



January 25, 2017

Dear Brothers and Sisters of CASA Local 502:

You are probably aware that in recent months, there has been a noticeable increase in the number of reports of suspected child abuse directly pertaining to school employees. This increase is largely attributable to two recent major pieces of Pennsylvania legislation, Act 31 of 2014 and Act 15 of 2015.

- **Act 31** made changes to the requirements for child abuse training, recognition, and reporting. This is the reason all school district employees are now required to complete an online training module. The module gives an overview of what constitutes child abuse. The module then delves into the legal obligation of mandated reporters.
- **Act 15** made key modifications to the definition of child abuse. The most notable changes are the following:
 - The definition of child abuse has been amended to require that acts or failures to act be committed **intentionally, knowingly or recklessly**.
 - Child abuse has been redefined to:
 - Lower the threshold from serious physical injury to bodily injury which requires impairment of a physical condition or substantial pain rather than severe pain or lasting impairment.
 - Include behaviors that result in exposing children to potentially harmful medical evaluations or treatment such as fabricating, feigning or inducing a medical symptom or disease (Munchausen Syndrome by Proxy).
 - Lower the threshold for serious mental injury to include causing or substantially contributing to the injury through any act or failure to act or series of such acts or failures to act.
 - The former category of imminent risk has been clarified to include:
 - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;
 - Unreasonably restraining or confining a child;
 - Forcefully shaking, slapping or otherwise striking a child under one year of age;
 - Interfering with the breathing of a child.

Implications for School-Based Administrators

Daily, school employees are placed in situations which require physical contact with a child, due to circumstances that place that child or other children/adults in imminent danger. This could be due to students engaged in a fight, a child exhibiting aggressive behavior, or attempting to elope, or exhibiting tantrums and engaging in property destruction. In each instance, the law says we are liable if we fail to act. Therefore, we may physically intervene, or even place a child in a safety hold. Yet, each time we come into physical contact with a child, we are subject to someone deeming that contact excessive or inappropriate. In an increasing number of troubling

cases, the latter has occurred, resulting in a report being filed with Child Protective Services that effectively puts one's career in jeopardy.

How Should We Act?

The District has not provided guidelines regarding how to respond to such situations. As a union, we are aggressively pressing the District for protocols and, where needed, additional training. Until we obtain further clarification, and until we are assured that we will be reasonably protected and supported, please take heed to the following:

- Only come into physical contact with a student when there is no other recourse.
- Physical contact should be of a least invasive nature.
- When it is clear that physical intervention is likely to be required, contact another staff member so that there is more than one adult to assist and/or bear witness.
- Document the incident on an EH-20 (pink slip) and, if warranted, an EH-31 (serious incident report).
- Immediately, or as soon as possible, contact the parent/guardian to give a full account of what transpired.

As your union leadership, it is our fervent commitment to keep you supported and informed. Further, as the body, we must now more than ever come together in unity and support for one another. As we, your union leadership, are pressing for clarity from various entities, we invite you to do the same by soliciting direction and guidance, **in writing**, from your respective assistant superintendents. As always, please do not hesitate to reach out to us, should you have any questions, comments, or concerns.

In Solidarity,



Dr. Robin P. Cooper
President, CASA Local 502