

Reporting Mandated Child Abuse/Neglect, District Requirements for all Employees, and Title IX Training

AUGUST 2021

MANDATED CHILD ABUSE/NEGLECT TRAINING

- It is the Law (PC 11165.7(d) Ed. Code 44691(b)(2))
- Training for all employees within first six weeks of each school year. Personnel hired during school year shall receive training within first six weeks of employment. AR 5141.4, p. 3
- Resource: Mandated Reporter Training School Personnel Training Module
- <http://educators.mandatedreporterca.com>

Who is a mandated reporter? When? How?

A: You are. Upon employment you signed a statement that you are a mandated reporter and are informed of your reporting obligations. (PC 11166.5(a))

Q: What happens when multiple mandated reporters are aware of the same incident?

A: When two or more mandated reporters have reasonable suspicion of child abuse, the report may be made by one of the mandated reporters when there is agreement to do so. No supervisor or administrator shall impede or inhibit a mandated reporter from making a report (PC 11166(h-i)).

Q: Does reporting to my supervisor (oral or by email) satisfy my responsibility to file a child abuse report?

A: No. TUSD is not a child protective services agency and is not authorized to take reports or to investigate allegations of child abuse/neglect.

Q: When?

A: A mandated reporter in his or her professional capacity or within the scope of his or her employment has knowledge of or observes a child whom the reporter knows or reasonably suspects is the victim of abuse or neglect. (PC 11166(a))

Q: How?

A: Make initial report by telephone to LA County Department of Children and Family Services immediately or as soon as practability possible of receiving information regarding the incident and prepare and transmit written follow up report within 36 hours. (PC 11166(a))

Reasonable Suspicion to Suspect Child Abuse or Neglect – BP/AR 5141.4 Health & Safety Code Section 11166

“Objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect.”

QUOTES FROM SECTION 11166 and BP/AR 5141.4

- ▶ Reasonable person
- ▶ In a similar position
- ▶ Training and experience
- ▶ To suspect child abuse or neglect
- ▶ Does not require certainty
- ▶ No requirement that abuse/neglect occurred
- ▶ Any “reasonable suspicion is sufficient”
- ▶ Pregnancy of a minor in and of itself does not constitute reasonable suspicion of child abuse

Reasonable Suspicion

BP/AR 5141.4

Note...does not require certainty that child abuse or neglect occurred. You are not conducting an investigation. That is the role of Los Angeles County Department of Children and Family Services and the Torrance Police Department.

Reporting

BP/AR 5141.4

1. Initial Report by telephone to LA County DCFS Hotline (800) 540-4000 or Torrance Police Dept. (310) 328-3456
2. 36 hours to file a written report with DCFS
<http://dcfs.lacounty.gov/contactus/childabuse.html>
3. Notify Principal or Supervisor
4. Confidentiality, both the report and the reporter. (PC 11167, 11167.5)

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

CASE NAME: _____
CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY			
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
B. REPORT NOTIFICATION	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE		TODAY'S DATE			
	<input type="checkbox"/> LAW ENFORCEMENT	<input type="checkbox"/> COUNTY PROBATION	AGENCY					
C. VICTIM <i>One report per victim</i>	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)			ADDRESS				
	ADDRESS			Street	City	Zip	DATE/TIME OF PHONE CALL	
	OFFICIAL CONTACTED - TITLE						TELEPHONE	
	NAME (LAST, FIRST, MIDDLE)						BIRTHDATE OR APPROX. AGE	
D. INVOLVED PARTIES	ADDRESS			Street	City	Zip	TELEPHONE	
	PRESENT LOCATION OF VICTIM						SCHOOL	
	CLASS						GRADE	
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME	
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)	
	RELATIONSHIP TO SUSPECT		<input type="checkbox"/> GROUP HOME OR INSTITUTION		<input type="checkbox"/> RELATIVE'S HOME		PHOTOS TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO	
	DO THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK							
	1. NAME		BIRTHDATE		SEX		ETHNICITY	
	2. _____		3. _____		4. _____		5. _____	
	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX		ETHNICITY	
ADDRESS		Street	City	Zip	HOME PHONE			
NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX		ETHNICITY		
ADDRESS		Street	City	Zip	HOME PHONE			
SUSPECT'S NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX		ETHNICITY		
ADDRESS		Street	City	Zip	TELEPHONE			
OTHER RELEVANT INFORMATION								
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/>			IF MULTIPLE VICTIMS, INDICATE NUMBER				
	DATE / TIME OF INCIDENT			PLACE OF INCIDENT				
NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)								

SS 8572 (Rev. 12/02)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11109 to submit to DOJ a Child Abuse Investigation Report Form SS 8593 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY-Police or Sheriff's Department. BLUE COPY-County Welfare or Probation Department. GREEN COPY-District Attorney's Office. YELLOW COPY-Reporting Party.

Child Abuse Reporting Electronic System (CARES)

In lieu of calling the Hotline, mandated reporters will now have the option to make non-urgent reports of child abuse and neglect electronically on the Child Abuse Reporting Electronic System (CARES).

For urgent reports, **Call 911** or the **Hotline** at (800) 540-4000.

Los Angeles County Department of Children and Family Services
"Online Child Abuse Reporting"

Child Abuse Reporting Electronic System

Mandated reporters such as law enforcement and school personnel are the most frequent callers to the DCFS Child Protection Hotline. Child abuse calls made to the Hotline has continued to increase and reporters are experiencing long hold times.

Effective January 1, 2016, Senate Bill 478 allows participating counties to test the concept of an online reporting system with mandated reporters in non-urgent situations. DCFS is participating in a pilot program with California in the hope of creating a more efficient process.

In lieu of calling the Hotline, mandated reporters will now have the option to make non-urgent reports of child abuse and neglect electronically on the Child Abuse Reporting Electronic System (CARES). CARES will allow a faster and more efficient reporting of non-urgent child abuse while still allowing DCFS to ensure the safety of children.

CARES "Online Child Abuse Reporting" Available Now

Features

- User friendly design
- Ability to save a draft report and continue later
- Auto-save function
- Viewable list of previously submitted reports

CARES is for non-urgent reports by DCFS Staff, Law Enforcement, and School Personnel only.

For urgent reports, **Call 911** or the **Hotline** at (800) 540-4000

CARES Links (Video Tutorial on Login Page)
<http://dcfsapnet6/caret> (Internal link for DCFS users)
<https://reportChildAbuseLA.org> (External link for non-DCFS users)

For more information, contact Gary Burks at (213) 765-7261 or gburks@dcfs.lacounty.gov
 For technical assistance, contact the Help Desk at (562) 940-3305

CARES, cont'd.

- ▶ **How do I access CARES?**

School personnel and law enforcement users: <https://reportchildabusela.org>
DCFS users: <http://dcfsaspnet4/cares>

- ▶ **How do I know what is considered a non-urgent report?**

At the beginning of each report, there are 10 pre-qualifying questions (yes or no answers) that will help determine if the report is non-urgent. If the report is urgent, the system will alert you to stop and call the Child Protection Hotline at 1-800-540-4000 to make a verbal report.

- ▶ **How will I know if my report has been processed by the Hotline?**

Once the report is submitted, users will receive an email confirmation within 48 hours with a determination of your report. If a referral was generated, the 19 digit referral number and response time will be included in the email. If the information reported does not meet the reasonable suspicion of child abuse or neglect per the Child Abuse and Neglect Reporting Act (CANRA), the information may be documented as "Information to CSW" or "Consultation."



Identification of Child Abuse/Neglect

BP/AR 5141.4

Type of Abuse

- ▶ **Emotional**
- ▶ **Physical**
- ▶ **Neglect**

- A. Both Adult on Student and Student on Student
- B. Indicators of Abuse or Neglect
 - ▶ Withdrawn, fearful, or anxious
 - ▶ Extreme behaviors (demanding/passive/aggressive)
 - ▶ Frequent injuries/unexplained bruises, welts, cuts
 - ▶ Pattern of marks, shies from touch, flinches at sudden movements
 - ▶ Consistently poor hygiene, untreated illnesses and physical injuries, frequently late or absent from school

Types of Abuse Continued

BP/AR 5141.4

Type of Abuse

- ▶ **Sexual Abuse**

Indicators of Abuse

- ▶ Trouble walking or sitting
- ▶ Displays knowledge in sexual acts inappropriate to their age or even seductive behavior
- ▶ Makes strong efforts to avoid a specific person, without an obvious reason
- ▶ Doesn't want to change clothes in front of others or participate in physical activities

Myths, Biases, and Misconceptions

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Contrary to what some people may believe, perpetrators of child sexual abuse are rarely strangers, and do not fit a particular profile or stereotype. They are often well-liked members of the community, and they look like everybody else. They may cultivate a “public self” in an effort to be likeable and make a positive impression, establishing trust with those around them.

From: educators.mandatedreporterca.com



Grooming Conduct

1. Select victim based on their vulnerability,
2. Gaining access to a victim through isolating the child physically and emotionally (gain trust of family, offer child a ride home or drugs/alcohol, invite to outside school events),
3. Create a trust and cooperative relationship with the victim (gifts, attention, share secrets,
4. Increase physical contact with the child.
5. Promise not to tell.



Child Sexual Abuse Fact:

Abusers often form relationships with the victim and family prior to the abuse, called "grooming."

School Employee Liability for Failing to Report

Immunity for Reporting

- ▶ Not reporting is a criminal offense – will be prosecuted for a misdemeanor punishable by up to 6 months in the county jail or by a fine of \$1,000 or by both imprisonment and fine. (PC 11166)
- ▶ Not reporting and or failing to follow the mandated reporting laws can result in a civil complaint and liability for both the school district **AND** the employee.
- ▶ Immunity for reporting child abuse/neglect even if the mandated reporter acquired reasonable suspicion outside of his/her professional capacity or outside scope of employment. (PC 11172)

Discussion 1

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You are the principal of an elementary school. The parent of one of your students contacts you because she is concerned about the behavior of her 10-year-old son's substitute teacher. The parent says that her son told her that, while getting help with his class work, he had to sit on the teacher's lap, and the teacher rubbed his back and thighs. The parent tells you that her son's friend complained that he also had to sit on the teacher's lap and the teacher rubbed his back and thighs. The boys said that they initially refused to sit on the teacher's lap, but the teacher insisted.

What should you do?

- A. Make a suspected child abuse report.
- B. Talk with the teacher to find out if this is an accurate report.
- C. Question the students the next day at school.
- D. Nothing. The teacher is not part of your regular staff, and you don't want to raise concerns unnecessarily.

From: educators.mandatedreporterca.com

Discussion 2

You are a classified employee in a high school. You hear a rumor that a well-liked teacher is “in a relationship” with a female student. They have been seen socializing together off campus, and the student often stays after school to help the teacher alone in his classroom with various after-school activities.

What should you do?

- A. Do nothing – there is no clear allegation of abuse and this situation is none of your business.
- B. Tell an administrator about what you have heard.
- C. Make a suspected child abuse report.
- D. Question the student and/or the teacher to determine if anything inappropriate is going on.

From: educators.mandatedreporterca.com

See Something – Hear Something Say Something



SEE SOMETHING?

HEAR SOMETHING?

SAY SOMETHING!

- ▶ Inform Principal or Supervisor
- ▶ Report to Los Angeles County Department of Children and Family Services (CARES) or Torrance PD
- ▶ AR 5141.4, p.3-4

District Policies and Procedures Regarding Requirements for All Employee Conduct

Sexual Harassment

BP/AR 4119.11

- ▶ Board of Education prohibits sexual harassment. This policy applies to all District employees and volunteers.
- ▶ Any District employee who engages or participates in sexual harassment is subject to disciplinary action up to and including dismissal.
- ▶ This policy shall be displayed in prominent locations throughout the District and shall be provided to every District employee at the beginning of the first quarter or semester of the school year.

Non-Fraternization with Students

BP 4119.22/BP 1119.22

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“The relationship between adults and students should be one of professional cooperation and respect. All adults...have a responsibility to conduct themselves in a manner that will maintain an atmosphere that is conducive to learning and contributes to a positive school climate.”

Prohibited Conduct With Students

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BP 4119.22/BP 1119.22

- ▶ Any type of close personal relationship or inappropriate socialization
- ▶ Perception of a dating relationship
- ▶ Entertaining, socializing, or spending an excess amount of time with students in a manner as to reasonably create the impression that an unprofessional and/or inappropriate relationship exists
- ▶ Meeting with a student alone and with the doors closed. Doors shall remain open at all times.
- ▶ Transporting a single student alone in your vehicle, except for your own child.
- ▶ Any type of sexual relationship, sexual contact, or sexually-nuanced behavior between adults and students w/out regard to the student's age.

Prohibited Conduct Continued

BP 4119.22/BP 1119.22

- ▶ Sexual relationship, sexual contact, or sexually-nuanced relationship with students on social media platforms, web sites/technologies, cell phones, and all other forms of electronic or other types of communications.
- ▶ Required to report any prohibited conduct to school principal, manager, or supervisor.
- ▶ Written, verbal or physical, between adults and students that may reasonably be perceived as unprofessional and/or inappropriate

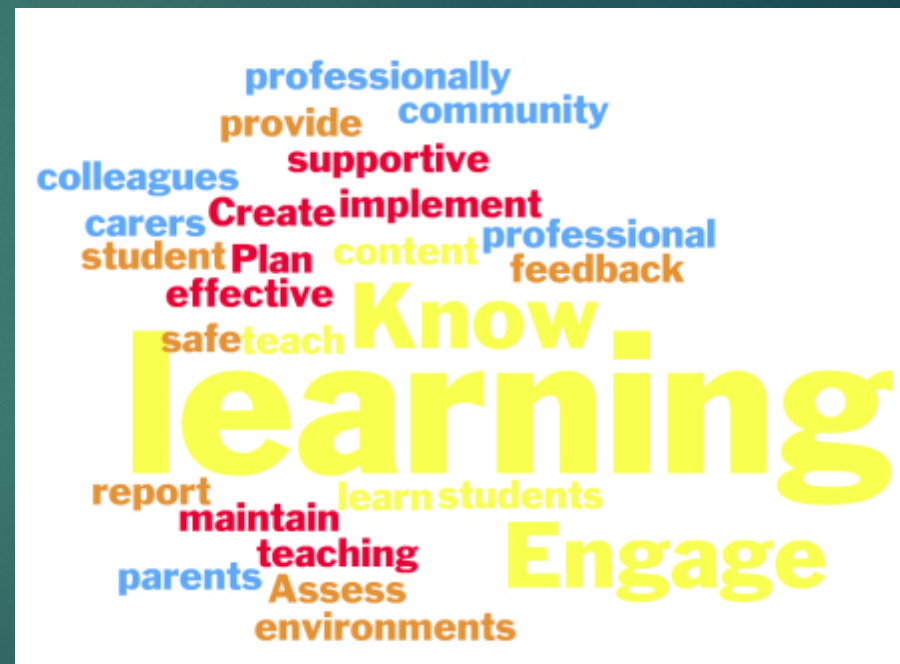
Nondiscrimination/Harassment

BP/AR 5145.3

- ▶ “Any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so.” (Ed. Code 234.1)
- ▶ “Responsibility to provide appropriate assistance or resources to protect students’ privacy rights and ensure their safety from threatened or potentially discriminatory behavior.”
- ▶ “Take appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true.”

Professional Standards and Inappropriate Employee Conduct BP 4119.21

- ▶ “Maintain the highest ethical standards, exhibit professional behavior, follow District policies and regulations, and abide by state and federal laws and exercise judgment when interacting with students.”
- ▶ “Employee conduct should enhance the integrity of the District and advance the goals of the District’s educational programs, and contribute to a positive school climate.”



Inappropriate Employee Conduct

BP 4119.21

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- ▶ Any conduct that endangers students, staff, or others
- ▶ Harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
- ▶ Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
- ▶ Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.
- ▶ Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.

Coaches

BP/AR 4127

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Head Coaches, Assistant Coaches, Volunteers; District Employee vs. Walk-On

1. Background Check w/ HR (Walk-ons.)
2. Qualification Requirements:
 - a. CPR
 - b. Prior Coaching/Participation
 - c. Knowledge of Rules & Regs of Sport
 - d. Knowledge of Child psychology as it relates to sports (prior involvement with youth school or community sports)
 - e. High School – CIF approved coaching education program, concussion, Warning Signs of Cardiac Arrest
3. Code of Ethical Conduct for Coaches



TUSD EMPLOYEE USE OF TECHNOLOGY BP 4040

PERSONAL RESPONSIBILITY

Employees shall not use District technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.



TITLE IX and Sexual Harassment

TITLE IX and Sexual Harassment Overview

- ▶ Title IX prohibits sexual discrimination based on sex and also prohibits sex based harassment and misconduct
- ▶ Title IX requires investigation of sexual discrimination which includes sexual harassment
- ▶ Title IX is a civil statute
- ▶ Just because the Police Department does not make an arrest, does not mean that Title IX is over
- ▶ Rather in such cases, Title IX requires the District to investigate and take corrective action sexual harassment

Non-Discrimination in District Programs and Activities – BP 0410

- ▶ District programs and activities shall be free from discrimination based on race, color, ancestry . . . sex.
- ▶ BP 0410 refers to Board Policies prohibiting sexual harassment and bullying
- ▶ Allegations of unlawful discrimination shall be investigated and resolved in accordance with the District's Uniform Complaint Procedures, BP/AR 1312.3.
- ▶ AR 1312.3 designates the Chief Personnel Officer to be the lead compliance officer

What is the District's Responsibility Under Title IX?

- ▶ The standard for administrative enforcement of Title IX and in court cases where plaintiffs are seeking injunctive relief is whether:
 - ▶ The alleged conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program (creates and hostile environment); and
 - ▶ The school, upon notice, fails to take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

The Torrance Unified School District is committed to protecting students' and employees' civil rights and ensuring all District programs and activities provide an environment that is free from discrimination, harassment, and intimidation and/or bullying.

Title IX is a federal law that was passed in 1972 to ensure that male and female students and employees in educational settings are treated equally and fairly. It protects against discrimination based on sex (including sexual harassment). In addition, Title IX protects transgender students and students who do not conform to sex stereotypes. State law prohibits discrimination based on gender (sex), gender expression, gender identity, and sexual orientation. The preamble to Title IX of the Education Amendments of 1972 states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Statement of Nondiscrimination: Complaints of unlawful discrimination, harassment, intimidation, or bullying are investigated through the District Uniform Complaint procedure.

Please click the Uniform Complaint Procedures Link (UCP) in the quick links section to review how to file a formal complaint.

Dr. Dylan Farris, Chief Personnel Officer / TUSD Title IX Coordinator: 310-971-6072