

Book	Administrative Guidelines
Section	8000 Operations
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8462 - **CHILD ABUSE OR NEGLECT**

In compliance with Board of Education policy and State statute, Board employees and officials are "mandatory reporters" and required to report to the proper legal authorities (i.e., the public children's services agency or local law enforcement agency) suspected child abuse or neglect. If a Board employee or official chooses to make a report to a school resource officer, the employee or official will also make a report to the public children's services agency or a non-school resource officer member of local law enforcement. A child may suffer from physical abuse and neglect, sexual abuse, and/or emotional maltreatment. Basically, physical abuse is the nonaccidental, physical injury of a child; physical neglect is the failure to provide adequate parental care, support, medical attention, and education for a child; sexual abuse is any indecent sexual activity involving the child; and emotional maltreatment is the failure to provide warmth, attention, supervision, and/or normal living experiences for a child. Child abuse/neglect reporting procedures apply to students under the age of eighteen (18) and students under the age of twenty-one (21) who are physically impaired, developmentally disabled, or intellectually disabled who have been abused (physically or mentally) or neglected or face the threat of being abused or neglected.

The following definitions shall apply:

A. Abused Child

Refers to a child who is a victim of sexual activity; is endangered under criminal law; exhibits evidence of any physical or mental injury or death inflicted by other than accidental means; or because of acts of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare. Abuse can occur at home or away from home, including at school and may be caused by any person including parents, guardians, custodians, school staff, or other adults interacting with the child.

B. Neglected Child

Refers to any child who is abandoned, lacks adequate parental care because of the faults or habits of the child's parent, guardian, or custodian, or meets other criteria established by law.

C. Mental Injury

Refers to any behavioral, cognitive, emotional or mental disorder in a child caused by an act or omission that is described in the statute prohibiting the offense of endangering children and is committed by the parent or other person responsible for the child's care.

D. Adequate Parental Care

Includes adequate food, clothing and shelter to ensure that the child's health and physical safety and specialized services warranted by the child's physical or mental needs.

E. Physically Impaired

Refers to a child having one or more of the following conditions that substantially limit one or more of the child's major life activities (self-care, receptive and expressive language, learning, mobility, and self direction):

1. a substantial impairment of vision, speech or hearing
2. a congenital orthopedic impairment

3. an orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause

In addition, the following may be considered signs of such abuse or neglect and should be reported immediately:

- A. malnutrition and/or basic deprivation
- B. significant history (siblings abused)
- C. direct parental threats or admission of abuse or neglect
- D. symptoms of venereal disease
- E. dental injuries or eye injuries
- F. head injuries
- G. repeated burns or poisoning
- H. scars and bruises in unusual locations (neck, back, buttock, under arms, behind knees, tops and bottoms of feet)
- I. injuries reflecting direct blows or use of instruments

A child who is being abused may also:

- A. be hyperactive;
- B. act fearful of adults;
- C. cling to adults;
- D. be anxious, tense, and nervous.

Procedure for Reporting

All **suspected** cases are to be reported even if documentation is not available. The law provides protection for the reporting staff member who acts in good faith. All staff members who suspect that a child is being, has been, or faces the threat of being abused or neglected must immediately report to the public children's services agency or local law enforcement agency.

While the obligation to report belongs to each individual who suspects child abuse/neglect, there is nothing prohibiting a reporting employee who has notified the principal and the principal from making the oral report jointly to the appropriate agency; however, the coordination of a joint report should not significantly delay or detract from the obligation of each individual to immediately report suspected child abuse/neglect.

Child abuse/neglect reporting procedures should be reviewed with staff members periodically, including the potential criminal penalties for failing to report suspected abuse and/or neglect.

- A. The oral report notifying the children services or law enforcement agency shall occur immediately after the staff member first suspects the abuse or neglect.
- B. In order to facilitate a thorough and effective report, efforts should be made to provide the appropriate agency with any readily available supporting information concerning the incident.

(Under no circumstances should the report be delayed on the basis that any information is not readily available.)

- C. Since it is the responsibility of the social worker and/or law enforcement agency to investigate possible abuse and/or neglect, school personnel should not pressure the child to divulge information regarding any injury or other circumstances surrounding the abuse and/or neglect. The school need not prove that abuse and/or neglect exists before reporting. They need only suspect that abuse and/or neglect has or is currently occurring.
- D. The oral report shall be followed, not more than five (5) days later, by a written report from the staff member, if requested by the social service or law enforcement agency receiving the oral report. The report is to include all information given at the time of the oral report and any other information that is available from the school that may be helpful in the investigation of the report.

INVESTIGATION OF CHILD ABUSE OR NEGLECT

Investigators who seek to interview a student who is a suspected victim of abuse or neglect are subject to the interrogation procedures in Board Policy 5540.

If the interviewer directs that parents are not to be notified, the principal shall record this direction and request the interviewer to sign a written statement that s/he directed the principal to permit the interview without prior notification of the parents. If the interviewer refuses to sign the statement, the principal shall prepare another written statement that the Board has been directed by the agency to make the named student available for interview or interrogation without notice to the parents and request the interviewer to sign this statement. If the interviewer refuses, the principal shall record the time, date, interviewer's name/title/badge number, and that the interviewer refused to sign the statement. The principal shall sign this record and maintain it in the school files.

The principal shall, following the giving of the report to the authorities, make a reasonable number of inquiries as to:

- A. whether the department or board has initiated an investigation of the report;
- B. whether the department or board is continuing to investigate the report;
- C. whether the department or board is otherwise involved with the child who is the subject of the report;
- D. the general status of the health and safety of the child who is the subject of the report;
- E. whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

It is understood that the department or board investigating the report has a duty to provide written notice to the Superintendent or other designated administrator of the allegations contained in and the person named as the alleged perpetrator in the report, unless the Superintendent or administrator is named as the alleged perpetrator in the report. Also, the department or board investigating the report must provide written notice of the disposition of the investigation to the Superintendent or other designated administrator, not later than three (3) days after the conclusion of the investigation.

Suspected Abuse/Neglect by Parents

Parents who are abusing their child may:

- A. be reluctant to give information;
- B. describe a story that doesn't fit the injury;
- C. have an inappropriate reaction to the severity of injury;
- D. express unreasonable expectations for the child's performance;
- E. claim conditions that do not exist, e.g.
"S/He bruises easily."
"S/He moves constantly." (Child sits quietly.)
- F. indicate family problems such as marital discord, crowding, financial stress, psychological disorders, intellectual disabilities, alcohol or drug addiction, etc.

When it is necessary to deal with parents who are suspected of child abuse, the staff member should try to be sympathetic and communicate a readiness to help. Parents are often beset by serious personal problems and possibly were themselves abused or neglected as children.

Suspected Abuse by Staff Members

If a staff member is suspected of abuse, his/her supervisor should be notified immediately and the matter kept in strict confidence by the reporting person. The supervisor shall follow the Board's due-process procedures for investigating and addressing an employee's actual or alleged violation of any law or Board policy. This procedure does not negate the requirement for the reporting person to report the suspected abuse to the proper agency. While the obligation to report belongs to each individual who suspects child abuse/neglect, there is nothing prohibiting the reporting employee and the supervisor from making the oral report jointly to the appropriate agency; however, the coordination of a joint report should not delay the report of suspected child abuse/neglect.