

# **Urban Pathways K-5 College Charter School**

## **Board of Trustees Policy**

### **School Personnel and One on One Situations**

The Board of Trustees of Urban Pathways K-5 College Charter School (“Charter School or “School”), requires compliance with the following laws in order to guarantee the safe, professional provision of administration, instruction, special education, related services and all other supports and services to students which are necessary in the school setting and at school-sponsored activities. This policy is applicable to Charter School administration, staff, contractors and volunteers when applicable in accordance with 22 Pa. Code § 711.5, 24 P.S. §1-111, 23 Pa. C.S.A. Sec. 6301 et seq., as amended by Act 15 of 2015 and Act 168 of 2014.

#### **One to One Situations in School Setting or at School-Sponsored Activities**

It is the School’s policy that administration, staff, contractors and/or volunteers not be alone with a School student at any time at the school facility during or after the school day and/or at a school-sponsored activity unless provision is made for such a situation through the Student’s Individualized Education Plan (“IEP”) or Section 504 Plan and same has been agreed to by Student’s Parent(s) via a current signed Notice of Recommended Educational Placement. However, it is the practice of the School that such situations be minimized unless necessary to comply with a Student’s IEP or Section 504 Plan in order to provide necessary accommodations, modifications, adaptations or related services such as a student needing to take a test in a classroom by her/himself free of distractions due to a IDEA disability or Section 504 impairment and then the classroom would be unlocked and open to access by all other School administration and staff or a

counselor, or a speech, occupational or physical therapist is providing related services to a student and again, same would be in an unlocked classroom or office and open to access by all other School administration and staff. It is the practice of the School not to have volunteers alone with a student at any time.

The School adheres to the following guidelines to minimize the risk of abuse and/or allegations of abuse:

- Signs of physical affection are to be avoided as these can be misinterpreted and should be limited to handshakes and high-fives with older elementary, middle, and high school students. Younger elementary students may require an administrator, staffperson, contractor or volunteer to take a child's hand to guide them safely in the school facility or at a school-sponsored activity.
- Document any incidents, involving disclosures of actual or possible abuse as these are subject to Mandatory Reporter mandates, as set forth above, or responses to behavioral situations if there was any contact at all between a School administrator, staffperson, contractor or volunteer and a School student.
- Whenever possible during the school day, doors to classrooms, offices and other areas in the School facility are to be left open and always remain unlocked to allow easy access by School administration and staff to ensure Student safety.
- Obtain permission from a School Administrator if there is a need to be alone with a student for any reason unless in the course of implementing a Student's IEP or Section 504 Plan or in the course of a School Counselor, Social Worker or Administrator meeting with a Student due to a confidential matter or need for counseling.

- Any and all gifts from administration, staff, contractors and volunteers to students are prohibited so as not to be misconstrued as attempts to “groom” or gain access to a child by a person intending abuse or other maltreatment of the child. This does not prohibit Students being provided with preferred reinforcers as part of a Positive Behavior Support Plan (“PBSP”) which may require staff or a contractor to provide Student with a treat, time on technology or other preferred object as part of the PBSP to reshape negative student behaviors. This does not prohibit class-wide gifts to students by an administrator, staffperson, contractor or volunteer if permission has been obtained first from the CEO or designee.

Administration shall ensure that staff, contractors and volunteers be made aware of such prohibitions and guidelines on an annual basis at a minimum.

### **Federal and State Clearances**

a) In accordance with 24 P.S. §1-111 for Charter School employees and independent contractors and Act 15 of 2015 for Charter School volunteers, including Board of Trustees, who have “direct contact,” with children at a school, meaning, the care, supervision, guidance, or control of children and routine interaction with children, must have background checks. “Routine interaction” is defined in the Act as “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.”

b) The following clearances are required:

- Report of criminal history from the Pennsylvania State Police; and
- Child Abuse History certification from the Department of Human Services (Child Abuse)

A fingerprint based federal criminal history (FBI) submitted through the Pennsylvania State Police or its authorized agent is **not** required as long as:

(1) the position the being applied for is an unpaid position; and

(2) the employee/contractor/volunteer has been a resident of the Commonwealth of Pennsylvania for the entirety of the previous ten (10) years. Those who are not required to obtain the FBI certification for these reasons must swear or affirm, in writing, that they are not disqualified from service based upon a conviction of an offense under Section 6344 of the Child Protective Services Law.

If an employee/contractor/volunteer has not been a resident of Pennsylvania for the previous ten (10) years, but obtained their FBI certification at any time since establishing residency, s/he must provide a copy of the certification to the Charter School CEO or designee in charge of Human Resources for the School. S/he is not required to obtain any additional FBI certifications.

If an employee/contractor/volunteer has not been a resident of Pennsylvania for the previous ten (10) years, and has not obtained their FBI certification, s/he must obtain that certification.

c) Act 168 of 2014

The Charter School hires employees and independent contractors in accordance with Act 168 of 2014 which provides for a Sexual Misconduct/Abuse Disclosure Release, as developed by the Pennsylvania Department of Education, to be used by school entities to hire employees and independent contractors in a position involving direct contact with children in order to satisfy the Act's requirement of providing information related to abuse or sexual misconduct. Act 168 disclosures are in addition to fulfilling the requirements under section 111 of the School Code and the Child Protective Services Law ("CPSL"). The Charter School may not hire an applicant who does not provide the required information for a position involving direct contact with children.

### **Mandatory Reporting Requirements**

The Charter School Board of Trustees also requires trustees, employees, independent contractors, and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code.

#### a) Reporting Procedures

Trustees, school employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies ([www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis) at the time of the adoption of this policy) or an oral report via the statewide toll-free telephone number (1-800-932-0313 at the time of the adoption of this policy). A person making an initial oral report of suspected child abuse must also submit a written

electronic report within 48 hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the Charter School with a written record of the report. If such automatic written confirmation is not received, then the person reporting the suspected child abuse shall immediately make an oral report via the statewide telephone number.

A trustee, school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the CEO of the Charter School and if the initial report was made electronically, also provide the CEO with a copy of the report confirmation.

When a report of suspected child abuse is made by a trustee, school employee, independent contractor or volunteer as required by law, the Charter School is not required to make more than one report.

If the CEO reasonably suspects that conduct being reported involves an incident required to be reported under the Charter School's Memorandum of Understanding with local law enforcement, the CEO or his or her designee shall inform local law enforcement, in accordance with applicable law, regulations and Board policy.

b) Please refer to the Charter School Mandatory Reporter Policy for further requirements as to definitions, guidelines, investigation and training.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**