Santa Clara County Office of Education
Students

SP 4141.4
Child and Dependent Adult Abuse Prevention and Reporting

The Santa Clara County Superintendent (County Superintendent) is committed to supporting the safety and well-being of students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement regulations and strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect. The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)
(cf. 5141.6 - School Health Services)

Child Abuse Prevention and Reporting

The County Superintendent recognizes that child abuse has severe consequences and that the Santa Clara County Office of Education (SCCOE) has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The County Superintendent or designee shall establish procedures for the prevention, identification, and reporting of known and suspected child abuse and neglect in accordance with law to the extent feasible and appropriate.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the SCCOE comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by Penal Code, Welfare and Institutions Code, and administrative regulation, are obligated to report all known or suspected incidents of abuse and neglect. Adult Protective Services must be notified of suspected abuse toward SCCOE students with disabilities (dependent adults) who are 18-22 years of age.

Before beginning employment, all employees who are mandated reporters as defined above shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and the SCCOE’s procedures and will comply with those provisions. The signed statement shall be retained in the employees personnel file. (Penal Code 11166.5)
Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The County Superintendent or designee shall provide annual training within the first six (6) weeks of school or within six (6) weeks of employment regarding the reporting duties of mandated reporters.

Teachers applying to the Commission on Teacher Credential for a new credential or a renewal of their credential must read and sign a statement that they understand the duties imposed on them as mandated reporters pursuant to Penal Code 11164-11174.3.

SCCOE employees who fail to report such abuse or neglect may be subject to criminal or civil penalties as well as disciplinary action by SCCOE, including dismissal. SCCOE employees who unlawfully disclose information from abuse/neglect reports may be subject to fines and/or imprisonment. (Education Code 44691, 48987; Penal Code 11164 et seq.; Welfare and Institutions Code 15600 et seq.)

Legal Reference:
EDUCATION CODE
32280-32288 Comprehensive school safety plans
33195 Heritage schools, mandated reporters
33308.1 Guidelines on procedure for filing child abuse complaints
44252 Teacher credentialing
44690-44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
51900.6 Sexual abuse and sexual assault awareness and prevention
PENAL CODE
152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174.4 Child Abuse and Neglect Reporting Act
WELFARE AND INSTITUTIONS CODE
15630-15637 Dependent adult abuse reporting
CODE OF REGULATIONS, TITLE 5
4650 Filing complaints with CDE, special education students
COURT DECISIONS
Camreta v. Greene (2011) 131 S.Ct. 2020
Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
Health Framework for California Public Schools, Kindergarten Through Grade Twelve
WEB SITES
California Attorney General's Office, Suspected Child Abuse Form:
California Department of Social Services, Children and Family Services Division:
http://www.childsworld.ca.gov
U.S. Department of Health and Human Services, Child Welfare Information Gateway:
https://www.childwelfare.gov/can

Approved by SCCOE Cabinet on December 1, 2015

By
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County Superintendent of Schools

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SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

SCCOE Superintendent Policy 4141.4 – Child and Dependent Adult Abuse Prevention and Reporting