

# ACT 126

## The PA Child Protective Services Law

Mandated Reporting for School Employees



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# ACT 126

## The PA Child Protective Services Law

Mandated Reporting for School Employees

# MODULE 1

# Introduction to the Child Protective Services Law (CPSL)

# Child Protective Services Law

## Purpose of the CPSL:

- Encourage more complete reporting of suspected child abuse
- Involve law enforcement in responding to child abuse
- Establish services for investigation, protection and rehabilitation for children and parents

# History of the CPSL

- 1975: PA Child Protective Services Law passes
- 1985: Act 33 requires background checks
- May 2007: Act 179 outlines penalties
- July 2012: Act 126 ensures 3 hours of training every 5 years for mandated reporters

# The Child Protective Services System

# Child Protective Services System

## Department of Public Welfare

- Child Protective Services are administered by the Department of Public Welfare through county Children & Youth agencies

# Children and Youth Agencies

There are two primary functions of Children and Youth agencies. They determine the services needed:

- **Child Protective Services (CPS)** – there has been reasonable cause to suspect child abuse; conducts child abuse investigations
- **General Protective Services (GPS)** – there is concern about something in the home and non-abuse cases requiring supports and services preventing harm to the child



# Child Protective Services (CPS)

The Department of Public Welfare operates

***ChildLine 1-800-932-0313***

- Statewide toll-free 24/7 system
- Receives reports of suspected child abuse
- Refers reports to local county agencies for investigation

# General Protective Services (GPS)

- Protects the safety, rights, and welfare of children
- Assists parents in recognizing and correcting conditions that are harmful to their children
- Assists parents in fulfilling their parental duties more adequately in a manner that does not put their children at risk

# Essentials of Life

- Food
- Shelter
- Clothing
- Supervision
- Medical care
- Education
- Protection from harm

# General Protective Services - GPS

General Protective Services prevent the potential harm to a child who meets *one* of several criteria.

These criteria include:

# General Protective Services - GPS

- Lack of parental control
- Deprivation of the essentials of life
- Illegal placement for adoption or care
- Abandonment by parents or guardians
- Chronic truancy

# General Protective Services - GPS

- Habitual disobedience
- Formal adjudication
- Commitment of a delinquent act under age 10
- Defined as ungovernable
- Born to parents with terminated parental rights

# PA Model Risk & Safety Assessments

## Child Protective Services (CPS)

- When CPS receives a report via *ChildLine*, the *PA Risk Assessment Form* is completed by the county Children & Youth Agency
- In addition the county agency completes a *Safety Assessment* and
- Conducts the *ChildLine* investigation.

## General Protective Services (GPS)

- When GPS receives a referral from *ChildLine*, GPS must complete the *Risk Assessment* and *Safety Assessment*.
- When a referral is made directly to GPS, not through *ChildLine*, GPS can determine to accept or not accept the case.

# Making Referrals to GPS

## When making referrals to GPS :

- Describe the facts regarding the situation
- Describe the risk of harm or maltreatment to the child
- What efforts the school district has made to remediate the situation, particularly in cases of truancy
- Document your referral, the contact person, and GPS responses

NOTE: If not accepted, request reason(s), consult your supervisor and resubmit in writing if you and your supervisor believe GPS services are essential.

If you are unsure whether to make a report to *ChildLine* or a referral to GPS, call *ChildLine* for assistance, and they will determine how best to direct you.



## Scenario 1 – CPS or GPS?

- Sally is age 4 and her mother, Betty, is age 24. A neighbor reports that Betty left Sally home alone while she went to a bar to drink with her friends and stayed the night at her boyfriend's home. The neighbor states that she believes Betty has a drinking problem.
  - CPS report or GPS referral? Why?
  - What actions will you take?

# Scenario 1 – Response

- CPS report or GPS referral? Why?
  - **GPS Referral:** This situation would be a GPS referral because no actual harm has come to the child. Issues of abandonment, which could be considered in this case, would also fall under GPS.
- What actions will you take?
  - The police should be called as a child was left home alone and there is concern for their safety. A referral to county Children and Youth Services Agency would be made and the neighbor giving you this information should also be encouraged to make a referral. Document your referral and county Children and Youth staff response and contact information.

## Scenario 2 – CPS or GPS?

- Joni is an enjoyable, happy child in day care and loves playing with other children and staff. She lives with her single mother who has a new boyfriend. Recently, she has become withdrawn, angry, and is distressed when staff help her to the bathroom. The staff notice bruises and welts on her buttocks and back.
  - CPS report or GPS referral? Why?
  - What action will you take?

## Scenario 2 – Response

- CPS report or GPS referral? Why?
  - **CPS Report.** There are indicators that serious abuse may have occurred with major changes in behavior, mood and physical indicators. There is enough information to have reasonable cause to suspect child abuse.
- What actions will you take?
  - Call *ChildLine* immediately to make a report of suspected Child Abuse. It is recommended that after calling *ChildLine*, follow up with a courtesy call to county Children and Youth Services. Within 48 hours of calling *ChildLine*, complete the CY-47 report form and submit it to county Children and Youth Services.

## Scenario 3 – CPS or GPS?

- Single mother, Barb, has four children, ages 15, 12, 9 and 5. According to family members, the older children are often running the streets late on school nights; and sometimes appear intoxicated. Their home is described as having no heat source, plumbing in need of repair, and a leaking roof. The children often arrive to school late, hungry, and dirty. The older children have frequent absences.
  - CPS report or GPS referral? Why?
  - What actions will you take?

## Scenario 3 – Response

- CPS report or GPS referral? Why?
  - **GPS Referral.** This situation would be a GPS referral because no actual harm has come to the children. However, there are concerns of potential harm and issues of truancy. It appears the essentials of life are not being met. According to the reported information none of the children appear to have experienced any abuse.
- What actions will you take?
  - A referral to county Children and Youth Services Agency. The family member giving you this information should also be encouraged to make a referral. Document your referral and county Children and Youth staff response and their contact information.

# Possible Warning Signs of Abuse

## **The Child:**

- Changes in behavior or school performance
- Has not received help for physical or medical problems brought to the parents' attention
- Learning problems that cannot be attributed to specific physical or psychological causes
- Always watchful
- Lacks adult supervision
- Is overly compliant, passive, or withdrawn
- Comes to school early, stays late, and does not want to go home

# Possible Warning Signs

## **The Parent:**

- Shows little concern for the child
- Denies existence of the child's problems in school or at home
- Asks teachers or other caregivers to use harsh physical discipline if child misbehaves
- Sees the child as bad, worthless, or burdensome
- Demands a level of physical or academic performance the child cannot achieve
- Looks primarily to the child for care, attention, and satisfaction of emotional needs



# Possible Warning Signs

## **The Parent and Child:**

- Rarely touch or look at each other
- Consider their relationship entirely negative
- State that they do not like each other

# Consequences of Child Abuse

- Physical and Emotional Trauma
- Psychological and Physical Effects
- Societal Effects

# What is NOT considered child abuse?

- Injuries that result from environmental factors that are beyond control of the parent or person responsible for the child's welfare
- Injuries that result from accidents
- Religious beliefs

# Child Abuse as Defined by the CPSL

These are the three components of Child Abuse as defined by the Child Protective Services Law. All three must exist for child abuse to be substantiated:

1. **Child** - under the age of 18 when the alleged abuse occurred
2. **Perpetrator** – an abuser that fits into one of four categories
3. **Act or Failure to Act** – the law considers both acts and omissions that cause harm or the risk of serious risk of harm to a child

# Child

Child is defined by the CPSL as an individual under the age of 18 when the alleged abuse occurred.

# Perpetrator

1. Parent of a child
2. Persons responsible for the child's welfare
3. Individuals residing in the same home as the child
4. Paramour of a child's parents

# Act or Failure to Act

## **Five Categories of Child Abuse:**

1. Serious Physical Injury
2. Serious Mental Injury
3. Sexual Abuse or Exploitation
4. Serious Physical Neglect
5. Imminent Risk

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# MODULE 2



# Definitions of Child Abuse

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## **Five Categories of Child Abuse:**

1. Serious Physical Injury
2. Serious Mental Injury
3. Sexual Abuse or Exploitation
4. Serious Physical Neglect
5. Imminent Risk

# 1. Serious Physical Injury

## **As defined by the CPSL:**

Must be Recent - The statute of limitations of reporting it to *ChildLine* is within 2 years of when the abuse occurred; can refer to GPS if it is beyond the 2 years.

The act or failure to act causes non-accidental serious physical injury to a child under 18 years of age, including

- Severe pain; OR
- Significantly impairs a child's functioning, either temporarily or permanently

# Indicators of Serious Physical Injury

- Unexplained bruises
- Human bite marks
- Cigarette burns
- Immersion burns
- Signs of strangulation
- Pattern marks
- Cut marks

## 2. Serious Mental Injury

### **As defined by the CPSL:**

Serious Mental Injury is a psychological condition that is diagnosed by a physician or licensed psychologist that:

- renders the child chronically and severely anxious, depressed, socially withdrawn, psychotic or in reasonable fear that his/her safety is threatened, or
- seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks.

# Indicators of Serious Mental Injury

- Depression
- Mental or emotional developmental delays
- Self-mutilation or self-injurious behaviors
- Suicide attempts
- Compulsive behaviors
- Antisocial behaviors
- Delinquent behaviors
- Alcohol or drug abuse
- Neurotic traits

## 3. Sexual Abuse and Exploitation

### **May include physical and non-physical abuse:**

- Engaging a child in sexually explicit conduct
- Assisting others in sexually abusing a child
- Videotaping, photographing, filming or computer depicting sexually explicit conduct
- Rape, sexual assault, etc. of children

# Physical Indicators of Sexual Abuse

- Injury to the genitals
- STDs
- Recurring bladder or urinary tract infections
- Suspicious stains, bleeding or soreness in the genital area
- Painful bowel movements
- Pregnancy



# Behavioral Indicators of Sexual Abuse

- Verbal disclosure
- Inappropriate sexual behavior
- Inappropriate sexual knowledge for age
- Layered or inappropriate clothing
- Hiding clothing
- Lack of interest or involvement in activities

## 4. Serious Physical Neglect

### **As defined by the CPSL:**

Persistent and prolonged failure to meet the physical needs of a child

- Endangers the child's life or development, OR
- Impairs the child's functioning
- Arises from repeated or prolonged lack of supervision, OR
- Failure to provide the essentials of life

# Indicators of Physical Neglect

- Failure to thrive
- Delays in physical development
- Persistent hunger
- Speech disorders
- Poor hygiene
- Inappropriate dress
- Positive toxicology
- Consistent lack of supervision
- Chronic truancy
- Unattended physical or medical needs
- Abandonment

## 5. Imminent Risk

### **As defined by the CPSL:**

Any recent act, within 2 years, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury or sexual abuse or sexual exploitation.

Something **WOULD** have happened if it not had been for

- Happenstance
- Third party intervention
- Actions of the child

If not by these interventions the injury would have been serious and it would have caused the child severe pain; or significantly impaired the child's physical functioning.

# Imminent Risk Limitations

Imminent Risk is limited to:

- A child under 18 years of age
- Incidents which occur within two years of the date of the report;
- Non-accidental serious physical injury as defined by CPSL;
- Sexual abuse or sexual exploitation in the CPSL; and
- Perpetrators as defined by the CPSL.

# Check your understanding

**Please answer the following true or false statements:**

1. Signs of physical injury can include bruises, burns, and human bite marks.

*-- True or False?*

2. If a child exhibits promiscuous or provocative behavior, s/he is exhibiting signs of serious mental injury.

*-- True or False?*

## Check your understanding

3. Sexual abuse and exploitation can be considered both physical and non-physical abuse.

-- *True or False?*

4. Imminent risk takes into account things such as happenstance, the intervention of a third party and/or the action of a child.

-- *True or False?*

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# MODULE 3



# Reporting Suspected Child Abuse

# Reporting Suspected Child Abuse

## Two categories of reporters:

- **Permissive**
  - Those who can
- **Mandated**
  - Those who must

# Mandated Reporters Right to Know

Mandated reporters are entitled to certain information in regard to the outcome of the report they made:

- Limited to the final status determination and services or supports that were provided to protect the child.

# The Child Abuse Reporting Process

- Call report into *ChildLine* (800-932-0313)
  - Courtesy call can also be made to CYF
- Written report (CY-47) must be submitted within 48 hours
- Notify police if someone is in immediate danger

# Report of Suspected Child Abuse CY-47

## The CY-47 Form:

- Complete within 48 hours
- Only required for mandated reporters
- Complete to the best of your knowledge

Can take photos/x-rays of injuries without parental permission

Do not need a waiver to release info about alleged incident

# Report of Suspected Child Abuse CY-47 Form

<b>7. ACTIONS TAKEN OR ABOUT TO BE TAKEN BY REPORTER, COUNTY AGENCY, LAW ENFORCEMENT, SCHOOL OFFICIAL, OR OTHERS.</b>							
<input type="checkbox"/> NOTIFICATION OF CORONER	<input type="checkbox"/> X-RAYS	<input type="checkbox"/> PHOTO-GRAPHS	<input type="checkbox"/> HOSPITALIZATION	<input type="checkbox"/> POLICE NOTIFIED	<input type="checkbox"/> MEDICAL EXAMINATION	<input type="checkbox"/> EMERGENCY CUSTODY TAKEN	<input type="checkbox"/> OTHER (Specify)
<b>8. RISK FACTORS, CHILD:</b>							
A. DESCRIBE ANY PHYSICAL, MENTAL OR BEHAVIORAL FACTORS THAT MAY PLACE THE CHILD AT RISK:							<input type="checkbox"/> UNKNOWN
B. DOES THE CHILD APPEAR TO NEED IMMEDIATE MEDICAL ATTENTION? <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES IF YES, PLEASE EXPLAIN:							
C. LEVEL OF PAIN CHILD EXHIBITS <input type="checkbox"/> MILD <input type="checkbox"/> MODERATE <input type="checkbox"/> SEVERE PLEASE DESCRIBE:							
D. DOES THE CHILD APPEAR TO BE FEARFUL, SUICIDAL OR WITHDRAWN? IF YES, PLEASE EXPLAIN: <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES							
<b>9. RISK FACTORS, FAMILY:</b>							
A. DESCRIBE ANY CARETAKER/PERPETRATOR CHARACTERISTICS THAT PLACE THE CHILD AT RISK:							<input type="checkbox"/> UNKNOWN
B. DESCRIBE THE EXTENT OF PERPETRATOR(S) ACCESS TO CHILD:							<input type="checkbox"/> UNKNOWN
C. IS THERE ANY SUBSTANCE ABUSE IN THE HOUSEHOLD?						IF YES, PLEASE EXPLAIN:	
<input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES							
D. DOES THE CARETAKER/PERPETRATOR HAVE A HISTORY OF VIOLENCE OR SEVERE EMOTIONAL PROBLEMS? IF YES, PLEASE EXPLAIN:							<input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES
E. WHAT IS THE ENVIRONMENTAL (HEALTH AND SAFETY) CONDITION OF THE HOME? <input type="checkbox"/> UNKNOWN							
F. WILL CHILD BE AT RISK DUE TO COUNTY AGENCY INVOLVEMENT? <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES IF YES, PLEASE EXPLAIN:							
G. ARE THERE WEAPONS IN THE HOME?						IF YES, PLEASE EXPLAIN:	
<input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES							

**INSTRUCTIONS TO MANDATED PERSONS:** Any persons who, in the course of their employment, occupation, or practice of their profession come into contact with children shall report or cause a report to be made to Childline (800-932-0313) when they have reasonable cause to suspect, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Within 48 hours after making the oral report, send one copy of this report to the county children and youth agency.

**NOTE:** If the child has been taken into custody, you must also immediately contact the county children and youth agency where the abuse occurred. Except for confidential communications made to an ordained member of the clergy, the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report suspected abuse.

<b>REPORTING SOURCE</b>			
SIGNATURE	TITLE OR RELATIONSHIP TO CHILD	FACILITY OR ORGANIZATION	
ADDRESS		TELEPHONE NUMBER	DATE OF REPORT

# Some Considerations for School Procedures

- Who makes the call?
- Who completes written documents?
- What is the chain of command?
- What is the school district's policy on photos?
- Who interviews the child?
- Who is responsible for medical examination/  
ordering x-rays?

# Immediate Protective Custody

- Only law enforcement, physicians, and medical directors are permitted to take immediate protective custody of a child
- Children and Youth workers must obtain a court order if they feel protective custody is necessary for the safety of the child
- Keeping a child without proper authorization is illegal.



# Protections for Reporters

## **Five Important Reasons to Report**

1. The long-term effects on children who are abused
2. Immunity from civil or criminal liability
3. Safeguard against discharge or discrimination at work
4. Confidentiality
5. Consequences for failure to report

# Failure to Report

Criminal offense that prohibits you from working with children

- **First violation:** Third degree misdemeanor
  - Up to one year in jail
  - \$2500 in fines
- **Second violation:** Second degree misdemeanor
  - Up to two years in jail
  - \$5000 in fines

# What happens next?

- Within 24 hours of the report, the child must be seen and a Risk Assessment completed
- The CPS caseworker typically interviews a variety of individuals, including the reporting source
- CPS may petition the court for emergency protective custody, if necessary
- CPS may refer the case to law enforcement for criminal investigation

# Status Determinations

- Founded
- Indicated
- Unfounded

# Check your understanding

**Please answer the following true-false statements:**

1. A mandated reporter needs to hear directly from the student that abuse has occurred before calling *ChildLine*.  
-- *True or False?*
2. You need a release of information waiver signed by parents to share knowledge about alleged abuse with the county.  
-- *True or False?*

## Check your understanding

3. You are not allowed to detain a child at school beyond dismissal time even if you are concerned for the child's safety.  
-- *True or False?*
  
4. The majority of reported cases are determined unfounded.  
-- *True or False?*
  
5. There will be no repercussions the first time that you fail to report suspected abuse.  
-- *True or False?*

# Child Abuse Scenarios

# Scenario 1

Laura is an 11 year old girl disclosing to you that her 14 year old brother was babysitting her and when her younger sister went to bed, he forced Laura to have sex with him.

Is this suspected child abuse? If yes, why? If no, why not?

What actions will you take?



# Scenario 1 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *Yes (sexual abuse/exploitation)*
- What actions will you take?
  - *Call ChildLine immediately to make a report of suspected child abuse.*

## Scenario 2

Tommy is in your program and you notice he hasn't been eating lunch. He discloses that his tooth hurts. You contact the mother. Mother agrees to take Tommy to the dentist. A couple of weeks pass and Tommy continues to complain about his tooth and becomes tearful at lunch. You notice that the tooth and gum appear to be infected and again call the mother. Mother reports she can't get a dentist appointment. You make the appointment the next day with a dentist associated with your program and let the mom know that she can take Tommy for free the next day. Several days later, Tommy is experiencing more severe pain, presents with a fever, swelling and has not received treatment.

- Is this suspected child abuse? If yes, why? If no, why not?
- What actions will you take?

## Scenario 2 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *Yes (serious physical neglect)*
- What actions will you take?
  - *Call ChildLine immediately to make a report of suspected child abuse.*

## Scenario 3

A woman from the neighborhood shows up at your house and tells you that she is worried about the family that just moved in behind her house. She said the father is very rude and intimidating. There is a young girl, age 7, and her siblings live with mom and dad. She reports that for weeks she has witnessed and heard the parents arguing and cursing at all hours. The girl seems very unhappy, doesn't play much with the other children, and is seen home on some school days. The woman also reports that her brother used to live near this family when the girl was 4 years old and witnessed the dad, in an angry rage, throw a shovel at the girl, nearly hitting her and then chased the girl into the street. He said the mother intervened and brought the young girl safely into the house.

- Is this suspected child abuse? If yes, why? If no, why not?
- What actions will you take?

## Scenario 3 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *No*
- What actions will you take?
  - *Call ChildLine*

## Scenario 4

You notice one of your middle school student-athletes is having difficulty walking and participating in contact drills. He explains that his back is sore, but you notice some blood seeping through his jersey. He refuses to let you look at it and pulls away. Concerned about a back injury, you insist and as you lift his jersey, with closer inspection you notice four distinct circular burns on his lower back that are infected and several similar scars. He explains when he is 'bad', this is how his parents punish him. He begs you not to tell his parents.

- Is this suspected child abuse? If yes, why? If no, why not?
- What actions will you take?

## Scenario 4 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *Yes (serious physical injury/child abuse)*
- What actions will you take?
  - *Call ChildLine immediately to make a report of suspected child abuse.*

## Scenario 5

Desiree is a 12 year old girl living with her mother and 16 year old sister, Haley. Mother and Desiree have a conflicting relationship as Desiree insists on having the same freedoms and privileges as her older sister. She has stayed out past curfew, been caught cutting school and is escalating in her challenging behaviors. Last night, mother caught Desiree with a boy in her bedroom. After a period of arguing and destroying some bedroom items, the mother threw an iron at the daughter's head and, if not for ducking behind the furniture, it would have hit her. Instead, the iron broke the window and landed in the front yard.

- Is this suspected child abuse? If yes, why? If no, why not?
- What actions would you take?



## Scenario 5 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *Yes (imminent risk)*
- What actions will you take?
  - *Call ChildLine immediately to make a report of suspected child abuse.*

## Scenario 6

Some girls in your PE class approach you because they are worried about Amy, their friend and fellow classmate. The friends report that she doesn't want to spend time with them and has withdrawn from them. They state she appears sad and they saw her alone crying today. They also think she is embarrassed by her dad. They tell you that Amy's father is really "hard on her," and when they have visited the home on several occasions, they witnessed him calling her names, telling her she is a whore, cursing at her and telling her he regrets the day she was born. When Amy comes in next period, you notice she is wearing a long sleeve shirt. As she jumps for the ball, you notice numerous cutting marks on her wrists. When you share your concerns with her, she replies, "Maybe he's right. Maybe we would both be better off if I was never born."

- Is this suspected child abuse? If yes, why? If no, why not?
- What actions would you take?

## Scenario 6 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *Yes (serious mental injury/child abuse)*
- What actions will you take?
  - *Call ChildLine immediately to make a report of suspected child abuse*

## Scenario 7

The kicker for your football team is a 14 year old boy. He comes into your office upset and tearful because his missed kick cost the team the game last night. He reports that he has a headache and his arm is sore. You detect there are bruises and scrapes on his upper arm, and a bump on the back of his head. He breaks down and tells you that a father of one of his teammates was so mad at him for losing the game that the father grabbed his arm, shook him, and then shoved him backward into the bleachers, cursing at him that it was his fault.

- Is this suspected child abuse? If yes, why? If no, why not?
- What actions will you take?

## Scenario 7 - Response

- Is this suspected child abuse? If yes, why? If no, why not?
  - *No*
- What actions will you take?
  - *Call ChildLine immediately to make a report of suspected child abuse*

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# MODULE 4

# Student Abuse

# Student Abuse Legislation: History

## **Act 151 of 1994 (effective 7/1/95)**

- Amended the Department of Public Welfare's Child Protective Services Law (CPSL)
- Outlines changes which affect a school's policies and procedures regarding the reporting of suspected abuse of students by school employees and background checks for employment



# 3 Components of Student Abuse

## **1. Student:**

- must be under the age of 18
- enrolled in a public or private school, Intermediate Unit, or Vo-Tech School

## **2. School Employee:**

- Any person employed by a public or private school, Intermediate Unit, or Vo-Tech School that has the possibility of coming into contact with children

## 3 Components of Student Abuse

### 3. Two types of Student Abuse – abuse of a student by a school employee that causes:

#### **Serious Bodily Injury -**

- That creates substantial risk of death or which causes serious or permanent disfigurement; or protracted loss or impairment of an organ or other body part

#### **Sexual Abuse or Exploitation**

- As defined earlier

# Additional Definitions

- Administrator
- County Agency
- Public or private school
- Subject of a report
- Unfounded report
- Indicated report
- Founded Report

# Reporting Process for Student Abuse – School Employee

## **School Employee**

- Has reasonable cause to suspect that the student is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee
  - Immediately inform the School Administrator (which fulfills your reporting mandate)
  - The reporting school employee **may not** reveal the existence or content of the report to another person

**Note:** If the accused abuser of a student is the Administrator the reporting School Employee shall immediately report to Law Enforcement officials and the District Attorney

# Reporting Process for Student Abuse – School Employee

- The student must be physically seen by the employee before the school employee is mandated to report the suspected abuse or injury
- A school employee who refers a report in good faith of suspected abuse of a student by another school employee is immune from civil and criminal liability arising out of the report.
- A School Employee's willful failure to follow reporting requirements is a summary offense for the first violation and any subsequent violation of required reporting is then guilty of a misdemeanor of the third degree.

# Reporting Process for Student Abuse - Administrators

## School Administrator

- A school administrator **immediately** reports to **Law Enforcement officials** and **the District Attorney** any report of serious bodily injury, sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student.

# Reporting Process for Student Abuse - Administrators

- The Department of Public Welfare's "Report of Suspected Student Abuse" CY 47-D form is completed by the Administrator
- After the CY 47-D form is submitted, law enforcement officials and the appropriate district attorney will investigate and make decisions

# Reporting Process for Student Abuse – Law Enforcement & District Attorney

## Law Enforcement and District Attorney

- Coordinate an investigation of the report and determine what, if any, criminal charges will be filed against the School Employee
- With reasonable cause to suspect abuse of a child by a School Employee they **immediately** contact the county Children and Youth Agency



# Notifications by the County Agency

## County Children and Youth agency

- **Immediately** notifies ChildLine and begins an investigation.
- Every attempt is made to coordinate their investigation with Law Enforcement:
  - County agency shall verbally notify the subject
  - Written notice shall be provided within 72 hours of the oral notification
  - Notification may be reasonable delayed if the safety of the student could be threatened
  - The county agency shall notify:
    - The school administrator or employee who made the report of the final status of the report, i.e., founded, indicated or unfounded when the investigation is complete

# Failure to Report

## School Employees

- A school employee who willfully violates the mandated reporting law commits a summary offense.
- A school employee who, after the first offense, willfully violates the mandated reporting law commits a misdemeanor of the third degree.

## Administrators

- An administrator who willfully violates the mandated reporting law commits a misdemeanor of the third degree.

# Required Reporting to PDE

- When to report to PDE?
  - Employee is formally charged
  - Employee is convicted of a crime of moral turpitude

## Check Your Understanding

**All schools are included in Student Abuse including public and private schools defined by the Public School Code and private academic schools.**

-- True or False?

## Check Your Understanding

**Student Abuse is comprised of three components: a Student, a School Employee and a type of abuse.**

-- True or False?

## Check Your Understanding

**An administrator shall report immediately to Law Enforcement officials and the District Attorney any report of serious bodily injury, sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student.**

-- True or False?

# Check Your Understanding

## **What is the correct sequence of the Student Abuse Reporting Process?**

- A. School Employee to ChildLine to Administrator to Law Enforcement & District Attorney to Children & Youth Agency
- B. School Employee to Administrator to Law Enforcement & District Attorney to Children & Youth Service Agency to ChildLine

## Check Your Understanding

**An administrator who willfully violates the law regarding the reporting of student abuse commits a misdemeanor of the third degree.**

-- True or False?



# School District Policies and Procedures

- School districts encouraged to adopt policies and procedures
- Meet obligations under the amended Child Protective Services Law
  - Related to child abuse
  - Related to comprehensive violence prevention programs

# Child Abuse Clearances

- Any organization that works with children is required by law to obtain for their prospective employees both a criminal background check and Child Abuse Clearances, which are obtained from ChildLine's child abuse registry

# Child Protective Services System Response

- ChildLine available 24/7 to receive reports
- Investigation begins and includes Risk and Safety Assessments
- Interviews of the child, the perpetrator, and others involved
- Visit to the child's home

# Child Protective Services System Response

- Emergency Protective Custody
  - Only permitted by a physician, a medical director or law enforcement
  - Children and Youth must obtain a court order
- Collect Evidence
- After the investigation is complete, mandated reporters are entitled to limited information

# Agency Referrals to Law Enforcement

Children and Youth Agencies are required to automatically refer a case to law enforcement for criminal investigation in these circumstances:

- Homicide
- Sexual Abuse and Exploitation
- Serious Physical Injury
  - Burns, broken bones, shaken baby syndrome*
- Serious Bodily Injury
- Abuse perpetrated by a non-family member

# Protecting the Abused Child

- Be proactive and understand that as a mandated reporter when you have reasonable cause to suspect child abuse it is your legal obligation to report it
- Cooperate with investigations and focus on building positive relationships with colleagues, administrators, local law enforcement, county Children and Youth agencies, and the appropriate district attorney

# ACT 126

## The PA Child Protective Services Law

Mandated Reporting for School Employees

# MODULE 5

# Professional Education Discipline Act



# Professional Standards & Practices Commission (PSPC) – Primary Roles

Advisory -  
to the State  
Board and the  
Department of  
Education

Adjudicatory -  
administration  
of the  
professional  
educator  
discipline  
system

Caretaker of  
Code of  
Conduct

# PSPC Mission and Composition

## Mission

The PSPC is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

## Composition

- 7 classroom teachers, including one educational specialist
- 3 public school administrators; one a principal and one a Commissioned officer
- 1 administrator from a higher education program
- 2 members of the general public; one a school board member

# Statutory Authority/Jurisdiction

## Professional Educator Discipline Act

24 P.S. section 2070.1 et seq.

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- All certified professionals
- Charter school staff members
- Private academic schools/Independent Contractors

# Code of Conduct: Guiding Principles

Commitment to:

- excellence
- value and dignity of each individual
- act in a fiduciary capacity and to protect students
- modeling societal responsibilities

# Code's Prohibitions

- Accepting employment or encouraging employment in an area when not properly certified
- Discriminating
- Interfering with a student's or colleague's exercise of political/civil rights or responsibilities
- Accepting gratuities, gifts or favors that might impair or appear to impair professional judgment

# Code's Prohibitions

- Exploiting a professional relationship
- Misrepresenting student or colleague evaluations
- Misrepresenting subject matter or curriculum
- Sexually harassing students or colleagues
- Engaging in relationships of a sexual nature with students

# Code's Prohibitions

- Withholding evidence from authorities concerning violations of the Code
- Using coercive means to influence professional decisions of colleagues
- Threatening, coercing or discriminating against a colleague who in good faith reports or discloses actual or suspected violations of laws, regulations, or standards

# Grounds for Discipline



Non-  
Criminal

Criminal



# Non-Criminal Misconduct



Non-  
Criminal

- Incompetency
- Intemperance
- Negligence
- Cruelty
- Immorality
- Violation of Act of May 29, 1931
- Violation of the Code of Conduct

# Definitions

- **Incompetency:** continuing or persistent mental or intellectual inability or incapacity to perform
- **Intemperance:** loss of self-control or self-restraint, which may result from excessive conduct
- **Negligence:** continuing or persistent action or omission in violation of a duty (est. by law, rules, policies, directives)

# Definitions

- **Cruelty:** intentional, malicious and unnecessary infliction of physical or psychological pain upon living creatures, particularly human beings
- **Immorality:** conduct which offends the morals of the Commonwealth and is a bad example to the youth whose ideals an educator has a duty to foster and elevate

# Criminal Conduct

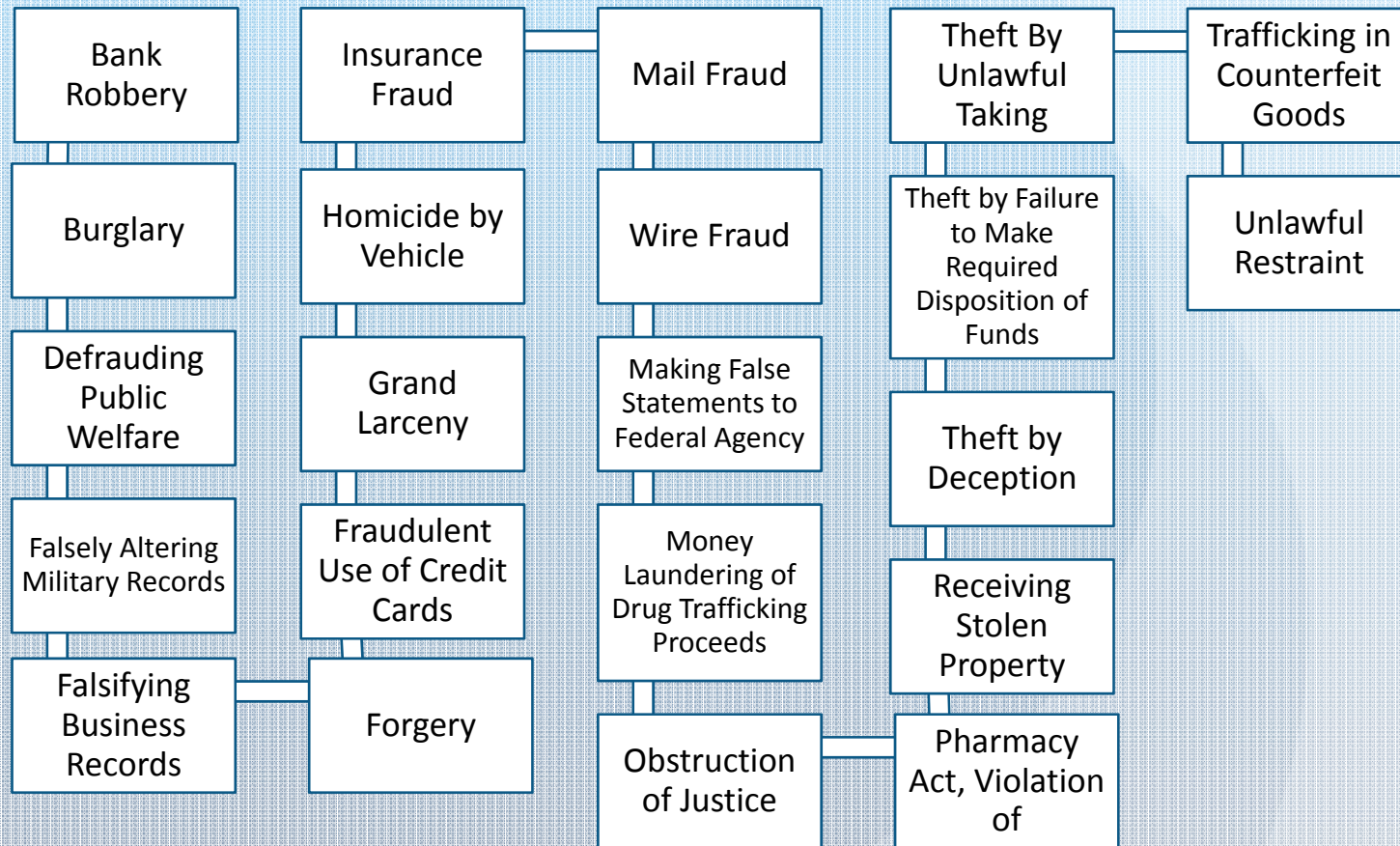
- Conviction/indictment of a crime involving moral turpitude
- Conviction/indictment of a crime listed in section 111(e)



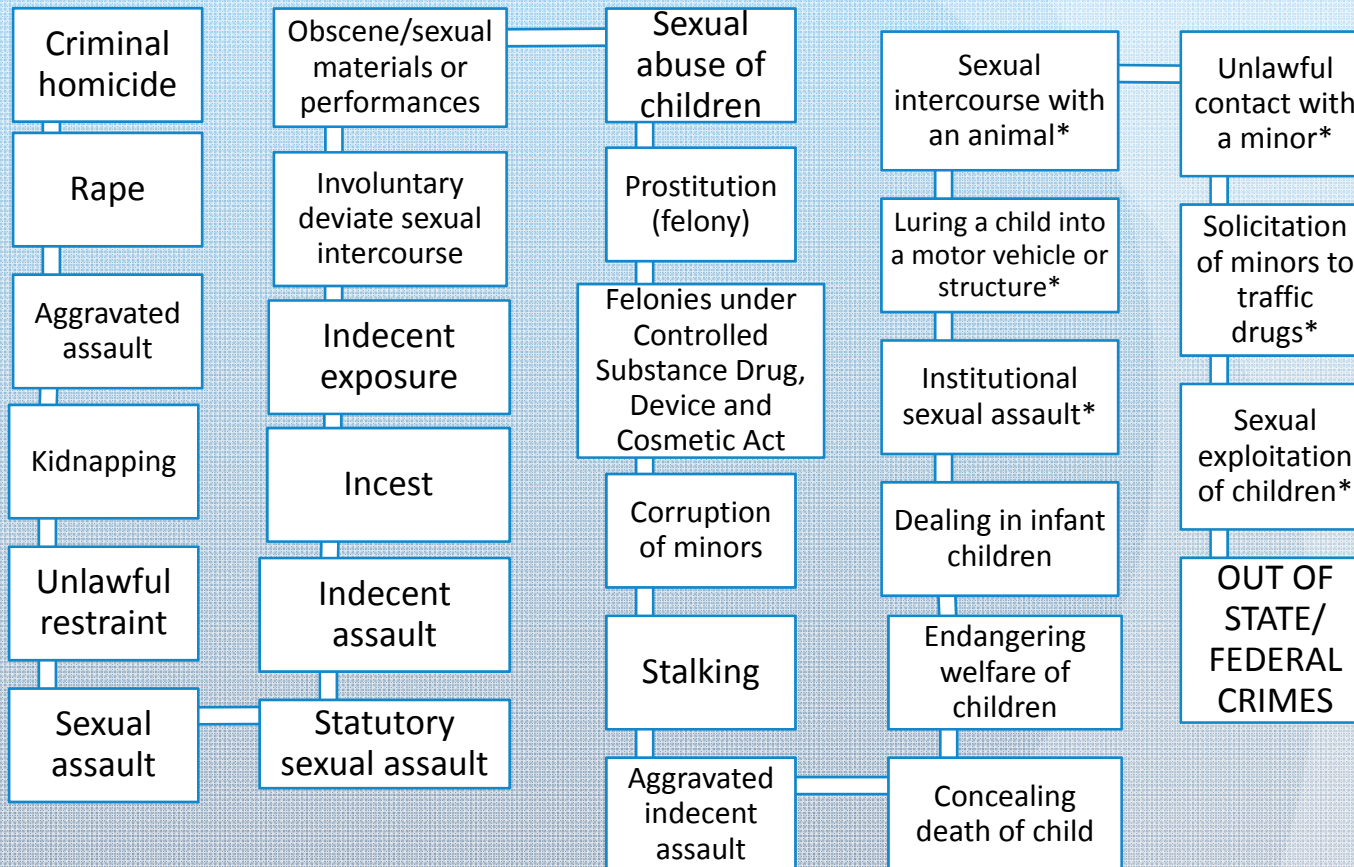
# Definition of Moral Turpitude

- That element and personal misconduct in the private and social duties which a person owes to his fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to the accepted and customary rule of right and duty between two human beings;
- Conduct done knowingly contrary to justice, honesty or good morals;
- Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.

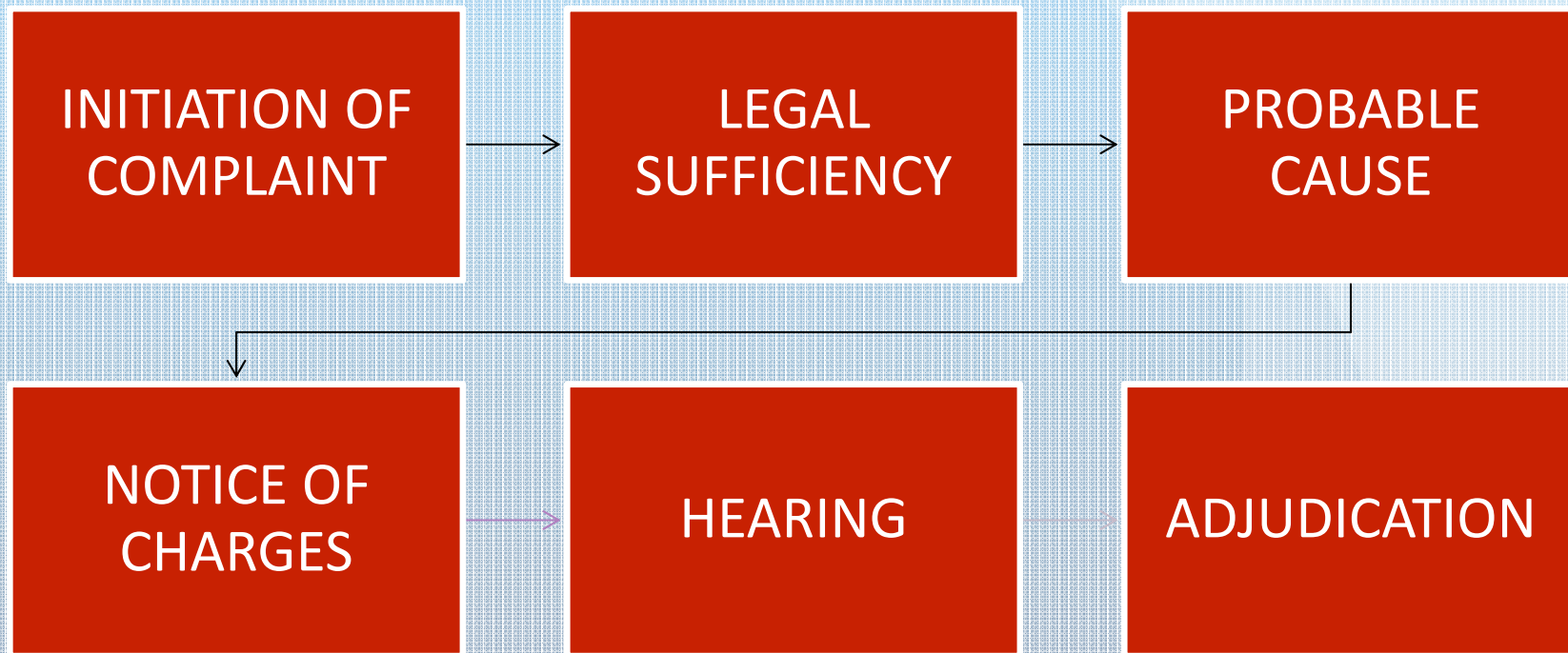
# Crimes Determined to Involve Moral Turpitude by the Commission



# Section 111(e) Crimes



# Discipline Process





# Types of Professional Discipline

- Private reprimand
- Public reprimand
- Suspension
- Revocation
- Surrender in lieu of discipline

# Filing a Complaint

In completing the Educator Misconduct Complaint, it is very important to be specific and to include the following information when describing the professional misconduct:

- What happened?
- Who was involved?
- When did the conduct occur?
- Where did the conduct occur?

The Educator Misconduct Complaint must be signed in the presence of a notary and the notary's original stamp and signature must be affixed. The completed complaint form and related materials must be sent to the address found on the Educator Misconduct Complaint.

# Filing a Complaint

The following information must be included in every Educator Misconduct Complaint:

- The complainant's name and contact information, including current mailing address and daytime telephone number;
- Information to identify the educator, including the educator's full name, available contact information, employing school district or charter school, and position in the school district or charter school;
- Detailed description of educator's professional misconduct, including the date or dates on which the conduct occurred;
- Copies of documents that support the complaint (*e.g.*, police reports, court records, medical bills, emails, text messages, correspondence); and
- Information related to complaints filed with other agencies (*e.g.*, school district or charter school, police, children and youth services).

# Educator Misconduct Complaint Form (PDE-348)

## EDUCATOR MISCONDUCT COMPLAINT

### CONFIDENTIAL

Pursuant to section 2070.9 of the Professional Educator Discipline Act, 24 Pa.C.S., an educator misconduct complaint may be filed by any interested party within one year of the date of alleged misconduct or the date of the discovery of alleged misconduct. If the misconduct is of a continuing nature, the complaint must be filed within one year of the date on which the conduct occurred. Complaints involving sexual abuse or exploitation of a student may be filed up until five years after the child or student reaches 18 years of age.

To file an educator misconduct complaint, send this completed, notarized form and relevant information or documentation to the **Pennsylvania Department of Education, Office of Chief Counsel, 333 Market Street, 9<sup>th</sup> Floor, Harrisburg, PA 17126-0333**.

1. EDUCATOR'S NAME: (First Name, Middle Initial, Last Name) \_\_\_\_\_
2. EDUCATOR'S PLACE OF EMPLOYMENT: (e.g., Name of School District or Charter School, Private School, etc.) \_\_\_\_\_
3. EDUCATOR'S JOB TITLE OR POSITION: \_\_\_\_\_
4. EDUCATOR'S WORK ADDRESS: \_\_\_\_\_
5. EDUCATOR'S WORK TELEPHONE NUMBER: \_\_\_\_\_
6. EDUCATOR'S HOME ADDRESS: \_\_\_\_\_
7. EDUCATOR'S HOME TELEPHONE NUMBER: \_\_\_\_\_
8. COUNTY AND STATE WHERE ALLEGED MISCONDUCT OCCURRED: \_\_\_\_\_
9. REASON FOR COMPLAINT: (Please check and complete)
  - Criminal Charge(s): (Please list charge(s) County/Court/Judge)
 

Charges: \_\_\_\_\_

County: \_\_\_\_\_ Court: \_\_\_\_\_ Judge: \_\_\_\_\_
  - Criminal Conviction(s): (Please list crime(s) County/Court/Judge)
 

Crimes: \_\_\_\_\_

County: \_\_\_\_\_ Court: \_\_\_\_\_ Judge: \_\_\_\_\_
  - Conduct inappropriate for an Educator (Detailed information to be provided on separate sheet)

## EDUCATOR MISCONDUCT COMPLAINT

10. DATE OF EDUCATOR'S MISCONDUCT: (Month, Day, Year) \_\_\_\_\_
11. DATE YOU LEARNED ABOUT THE CONDUCT: (Month, Day, Year) \_\_\_\_\_
12. DETAILED DESCRIPTION OF THE CONDUCT:
 

Please summarize the educator's conduct, providing specific examples of actions or words. While supporting documentation should be attached to the complaint, you must detail the conduct in this section (attach additional sheets as necessary). Your description should answer the following questions: What happened? Who was involved? When and Where did the conduct occur? Please also include victim's name, age and brief description, if applicable.

\_\_\_\_\_
13. If you have filed a complaint with any other entity such as the Pennsylvania Human Relations Commission, Children and Youth Services, U.S. Department of Education's Office for Civil Rights, Pennsylvania Department of Education's Bureau of Special Education, or have filed criminal or civil charges, please identify the entity and attach a copy of the complaint and/or charges.
 

\_\_\_\_\_
14. If you have contacted the superintendent, CEO of the charter school, school building administrators, or school board about this matter, please list the names of the individual(s) contacted, identify the position held by the individual(s) listed, and attach any documents such as letters or notes documenting your contacts.
 

\_\_\_\_\_
15. COMPLAINANT'S CONTACT INFORMATION:
 

Name and Address: \_\_\_\_\_

Daytime Telephone Number: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_

Cell Phone Number: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_

Best time to contact you: \_\_\_\_\_

## EDUCATOR MISCONDUCT COMPLAINT

I, \_\_\_\_\_, hereby certify that I have read and signed in the presence of a notary public) \_\_\_\_\_

The information above and the facts contained in this complaint and attachments, consisting of a total of \_\_\_\_\_ pages, are true and correct to the best of my knowledge.

\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

I executed this

\_\_\_\_\_ (Year)

### CONFIDENTIALITY NOTICE

The complaint process is confidential and any unauthorized release of information is a misdemeanor of the third degree. See 24 P.S. § 2070.10 and § 2070.11. Filing of complaints must remain confidential unless or until public release is required by law. Upon the filing of an Educator Misconduct Complaint, the Department's review and the disposition of the complaint prior to the imposition of public discipline is confidential information learned as a result of the Department of Education's internal process.

# When a Complaint is Received

PDE reviews the complaint and all pertinent information.

If there are not enough facts to warrant discipline, the complaint is dismissed.

If there are enough facts to warrant discipline, PDE investigates to determine whether there is probable cause to believe that grounds for discipline exist.

If probable cause is found, PDE may conduct a full investigation or transmit its preliminary findings to the local school governing board to allow them to investigate.

If probable cause is not found, a written notice is issued to the affected professional educator, the complaining party and the employer and the complaint is dismissed.

# Complaints Against Educators

Disciplinary proceedings are initiated by the filing of a complaint with the PDE within 1 year from the date of the occurrence of any alleged action (or the date of its discovery).

- Complaints involving sexual abuse or exploitation of a child or a student may be filed beyond the date of the alleged occurrence, up until 5 years after the child or student reaches 18 years of age.
- If the alleged action is of a continuing nature, the date of its occurrence is considered the last date on which the conduct occurred for purposes of the complaint.

# Adjudication from an Out-of-State Licensing Authority

**Adjudication by an appropriate licensing authority of another state, territory or nation is considered conclusive evidence of misconduct.**

- After receiving notice of an adjudication from the licensing authority in another jurisdiction, the professional educator must demonstrate for the Commission that imposition of identical or comparable discipline in PA would be unwarranted.
- The professional educator has 30 days to demonstrate that:
  - the discipline would result in a grave injustice
  - the discipline is substantially different from what would have been imposed for similar conduct
  - the procedure used in the other jurisdiction did not provide due process
- Within 30 days after the professional educator's response window, the Commission will decide whether to impose the identical or comparable discipline.

# Imposition of Discipline

Revocation of certificate required for:

- Crime under 111(e) of the Public School Code
- Crime involving moral turpitude
- Similar crime in federal or state court

*Note: For purposes of this subsection, the term “conviction” includes a plea of guilty or nolo contendere.*



# Imposition of Discipline

If a professional educator is indicted of a crime under 111(e) of the Public School Code, or a crime involving moral turpitude and if the Commission determines that the professional educator poses a threat to the health, safety or welfare of a student or other individual in a school, the Commission may suspend the professional educator's certificate.

Suspension or revocation of certificate recommended for:

- Indictment of crime under Public School Code
- Educator determined to be threat to health, safety, welfare of student or faculty/staff member

# Confidentiality, Release of Information & Immunity

- Confidentiality
- Release of Information
- Immunity from Liability

# Role of the School Board

PDE shares preliminary findings

School board investigates and decides whether to pursue disciplinary action

Within 90 days, school board tells PDE if it has decided to pursue discipline and if action by the Commission is necessary

School board notifies the affected educator of any recommendation

School board provides to PDE:

- Findings & summary of evidence
- Any other relevant information requested

# Role of PDE After Investigation

After completion of an investigation, PDE may:

- dismiss the charges
- determine that the school board has imposed appropriate discipline
- initiate hearing procedures
- settle the case

# Reporting to the PDE

Administrators (such as the superintendent, assistant superintendent, executive director of an intermediate unit, chief administrator of an area vocational-technical school, administrator of a charter school or their designees) **must report**:

- The dismissal of a certificated employee for cause.
- A criminal indictment or conviction for a crime listed in 111(e) of the Public School Code or involving moral turpitude
- Information regarding physical injury to a student or child as a result of negligence or malice, or sexual abuse/exploitation of a student or child by a professional educator.

**Failure to report may result in disciplinary action against the administrator.**

# Hearing Procedures

- A hearing officer is appointed by the Commission within 45 days, if requested by the educator
- PDE acts as prosecutor and must establish that grounds for discipline exist.
- The professional educator has the right to be represented by counsel and to present evidence and arguments.
- All hearings are closed to the public.
- When the hearing ends, PDE recommends discipline, and the hearing officer has 60 days to issue a decision.
- PDE or the defendant may appeal the hearing officer's decision to the Commission and delay the imposition of discipline.
  - If the appeal finds in favor of the defendant, records of the complaint and proceedings are expunged from any/all personnel files of PDE

# Reinstatement

Any professional educator whose certificate has been suspended, revoked or surrendered may apply to the Commission for reinstatement. When making a decision, the Commission will consider:

- the conduct which resulted in discipline
- other past conduct of the applicant
- the applicant's current attitude towards past conduct
- rehabilitation efforts and activities
- references and letters of support or opposition

The Commission **will not** reinstate the certificate of a professional educator if the suspension or revocation resulted from:

- a finding of guilt by the Commission for sexual abuse or exploitation
- surrender of a certificate in lieu of discipline for conduct relating to sexual abuse or exploitation

# Permissive Reporting

Any interested party, regardless of profession, are considered permissive reporters with a duty to protect students and children.



# Current Mandatory Reporting

- Dismissal for Cause
- Reasonable Belief of Sexual Abuse/Exploitation or Physical Injury as Result of Negligence or Malice
- Criminal Indictment/Conviction for Crime Involving Moral Turpitude or Section 111(e)

# Ethical & Fiduciary Obligation to Protect Students

- **Fiduciary**: a person in a position of authority whom the law obligates to act solely on behalf of the person he or she represents and in good faith
- Inherent imbalance of power between teacher and student – must not abuse that power or allow others to abuse it
- Mandatory Reporting laws in place to protect students from abuse and teachers who report abuse, encourage educators to act ethically

# Proposed Amendments to the PEDA

- Expanding the jurisdiction of the Commission to include private school educators and educators working for independent contractors in public schools
- Identifying sexual misconduct as a specific basis for discipline and redefining the term to make it consistent with its use in other statutes and proposed legislation, including behaviors such as sending a student sexually explicit text messages
- Expanding grounds for discipline to being named in founded and indicated reports of child abuse
- Expanding mandatory reporting to PDE to include all educators who resign following an allegation of misconduct

# Proposed Amendments to the PEDA

- Shortening the time period for mandatory reporting to PDE
- Prohibiting school entities from entering into confidential settlement agreements
- Protecting school districts that provide accurate references for employees who resign while facing allegations of misconduct
- Eliminating the current statute of limitations for the filing of complaints
- Specifying rehabilitation opportunities as an option to be used in addition to discipline
- Imposing a self-reporting requirement on educators who have been indicted or convicted of certain crimes

# Proposed Definition of Sexual Misconduct

**“Sexual misconduct”** shall mean any act, including but not limited to any verbal, non-verbal, written or electronic communication or physical activity, directed towards or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student.

Such prohibited acts include but are not limited to:

- sexual or romantic invitations;
- dating or soliciting dates;
- engaging in sexualized or romantic dialogue;
- making sexually suggestive comments;
- self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
- any sexual, indecent, romantic or erotic contact with the child or student.

The consent of a child or a student to engage in sexual misconduct may not be a defense or a mitigating factor in any discipline proceeding under this act.

# Challenges to Maintaining Appropriate Boundaries

- Small community
- Growing informality
- New technologies

## **Practice Pointers:**

- Confining passion for teaching to instruction
- Awareness of one's own vulnerabilities
- Recognizing whose needs are being met by interactions with students
- Protecting your privacy/your personal brand

# Acting as a Role Model

- Because of teachers' position of authority in the classroom/community, there is an expectation that teachers will model acceptable behavior for their students.
- Teachers are held to a high standard of conduct/ethics – when these standards are not upheld, community demands consequences.

# Relationships with Students

- Teachers may feel flattered by their students' attention or may be inclined to treat their students like peers.
- However – it is incumbent on all teachers to safeguard the well-being of their students from dangers inside and outside of school.
- Teachers must guard against putting their needs before their students' needs.



# Boundaries

- Boundaries are external and internal
- Boundaries become blurred or ambiguous when dual relationships are formed
- Boundaries are endangered when educator is personally vulnerable and when student is particularly vulnerable

# Maintaining Appropriate Boundaries and Communications with Students

- At minimum:
  - Do not make comments of a personal nature or suggestive in tone to a student
  - Do not share information of a personal nature about yourself with students
  - Do not give personal gifts to a student
  - Do not place yourself in situations which could be construed as posing a risk to the student or facilitating an inappropriate relationship with students

## Maintaining Appropriate Boundaries and Communications with Students

- Educators have no reasonable expectation to privacy in materials viewed, accessed, written or stored on a school district computer.

# Student and Educator Vulnerabilities

- Students as peers, suffering from adult relationship issues, immaturity, need for attention, a sense of invulnerability, absence of a developed personal moral compass and lack of personal crisis management skills.
- Teachers should preface every decision with:  
**“Whose needs are being met by my course of action?”**

# Acceptable vs. Unacceptable Behavior

- **Acceptable**

- Fostering a safe, ethical learning environment for all students
- Referring students to the appropriate resource if they are in need of counseling
- Ensuring that your actions always serve the best interests of the student
- Being mindful of your reputation in the community

# Acceptable vs. Unacceptable Behavior

- **Unacceptable**

- Developing a relationship with a student beyond the recognized boundaries of a teacher/student relationship
- Pursuing any sexual or romantic contact with a student
- Exchanging notes, e-mails or other communications with a student of a personal nature
- Inviting students to your home or meeting students in an isolated or private situation

# Appearances of Impropriety

- Activities that may reasonably raise concerns as to their propriety include:
  - Meeting alone with a student outside of learning/tutoring
  - Social networking with a student
  - Giving or soliciting gifts

# Red Flags

- “Grooming” behavior
- Unintentional grooming



# Responding to Misconduct

Teachers who witness, or suspect their colleagues of engaging in behavior that causes physical, emotional and/or psychological harm, are legally required to report it.

# Intersection of Technology and Expectations of Educators

- Your personal brand
- Appropriate students/teacher boundaries
- Social media DOs and DON'Ts

# Your Public Brand

- High community and legal expectations
- Perception affects reputation and effectiveness
- Impact on job/certification

# Boundary Violations

- Boundaries are external and internal
- Boundaries become blurred or ambiguous when dual relationships are formed
- Boundaries are endangered when educator is personally vulnerable and when student is particularly vulnerable

# Tips

- Do not engage in activities that may reasonably raise concerns as to their propriety;
- Do not engage in activities directed towards developing a relationship with a student beyond the recognized boundaries of a teacher/student relationship regardless of the student's age;
- Do not make comments of a personal nature or suggestive in tone to a student;
- Do not pursue any sexual or romantic contact with a student regardless of the student's age or apparent consent;
- Do not invite students to your home;
- Do not see students in isolated or private situations;

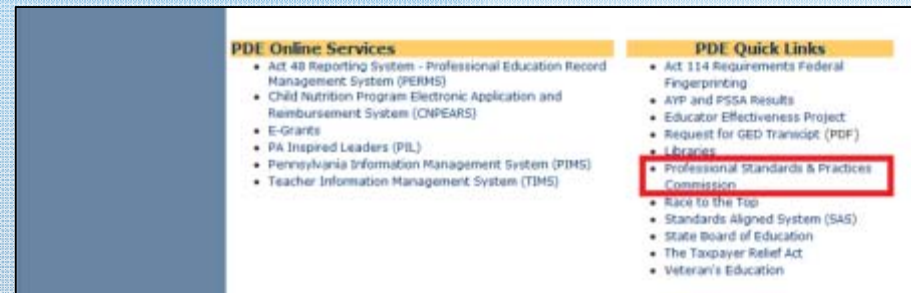
# Tips

- Do not share information of a personal nature about yourself with students;
- Do not give personal gifts to a student;
- Do not exchange notes, e-mails or other communications with a student of a personal nature;
- Do not place yourself in situations which could be construed as posing a risk to the student or facilitating an inappropriate relationship with students;
- Refer students to the appropriate resource if they are in need of counseling;
- Ensure that your actions always serve the best interests of the student; and
- Be mindful of your reputation in the community.

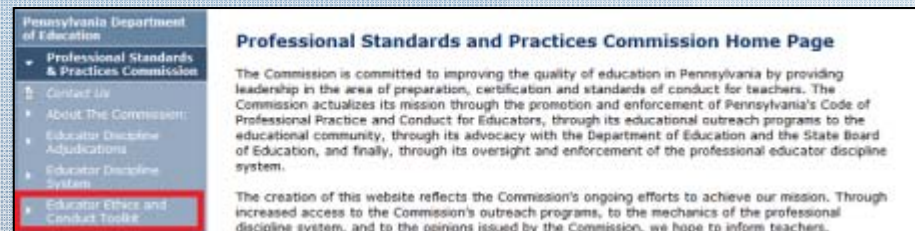
# Educator Ethics and Conduct Toolkit

Available on the PDE website ([www.education.state.pa.us](http://www.education.state.pa.us)):

Click on “Professional Standards & Practices Commission” at the bottom of the website



Click on “Educator Ethics and Conduct Toolkit” in the navigation menu on the left



# Words to Live By

“Whenever you do a thing, act as if the whole world is watching.”

— *Thomas Jefferson*



# Check Your Understanding

1. Who is covered under the jurisdiction of the Professional Educator Discipline Act?

- a) All certified professionals
- b) Charter school staff members
- c) Private academic school employees
- d) Independent Contractors
- e) All of the above

## Check Your Understanding

2. Educators cannot be disciplined for sexual misconduct with a student if the student consents to the sexual activity.

- a) True
- b) False

# Check Your Understanding

3. “Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury” is part of PEDA’s definition of:

- a) Negligence
- b) Indecent Assault
- c) Moral Turpitude
- d) Immorality

## Check Your Understanding

4. Educators have a reasonable expectation to privacy in materials viewed, accessed, written or stored on a school district computer.

a) True

b) False

# Check Your Understanding

5. Which of the following are considered the “seven deadly sins” of non-criminal misconduct?

- a) Incompetency
- b) Cruelty
- c) Forgery
- d) Immorality
- e) Violation of the Code of Conduct
- f) Stalking
- g) Negligence
- h) Indecent Assault
- i) Violation of Act of May 29, 1931
- j) Intemperance

# Contact Information

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<http://www.education.state.pa.us>

Select "Professional Standards and Practices Committee"