to the parent/legal guardian of the child. Therefore, they should not be maintained by school personnel. Individual reporters may retain a copy to keep in their personal files.
18. **SHOULD INCIDENTS OF CHILD ABUSE BE NOTED ON THE STUDENT'S HEALTH RECORD?** No. Incidents of child abuse must be reported to the appropriate child protective services agency. Recording such information on the student's health card does not satisfy mandated reporting laws. Also, the health record is a pupil record, accessible to parents/legal guardians, school staff and others. Recording incidents of child abuse on the health card would destroy the confidential nature of the information and may compromise an investigation.
19. **KNOWING THAT EVERY SITUATION IS DIFFERENT, WHAT ARE SOME EXAMPLES OF NEGLIGENCE, WILLFUL CRUELTY OR UNJUSTIFIABLE PUNISHMENT, AND MENTAL SUFFERING/EMOTIONAL WELL-BEING?**



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

Facts and circumstances may differ, so when a mandated reporter is not sure whether or not to file a report, s/he should contact the Child Protective Services Hotline at 1-800-540-4000. Some general examples of neglect might include the following:

General examples of neglect might include: the failure to provide adequate food, shelter, and clothing appropriate to the climatic and environmental conditions; the failure to provide, whether intentional or otherwise, supervision or a reliable person(s) to provide child care; leaving a child alone for an excessive period of time given the child's age and cognitive abilities; or holding the child responsible for the care of siblings or others where beyond the child's ability

General examples of willful cruelty or unjustifiable punishment might include: chaining the child to furniture; forcing the child to eat or drink excessively as punishment; or cruel or unusual actions used in the attempt to gain submission, enforce maximum control, or to modify the child's behavior.

General examples of mental suffering/emotional mistreatment, which is not required to be reported, might include the following: repeated negative acts or statements directed at the child; exposure to repeated violent, brutal, or intimidating acts or statements among members of the household; rejection of the child; encouraging the child to steal or engage in other illegal activities; or encouraging the child to use drugs and/or alcohol..



LOS ANGELES UNIFIED SCHOOL DISTRICT

**EMPLOYEE CERTIFICATION / ACKNOWLEDGEMENT
OF LEGAL REQUIREMENTS AND DISTRICT POLICY
CONCERNING CHILD ABUSE REPORTING**

1. I have been fully informed of my obligation to report suspected child abuse as specified in the Child Abuse and Neglect Reporting Act (*California Penal Code sections 11164 et seq.*) .
2. I have received training on child abuse laws, child abuse reporting procedures and my duties as a mandated reporter.
3. I have been provided with a copy of the Child Abuse Reporting Information Sheet (*Attachment B, Child Abuse and Neglect Requirements Bulletin No. 1347*) which summarizes my child abuse reporting obligations as an LAUSD employee.
4. I understand that reporting suspected child abuse is my individual obligation and that my failure to comply with child abuse reporting laws and/or LAUSD child abuse reporting procedures may subject me to school district disciplinary action, professional, civil and/or criminal liability.
5. I understand that if I observe, or become aware of suspected child abuse by an LAUSD employee, I must report the suspected child abuse **and** I must report the employee's behavior to my supervising administrator in accordance with the procedures set forth in Bulletin No. 1347.
6. I further understand that if, at any time during the course of my employment with LAUSD, I make a report consistent with LAUSD child abuse reporting policy, I will be defended by the LAUSD against any actions or claims that may be made as a result of the report and that the LAUSD will pay all expenses associated with such defense.

I hereby certify that I have knowledge of the child abuse reporting legal mandates and of LAUSD child abuse reporting procedures and that I will comply with them.

Name: _____ Signature: _____
(Please Print)

Employee Number: _____ Position: _____

School / Office Location: _____ Date: _____

A COPY OF THIS CERTIFICATION WILL BE RETAINED BY YOUR SCHOOL OR OFFICE ADMINISTRATOR AND WILL BE PLACED IN YOUR PERSONNEL FILE.



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin
