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Enactment Number	15-0411
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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools. Thriving Students

Memo

To Board of Education

From Jacqueline Minor, General Counsel

Board Meeting Date March 25, 2015

Subject Amendment to Board Policy – BP 5141.4 Child Abuse Prevention and Reporting

Action Requested Approval of updates to the Oakland Unified School District Board Policy BP 5141.4 Child Abuse Prevention and Reporting

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

Recommendation Approval of modification to the Oakland Unified School District Board Policy BP 5141.4 Child Abuse Prevention and Reporting

Fiscal Impact No direct funding implications

Attachments Amendment to Board Policy BP 5141.4 Child Abuse Prevention and Reporting

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5141.4

Child Abuse Prevention And Reporting

The Governing Board ~~recognizes that~~ is committed to supporting the safety and well-being of district ~~has a responsibility to protect~~ students ~~by facilitating~~ and desires to facilitate the ~~prompt~~ prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting of known ~~and/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)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of ~~child abuse and neglect.~~ abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of ~~such incidents~~ known and suspected child abuse and neglect in accordance with law.

(cf. ~~5141.41—Child Abuse Prevention~~4119.21/4219.21/4319.21 - Professional Standards)
(cf. ~~5142—5145.7 - Sexual Harassment~~)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

~~Employees~~District employees who are mandated reporters, as defined by law and ~~district~~ administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. ~~Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.~~

The Superintendent or designee shall provide training regarding the ~~reporting~~ duties of mandated reporters. In addition to the existing authority vested in the Superintendent to implement Board Policies, the Superintendent shall issue appropriate discipline to any employee, who after appropriate notice and opportunity to complete the mandatory training, does not complete the required training described in the Child Abuse and Neglect Reporting Act.

(cf. ~~4131—Staff Development~~)

(cf. ~~4231—Staff Development~~)

(cf. ~~4331—Staff Development~~)

~~In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)~~

~~Parents/guardians may contact the Superintendent or designee to obtain procedures for filing a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school site.~~

(cf. ~~1312.1—Complaints Concerning District Employees~~)

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

44690-44252 Teacher credentialing

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

11164-11174.3 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

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CDE LEGAL ADVISORIES

~~0514.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site~~

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

~~CDE~~California Attorney General's Office, Suspected Child Abuse Report Form:

~~http://www.edeag.ca.gov/childabuse/pdf/ss_8572.pdf~~

~~School/Law Enforcement Partnership~~California Department of Education, Safe Schools:

~~http://www.cde.ca.gov/spbranch/safety/partnership.htmls/ss/ap~~

~~California Attorney General: http://caag.state.ca.us~~

California Department of Social Services, Children and Family Services Division:

http://www.dss.eahwnet.childsworld.ca.gov

~~Governor's Office~~U.S. Department of Criminal Justice Planning: ~~http~~Health and Human

~~Services, Child Welfare Information Gateway: https://www.oepj.eachildwelfare.gov/can~~

| 7/14/04; 3/25/15A (pending Board approval)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5141.4

Child Abuse Prevention And Reporting

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement 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)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

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

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters. In addition to the existing authority vested in the Superintendent to implement Board Policies, the Superintendent shall issue appropriate discipline to any employee, who after appropriate notice and opportunity to complete the mandatory training, does not complete the required training described in the Child Abuse and Neglect Reporting Act.

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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 Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

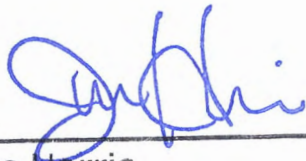
California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

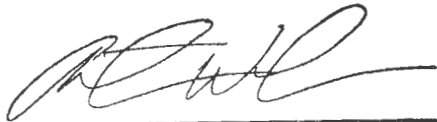
U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

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James Harris
President, Board of Education



Antwan Wilson
Secretary, Board of Education

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