

Da Vinci Schools

Board Policy

Child Abuse Prevention and Reporting

Purpose of Policy

The Da Vinci Schools Board of Trustees is committed to supporting the safety, dignity, and well-being of all students. The purpose of this policy is to maintain clear systems for preventing, recognizing, responding to, and promptly reporting known or reasonably suspected child abuse and neglect in accordance with the California Child Abuse and Neglect Reporting Act and all other applicable law. This policy outlines what constitutes child abuse or neglect, who constitutes a mandated reporter, training requirements, reporting procedures, and other related topics.

The Chief Executive Officer/Superintendent or designee is authorized to develop practices and take related actions as necessary and appropriate to implement this policy.

Procedures for child abuse and neglect reporting are included in the Comprehensive School Safety Plan as required by law. Policies/procedures regarding professional boundaries between and among students, employees, adult volunteers, and contractors, appropriate limits on contact, and facilities that address classroom/nonclassroom environments to promote safe environments for learning and engagement, are included in the Policies for Promoting Safe Environments for Student Learning and Engagement as required by law.

Definitions

For purposes of this policy, “child abuse or neglect” includes (Penal Code § 11165.6):

1. A physical injury or death inflicted on a child by another person other than by accidental means;
2. Sexual abuse, including sexual assault or sexual exploitation involving a child (Penal Code § 11165.1);
3. Negligent treatment or maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare (Penal Code § 11165.2);
4. Willful harming or injuring of a child or endangering the person or health of a child (Penal Code § 11165.3);
5. The willful infliction upon a child of cruel or inhuman corporal punishment or an injury resulting in a traumatic condition (Penal Code § 11165.4); and
6. Any other conduct that constitutes reportable child abuse or neglect under applicable law.

“General neglect” means negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred, but the child is at substantial risk of suffering serious physical harm or illness. General neglect does not include a parent’s or guardian’s economic disadvantage. (Penal Code § 11165.2.) Staff shall not treat poverty, housing instability, homelessness, lack of resources, or classification as an unaccompanied youth as, by itself, reportable neglect. Staff shall assess whether the facts create a reasonable suspicion of abuse or neglect under the legal standard.

“Severe neglect” means negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive, and situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that their person or health is endangered as proscribed

by Penal Code section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care. (Penal Code § 11165.2.)

“Child abuse or neglect” does not include, e.g.:

1. A mutual fight between minors (Penal Code § 11165.6);
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of their employment as a peace officer (Penal Code § 11165.6);
3. Homelessness or classification as an unaccompanied minor, by itself;
4. A parent’s or guardian’s economic disadvantage, by itself (Penal Code § 11165.2);
5. Physical pain or discomfort caused by athletic competition or other recreational activity voluntarily engaged in by a student (Education Code § 49001); or
6. Reasonable and necessary force used by a school employee or other authorized person, as permitted by law, to stop a disturbance threatening physical injury or property damage, act in self-defense, obtain possession of weapons or dangerous objects, or exercise the degree of control reasonably necessary to maintain order and protect the health and safety of students (Education Code §§ 44807, 49001).

“Reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based on facts that could cause a reasonable person in a like position, drawing when appropriate on the person’s training and experience, to suspect child abuse or neglect. Reasonable suspicion does not require certainty that child abuse or neglect has occurred and does not require a specific medical indication of abuse or neglect. (Penal Code § 11166.)

Mandated Reporters

Mandated reporters include the following persons (Penal Code § 11165.7):

1. All employees of Da Vinci Schools, including but not limited to:
 - a. Teachers, instructional aides, teacher’s aides, classified employees, certificated employees, administrators, school counselors, pupil personnel employees, and supervisors of child welfare and attendance;
 - b. Athletic coaches, assistant coaches, athletic administrators, and athletic directors;
2. Governing board/body members of Da Vinci Schools;
3. Contractors (e.g., vendors, partner-agency staff, consultants) whose duties require contact with or supervision of students;
4. Volunteers over 18 years of age who interact with students outside the immediate supervision and control of the student’s parent/guardian or a school employee; and
5. Any other person designated as a mandated reporter under Penal Code section 11165.7 or other applicable law.

The absence of training does not excuse a mandated reporter from the legal duty to report known or reasonably suspected child abuse or neglect.

Notifications and Acknowledgment of Reporting Duties

The Chief People Officer or designee shall provide each Da Vinci employee who is a mandated reporter with written notice of the person’s status as a mandated reporter, reporting obligations, and confidentiality rights under applicable law, and the individual shall sign such notice. (Penal Code § 11166.5.)

Employees or other persons who work with dependent adults shall also be notified of legal responsibilities and reporting procedures under applicable dependent adult abuse reporting laws.

Annual Mandated Reporter and Child Abuse Prevention Training

Within the first six weeks of each school year, or within the first six weeks of employment, service, or commencement of covered duties, mandated reporters must undergo requisite training. Da Vinci Schools shall provide required annual training to employees and persons working on its behalf who are mandated reporters.

Training shall include, but is not limited to:

1. Identification of child abuse and neglect;
2. Legal duties for mandated reporters;
3. When and how to make an initial telephone report;
4. How to complete and submit the required written follow-up report;
5. The individual and non-delegable nature of the mandated reporter duty;
6. Confidentiality protections and limitations;
7. Consequences for failure to report;
8. Distinctions between poverty, homelessness, family need, and legally reportable neglect;
9. Prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, by volunteers, or in school-sponsored programs;
10. Recognition of grooming behaviors, boundary violations, and adult misconduct concerns;
11. Appropriate professional boundaries, including one-on-one interactions, electronic communications, transportation, field trips, athletics, internships, partner programs, and other school-sponsored activities; and
12. Procedures for escalating student safety concerns internally without delaying or substituting for a mandated report.

Da Vinci Schools shall use the online training module provided by the California Department of Social Services or an equivalent training module that satisfies applicable law. If Da Vinci Schools uses an alternative training in place of the state-provided module, the Chief Executive Officer/Superintendent or designee shall ensure that any required notification or reporting to the California Department of Education is completed.

Proof of completion of required training shall be requested and maintained by Da Vinci Schools. Contractors may be asked to provide proof of required training upon request by Da Vinci Schools as applicable. Failure to complete training may result in removal from student-contact duties, corrective action, or other appropriate response.

Reportable Concerns

A mandated reporter shall make a report whenever, in the reporter's professional capacity or within the scope of employment or service, the reporter has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code § 11166.)

A mandated reporter may also make a report when the reporter has knowledge of or reasonably suspects that a child is suffering serious emotional damage or is at substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others. (Penal Code § 11166.05.)

Any employee or person working on behalf of Da Vinci Schools who reasonably believes that the person has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a child under age 14 shall notify a peace officer as required by law. (Penal Code § 152.3.)

Reporting Responsibility and Liability

The reporting duties of mandated reporters are individual and cannot be delegated to another person. A mandated reporter shall not rely on a supervisor, administrator, counselor, co-worker, colleague, or other person to make the report on the mandated reporter's behalf.

When two or more mandated reporters jointly have knowledge of a known or reasonably suspected instance of child abuse or neglect, 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 the selected member of the reporting team. Any member who has knowledge that the designated member failed to make the report shall make the report thereafter.

No supervisor, administrator, or other person shall impede, inhibit, discourage, or retaliate against a mandated reporter for making a report. Reporting information internally to a supervisor, administrator, school counselor, co-worker, or other person is not a substitute for making a mandated report to an appropriate agency.

A mandated reporter who files a report of known or suspected child abuse or neglect as required or authorized by law shall not be civilly or criminally liable for making the report. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a false report with reckless disregard of the truth or falsity of the report.

No employee or person working on behalf of Da Vinci Schools shall be subject to discipline or sanction for making a report unless it is determined that the person knowingly made a false report or made a false report with reckless disregard of the truth or falsity of the report.

Reporting Procedures

Reports of suspected child abuse or neglect may be filed with any police department, sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. Reports shall not be made to a school security department in place of a legally authorized agency. (Penal Code § 11165.9.)

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, the mandated reporter shall make an initial report by telephone to an appropriate agency, such as the Los Angeles County Department of Children and Family Services or an appropriate law enforcement agency.

When the initial telephone report is made, the mandated reporter should document the name of the official contacted, the date and time of contact, the referral or incident number if provided, and any instructions or advice received.

2. Written Follow-Up Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send, fax, or electronically submit a written follow-up report to the appropriate agency using the required Department of Justice form or other approved reporting system.

In Los Angeles County, mandated reporters may use the Suspected Child Abuse Report system or other county-approved process, when available. The mandated reporter shall comply with all county requirements for written or electronic submission.

The written report shall include:

1. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter;
2. The information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect; and
3. The source or sources of that information.

The written report shall also include the following, if known:

1. The child's name, address, present location, and, if applicable, school, grade, and class;
2. The names, addresses, and telephone numbers of the child's parents or guardians; and
3. The name, address, telephone number, and other relevant personal information about the person or persons who the mandated reporter knows or reasonably suspects to have abused or neglected the child.

The mandated reporter shall make a report even if some information is unknown or uncertain.

3. Internal Notification

Employees and persons working on behalf of Da Vinci Schools are encouraged, but not required, to notify the principal or designated administrator after making the initial report to the appropriate agency, unless doing so would compromise student safety, interfere with an investigation, or otherwise be inappropriate under the circumstances.

When notified, the principal or designee shall provide assistance necessary to support compliance with law, Board policy, and school procedures. Assistance may include providing reporting forms, contact information, a private place to call, coverage for student supervision, or help submitting the written follow-up report. Such assistance shall not delay the mandated reporter's report and shall not replace the mandated reporter's individual duty.

Parent/Guardian Complaints of Child Abuse Occurring at a School Site

Upon request, the Chief Executive Officer/Superintendent or designee shall provide parents/guardians with information about reporting suspected child abuse or neglect occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, Da Vinci Schools will provide assistance as appropriate so the parent/guardian is able to make the report.

If a parent/guardian makes a complaint about an employee or other person to any employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with an appropriate agency, and is expected to notify the Chief Executive Officer/Superintendent or designee. If the employee receiving the information is a mandated reporter and has knowledge of or reasonably suspects child abuse or neglect, the employee must also make a mandated report.

School-Based Prevention, Supervision, and Boundary Protection

Da Vinci Schools has adopted and maintains procedures designed to prevent abuse, neglect, sexual abuse, grooming, boundary violations, and sex offenses in school settings and school-sponsored programs. As stated above, procedures for child abuse and neglect reporting are included in the Comprehensive School Safety Plan; and policies/procedures regarding professional boundaries between and among students, employees, adult volunteers, and contractors, appropriate limits on contact, and facilities that address classroom/nonclassroom environments to promote safe environments for learning and engagement, are included in the Policies for Promoting Safe Environments for Student Learning and Engagement. Further procedures may be reflected, as appropriate, in the employee handbook, volunteer/contractor expectations, student handbooks, and/or other operational protocols.

Interview of Student by Agency Representative

Whenever a representative of a government agency is investigating suspected child abuse or neglect that occurred within the student's home or out-of-home care facility, the student may be interviewed during school hours on school premises. (Penal Code § 11174.3.)

The student has the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student, as required by law.

A staff member or volunteer aide selected by a student may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform the person that:

1. The purpose of the person's presence is to lend support to the student and help the student be as comfortable as possible;
2. The person shall not participate in the interview;
3. The person shall not discuss the facts or circumstances of the case with the student; and
4. The person is subject to confidentiality requirements under the Child Abuse and Neglect Reporting Act.

If a staff member agrees to be present, the interview shall be held during school hours at a time that does not involve an expense to the school, unless otherwise required by law.

Release of Student to Peace Officer

When a minor student is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the peace officer shall be provided with the address and telephone number of the student's parent/guardian. (Education Code § 48906.)

No employee of Da Vinci Schools shall notify the parent/guardian of the student's release to the peace officer when the minor student is taken into custody as a victim of suspected child abuse or neglect. It is the responsibility of the peace officer to notify the parent/guardian of the situation.

Records, Confidentiality, and Non-Retaliation

Reports of suspected child abuse or neglect, the identity of the reporter, and related information shall be maintained confidentially to the extent required by law. Information shall be shared only with persons or agencies authorized or required by law.

Da Vinci Schools shall maintain records of mandated reporter acknowledgments, required training completion, and related compliance documentation in accordance with applicable law and internal recordkeeping procedures.

Da Vinci Schools prohibits retaliation against any person who, in good faith, reports known or suspected child abuse or neglect, raises a concern about student safety, participates in a school investigation, or supports another person in doing so.

Sexual Abuse and Sex Trafficking Prevention Education

Da Vinci Schools' instructional program may include age-appropriate and culturally responsive instruction related to the prevention of child abuse, sexual abuse, sexual assault, exploitation, and human trafficking. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction where required or permitted by law.

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