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Union City Area School District

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Act 126 trainings

It has come to our attention from the PA Department of Education Office of Safe Schools that the Act 126 Child Abuse Recognition and Reporter training provided through PITT which we had previously recommended does not contain the mandatory Educator Discipline Act portion of the training.

The Union City Area School District contracts through Safe Schools which provides these components of the Act 126 training, both of which are required for employment in our School District.

If you intend to be employed at our District and have not taken both portions of the Act 126 training in the last five years, you are welcome to take one or both needed trainings through our account once you have been approved by our School Board. Following approval, please contact Ann Sill, Secretary to the Superintendent and School Board, at asill@ucasd.org or by phone at 438-3804, ext. 5454 for instructions on accessing the Act 126 trainings through our Safe Schools account.

Below is the link from the PDE website which shows the PDE-approved providers for Act 126 training and what components they cover.

<http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Act%20126%20-%20Child%20Abuse%20Reporting/Act%20126%20Approved%20Act%2048%20Provider%20Course%20List.pdf>

Additionally, the PA Department of Education also requires that notification be given to all employees of the District's Act 126-related policies. Policy #5800 (Prevention of Child Abuse) and Policy #4203 (Misconduct by Educators) are attached on the following pages.

4203 MISCONDUCT BY EDUCATORS

1. The Board recognizes its responsibility to ensure the safety and welfare of students of the School District, and as a result of that obligation, it develops this policy.

2. Definitions.

Educator – a person who holds a certificate or who is a contracted educational provider staff member.

Certificate – any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued pursuant to the Public School Code of 1949, as amended.

Contracted Educational Provider – an individual or an entity with which a school entity has contracted to provide direct educational services to its students.

Contracted Educational Provider Staff Member – a person who serves in a position for which certification would be required in a public school and is employed by a contracted educational provider or by or in a school entity as an individual contracted educational provider.

Sexual Abuse or Exploitation – as defined in the Child Protective Services Law (23 Pa.C.S. Section 6303).

Sexual Misconduct – any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward 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, the following:

1. Sexual or romantic invitations;
2. Dating or soliciting dates;
3. Engaging in sexualized or romantic dialogue;
4. Making sexually suggestive comments;
5. Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
6. Any sexual, indecent, romantic or erotic contact with the child or student.

Child – an individual who is under the age of eighteen (18) years of age.

Student – an individual enrolled in a public school.

3. The Superintendent or designee shall report all of the following information with the Pennsylvania Department of Education in writing on a form prescribed by the Department:

a. Any educator who has been provided with notice of intent to dismiss or remove for cause, notice of nonrenewal for cause, notice of removal from eligibility lists for cause or notice of a determination not to reemploy for cause. The report shall be filed within fifteen (15) days after notice is provided to the School District.

b. Any educator who has been arrested or indicted or convicted of any crime that is graded a misdemeanor or felony. The report shall be filed within fifteen (15) days of discovery by the School District of the arrest, indictment or conviction.

c. Any educator against whom allegations have been made that the educator has committed sexual abuse or exploitation involving a child or a student or engaged in sexual misconduct with a child or student. The report shall be filed within fifteen (15) days of discovery by the School District of the allegations of misconduct.

d. Information which constitutes reasonable cause to suspect that an educator has caused physical injury to a child or a student as a result of negligence or malice. The report shall be filed within fifteen (15) days of the discovery by the School District of the information.

e. Any educator who has resigned, retired, or otherwise been separated from employment after the School District has received information of alleged misconduct pursuant to the Educator Discipline Act. The report shall be filed within fifteen (15) days from the date of the separation of the educator from employment with the School District, notwithstanding any termination agreement to the contrary that the School District may enter into with the educator.

f. Any educator who is the subject of a report filed by the School District pursuant to the reporting requirements of the Child Protective Services Law. The report shall be filed within fifteen (15) days of the School District's filing of the child protective services report.

g. Any educator who the School District knows to have been named as the perpetrator of an indicated or founded report of child abuse or named as an individual responsible for injury or abuse in an indicated or founded report for a school employee pursuant to the provisions set forth in the Child Protective Services Law. The report shall be filed within fifteen (15) days of the School District's discovery of the child protective services report.

4. An educator who is arrested or indicted for or convicted of any crime enumerated under Section 111(e) and (f.1) of the Public School Code of 1949, as amended shall report

the indictment, arrest or conviction to the School District within seventy-two (72) hours of the indictment or conviction.

5. An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall file a mandatory report with the Pennsylvania Department of Education and shall report such misconduct to the Superintendent and educator's immediate supervisor. The report shall be filed within fifteen (15) days of the discovery of the sexual abuse or exploitation or sexual misconduct.

6. All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information and documentary and physical evidence in the possession or control of the School District relating to the misconduct resulting in the report as well as setting forth the name and contact information for the custodian of the items listed in the inventory. The School District shall provide promptly to the Pennsylvania Department of Education any documents or items requested after the Department reviews the inventory.

7. Upon receipt of notification in writing from the Pennsylvania Department of Education, the School District shall investigate the allegations of misconduct as directed by the Department and may pursue the local disciplinary procedures established by law or by collective bargaining agreement for adjudication of complaints against an educator.

8. Within ninety (90) days of receipt of the written notification from the Pennsylvania Department of Education directing the School District to conduct an investigation, the School District shall inform the Department of the outcome of its investigation and whether it will pursue local employment action. The School District may make a recommendation to the Pennsylvania Department of Education concerning discipline pursuant to the provisions set forth in the Educator Discipline Act. If the School District makes a recommendation concerning discipline, it shall notify the educator of the recommendation.

9. The School District and any official or employee thereof shall cooperate with the Pennsylvania Department of Education during its review, investigation or prosecution and shall promptly provide the Department with any relevant information and documentary and physical evidence that the Department may reasonably request.

10. The School District is prohibited from entering into any agreement with an educator or educator association whereby the School District agrees not to comply with its mandatory reporting duties or other duties as outlined in the Educator Discipline Act.

Adopted: 6/11/15

5800 PREVENTION OF CHILD ABUSE

1. The Board recognizes its responsibility to ensure the safety and welfare of students of the School District, and as a result of that obligation, it develops this policy.

2. Definitions.

Adult – an individual who is eighteen (18) years of age or older.

Child – an individual who is under eighteen (18) years of age.

Child Abuse – intentionally, knowingly or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to a child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

- c. Forcibly shaking a child under one (1) year of age.
- d. Forcibly slapping or otherwise striking a child under one (1) year of age.
- e. Interfering with the breathing of a child.
- f. Causing a child to be present at a location while a methamphetamine laboratory is in operation provided that the violation is being investigated by law enforcement.
- g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - (i) is required to register as a tier ii or tier iii sexual offender where the victim of the sexual offense was under eighteen (18) years of age when the crime was committed.
 - (ii) has been determined to be a sexually violent predator.
 - (iii) has been determined to be a sexually violent delinquent child.

9. Causing the death of a child through any act or failure to act.

Direct Contact with Children - the care, supervision, guidance or control of one or more children or routine interaction with one or more children.

Responsible for the Welfare of One or More Children - an adult providing permanent or temporary care, supervision, training, or control of a child in lieu of parental care, supervision or control, including direct or regular contact with a child or children through any program, activity or service sponsored by the School District or one of its schools.

Perpetrator – a person who has committed child abuse as defined in the Child Protective Services Law.

School Employee – an individual who is employed by the School District. The term excludes an individual who has no direct contact with children.

Sexual Abuse or Exploitation

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:

- a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
2. Any of the following offenses committed against a child:
- a. Rape
 - b. Statutory sexual assault
 - c. Involuntary deviate sexual intercourse
 - d. Sexual assault
 - e. Institutional sexual assault
 - f. Aggravated indecent assault
 - g. Indecent assault
 - h. Indecent exposure
 - i. Incest
 - j. Prostitution
 - k. Sexual abuse
 - l. Unlawful contact with a minor
 - m. Sexual exploitation

Student – an individual enrolled in the School District who is under eighteen (18) years of age.

3. Prior to the School District offering employment to an applicant who will have direct contact with children, the applicant must complete, date, and sign the Commonwealth of Pennsylvania, Sexual Misconduct/Abuse Disclosure Release form. The applicant's completion of this form must be done in accordance with the instructions provided with the form and in accordance with the provisions set forth in Section 111.1 of the Public School Code of 1949, as amended. The School District may not hire an applicant who does not provide the information required on the form for any position involving direct contact with children.

The School District may hire an applicant on a provisional basis for a period not to exceed ninety (90) days pending the School District's review of information and records received provided that all of the following requirements are satisfied:

- a. The applicant has provided all of the information and supporting documentation required by Section 111.1 of the Public School Code of 1949, as amended.
- b. The School District has no knowledge of information pertaining to the applicant, which would disqualify him/her from employment.
- c. The applicant swears or affirms that he/she is not disqualified from employment.
- d. The applicant is not permitted by the School District to work alone with children and is required to work in the immediate vicinity of a permanent employee of the School District.

4. Applicants shall not be employed by the School District in positions involving direct contact with children until the following background check and related documents are submitted to the Office of the Superintendent:

- a. Pennsylvania State Police Criminal History Report.
- b. Pennsylvania Department of Human Services Child Abuse Report.
- c. Federal Criminal History Report.
- d. Arrest/Conviction Report and Certification form (PDE-6004). This form is a written statement that the applicant has never been arrested or convicted of certain crimes specified in Section 111 of the Public School Code of 1949, as amended.

No applicant shall begin work for the School District until he/she has complied with the above mandatory background check requirements and the School District has evaluated the results.

5. If in the future the employee is arrested or convicted for any offense specified in Section 111 of the Public School Code of 1949, as amended or is named as a perpetrator in a founded or indicated report of child abuse, then the employee will provide written notice to the School District within seventy-two (72) hours of such event, which notice will be set forth in the PDE-6004 form.
6. School employees and volunteers shall submit new background checks and clearances every thirty-six (36) months in accordance with the requirements set forth in Section 6344.4 of the Child Protective Services Law.
7. Employees of the School District and employees of independent contractors of the School District, who have direct contact with children, must undergo or have their employees undergo mandatory training on child abuse recognition and reporting in compliance with the requirements set forth in Section 1205.6 of the Public School Code of 1949, as amended.
8. Employees of the School District and independent contractors and their employees shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse in accordance with the provisions set forth in Sections 6311, 6313, and 6305 of the Child Protective Services Law.
9. The School District must cooperate with the Department of Human Services and/or county agencies pertaining to issues involving child abuse or suspected child abuse in compliance with the provisions set forth in Section 6346 of the Child Protective Services Law.

Adopted: 6/11/15