

Santa Barbara School Districts

Administrative Regulation

AR 5145

Students

STUDENT EMERGENCIES

Child Abuse and Neglect Procedure

A. Under California law, certain specified persons are subject to criminal and civil liability if they fail to report suspected abuse to authorities. The following school personnel are among those professionals who are required to report (mandated reporters):

1. Teacher
2. Supervisor of child welfare and attendance
3. Certificated pupil personnel employee of any public or private school
4. Headstart teacher
5. Employee of a child care institution including, but not limited to foster parents, group home personnel and personnel of residential care facilities.
6. School superintendent and principal (administrative officer)
7. Registered nurse

B. The law specifically requires that:

Any (mandated reporter) who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of up to \$1,000 or both.

Failure to report suspected child abuse may result in civil liability as well. A person required to report suspected abuse who fails to do so may be held liable in civil damages for any subsequent injury to the child.

Persons required to report, such as educators, are not liable either in civil damages or for criminal prosecution for reporting as required by law. Other persons are not liable either civilly or criminally unless it can be proven that a false report was made, and that the person knew or should have known that the report was false.

C. Reporting Procedure

Any school personnel (as defined above) who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she reasonably suspects has been the victim of child abuse shall report such suspected instances of child abuse. For the purposes of this regulation, “reasonable suspicion”, means that it is objectively reasonable for a person to entertain such 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.

To report the suspected child abuse, the reporter shall:

1. Notify the principal of the school who should notify the Superintendent.
2. Telephone the Santa Barbara County Welfare Department, Protective Services Division and provide the following information.
 - a. name of person making the report
 - b. name of the child
 - c. present location of the child (at that moment, if known)
 - d. nature and extent of the injury
 - e. any other information that led the reporter to suspect child abuse
 - f. other information as requested by the recipient of the call
3. At the time the call is made, note the name of the official contacted, the phone number and the date and time contacted.
4. Within 36 clock hours, complete a Department of Justice form 11166 PC Suspected Child Abuse Report (4 copy NCR, available in school office) and mail 3 copies to Child Protective Services, 117 E. Carrillo Street, Santa Barbara, CA 93101. Detailed instructions for completion are on the back sheet of the form. The yellow (last copy should be retained by the reporting person for his/her records.

When two or more persons who are required to report jointly have knowledge of suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by any one of them who is selected by mutual agreement, and a single report may be made and signed by the person selected. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.

5. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore,

no person making such a report should be subject to any sanction for making such a report.

Regulation: SANTA BARBARA ELEMENTARY/HIGH SCHOOL DISTRICTS
Approved: February 24, 1999 Santa Barbara, California