

CHILD ABUSE REPORTING

The District recognizes the responsibility of its employees to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred.

I. Definitions:

“Child” means a person under the age of 18 years.

“Child abuse” is defined as a physical injury which is inflicted by other than accidental means on a child by another person; sexual abuse, including both sexual assault and sexual exploitation; willful cruelty or unjustifiable punishment of a child; cruel or inhuman corporal punishment or injury; and the neglect of a child, including both severe and general neglect.

“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 their training and experience, to suspect child abuse or neglect. Reasonable suspicion does not require certainty or a specific medical indication that the abuse or neglect has taken place. Any “reasonable suspicion” is sufficient to report suspected abuse or neglect.

“Child protective agency” is a police or sheriff’s department, county probation department, or county welfare department. School district police or security departments are not child protective agencies. Campus Police Departments are required to receive reports of suspected child abuse or neglect and shall maintain a record of all reports received. When Campus Police takes a report about a case of suspected child abuse or neglect in which it lacks jurisdiction, the department shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

All District employees are “Mandated Reporters”. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child. All mandated reporters shall report immediately any reasonable suspicion of child abuse to a local child protective agency and follow up with a written report within 36 hours. Reporting is an individual responsibility. An employee making a report cannot be required to disclose their identity to the employer. However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six (6) months in jail and/or up to a \$1,000 fine. The written report may be mailed to the address below:

County of Orange Social Services Agency, Children and Family Services/Child Abuse Registry,
P.O. Box 14102, Orange, CA 92863-1502.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any

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liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false.

II. Notification:

When the Vice President for Student Services or their designee releases a minor student to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse. In those cases, the official shall provide the peace officer with the address and telephone number of the minor’s parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act.

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse.

The District shall provide a mandated reporter with a statement informing the employee that they are a mandated reporter and inform the employee of their reporting obligations under Penal Code Section 11166 and of their confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing their employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District.

The District will distribute this regulation to all employees.

References:

*Penal Code Sections 11164 et seq.
Education Code Section 76200 et seq., and 87044*

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