



MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT
1299 Bryant Avenue, Mountain View, CA 94040
Phone: 650-940-4615

HIGH SCHOOL DISTRICT

TO: New School Employees
FROM: LEYLA BENSON
Subject: Child Abuse Reporting Requirements

State law requires that every new school district employee be familiar with the laws relating to child abuse reporting requirements. Such employees must, prior to commencing employment, sign a statement signifying that they have knowledge of the reporting requirements and will comply with them. (Penal Code, 11166.5)

Your employment falls within this requirement. Consequently, please read the enclosed materials which explain your responsibilities regarding reporting any suspected instances of child abuse and the procedures for doing so. After you have done so, sign as indicated on the attached form.

Child abuse is defined as “. . . a physical injury which is inflicted by other than accidental means. . .”, sexual abuse, willful cruelty or unjustifiable punishment, cruel or inhuman corporal punishment or injury, and negligent treatment or maltreatment under circumstances indicating harm or threatened harm to the child’s health or welfare. While the statutory definition of child abuse does not encompass mental or emotional suffering, the reporting laws provide that child care custodians, medical practitioners and any other person required to report child abuse “. . . who has knowledge of or who reasonably suspects that mental being is endangered in any other way...” may report such to a child protective services agency. (Penal Code, 11166, subd. (b).)

A child protective services agency includes any police or sheriff’s department, county probation department or county welfare department. (Penal Code, 11165, subd.(k)).

PENAL CODE SECTION 11166. REPORT; DUTY; TIME

- (a) Except as provided in subdivision (b), any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by information concerning the incident. For the purpose of this article, “reasonable suspicion” means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.
- (b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental-suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.
- (c) Any commercial film or photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative or slide depicting a child under the age of 14 years engaged in an act of sexual conduct, shall report such instance or suspected child abuse to the law enforcement agency having jurisdiction over the case immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative or slide attached within 36 hours of

receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

- (1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
 - (2) Penetration of the vagina or rectum by any object.
 - (3) Masturbation, for the purpose of sexual stimulation of the viewer.
 - (4) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.
 - (5) Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.
- (d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.
- (e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.
- (f) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.
- (g) A county probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.