

Reports of Suspected Abuse or Neglect of Children or Reports of Sexual Assault of Students by School Employees

Connecticut General Statutes Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe 1) that any child under eighteen (18) has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or 2) that any person who is being educated by a local board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Board of Education (Board) to require **ALL EMPLOYEES** of the Board to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

A. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee but to **ALL EMPLOYEES** of the Board.

B. Definitions

For the purposes of this policy:

"Abused" means that a child a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or b) has injuries which are at variance with the history given of them or c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child a) has been abandoned, or b) is being denied proper care and attention, physically, educationally, emotionally or morally, or c) is being permitted to live under conditions, circumstances, or associations injurious to his well-being, or d) has been abused.

"School employee" means a) a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, paraprofessional or coach employed by the Board or who is working in the school, or b) any other person who, in the performance of his/her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Bethany Public School District (District), pursuant to a contract with the Board.

"Sexual assault" means for the purposes of mandatory reporting laws and this Regulation; a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this Regulation for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this Regulation.

"Statutorily mandated reporter" means an individual required by Connecticut General Statutes Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutorily mandated reporter" includes all school employees as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen (18) years of age or older.

C. What Must Be Reported

1. A report must be made when any mandated reporter of the Board, in the ordinary course of such person's employment or profession has reasonable cause to suspect or to believe that a child under the age of eighteen (18) years:
 - a. has been abused or neglected;
 - b. has had nonaccidental physical injury or injury which is at variance with the history given for such injury, inflicted upon him/her;
 - c. has been placed at imminent risk of serious harm.

2. A report must be made when any employee of the Board in the ordinary course of such person's employment or profession, has reasonable cause to suspect or believe that any person, regardless of age, is a victim of the following sexual assault crime, and the perpetrator is a school employee (see Appendix A for definitions):
 - a. sexual assault in the first degree;
 - b. aggravated sexual assault in the first degree;
 - c. sexual assault in the second degree;
 - d. sexual assault in the third degree;
 - e. sexual assault in the third degree with a firearm; or
 - f. sexual assault in the fourth degree.

Please see Appendix A of this Regulation for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this Regulation.

3. The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

D. Reporting Procedures for Statutorily Mandated Reporters

The following procedures apply only to statutorily mandated reporters, as defined above.

1. When an employee of the Board who is a statutorily mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph B. above, the following steps shall be taken:
 - a. The employee shall make an oral or electronic report as soon as practicable, but not later than **twelve (12) hours** after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee.
 - i. An oral report shall be made by telephone or in person to the Commissioner of the Department of Children and Families (DCF) or the local law enforcement agency. The DCF has established a twenty-four (24) hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.

- ii. An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.
- b. The employee shall also make an oral report as soon as practicable to the Principal or his/her designee, and/or the Superintendent or his/her designee. If the Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or his/her designee directly.
- c. In cases involving suspected or believed abuse or neglect or sexual assault of a student by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent/guardian that such a report has been made.
- d. Not later than forty-eight (48) hours after making an oral report, the employee shall submit a written or electronic report to the Commissioner of DCF or his/her representative, containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commission or designee.
- e. The employee shall immediately submit a copy of the written or electronic report to the Principal or his/her designee and to the Superintendent or his/her designee.
- f. If a report concerns suspected abuse, neglect, or sexual assault of a student by a school employee holding a certificate, authorization, or permit issued by the State Department of Education, the Commissioner of DCF of designee shall submit a copy of the written or electronic report to the Commissioner of Education or his/her designee.

E. Contents of Reports

Any report made pursuant to this policy shall contain the following information if known:

1. the names and addresses of the child and his/her parents or other person responsible for his/her care;
2. the age of the child;
3. the gender of the child;
4. the nature and extent of the child's injury or injuries, maltreatment or neglect;
5. the approximate date and time the injury or injuries, maltreatment, or neglect occurred;
6. information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;

7. the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
8. the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
9. the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
10. any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment, or neglect of a child; and
11. whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

For purposes of this section, the term child includes any victim under eighteen (18) years of age educated in the school.

F. Investigation of the Report

1. The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse, neglect, or sexual assault if/when such report involves an employee of the Board or other individual under the control of the Board, provided the procedures in subparagraph 2 below are followed. In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.
2. Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student's sexual assault by a school employee, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of DCF or the appropriate local law enforcement agency. The Superintendent shall conduct the District's investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of DCF or the appropriate local law enforcement agency that the District's investigation will not interfere with the investigation of the Commissioner of DCF or local law enforcement agency.
3. The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
4. Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.

5. When the District is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent's investigation shall include an opportunity for the individual suspected of abuse or neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.

G. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

1. If, upon completion of the investigation by the Commissioner of DCF, the Superintendent has received a report from the Commissioner of DCF that he/she has reasonable cause to believe that:
 - a. a child has been abused or neglected by a school employee, as defined above, and the Commissioner of DCF has recommended that such employee be placed on the DCF Child Abuse and Neglect Registry, or
 - b. a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notifies the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
2. Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization if any.
3. The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board acts pursuant to the provisions of Connecticut General Statutes § 10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.

4. The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
5. Regardless of the outcome of any investigation by the Commissioner of DCF and/or a law enforcement agency, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.
6. The District shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to this policy and Connecticut General Statutes § 17a-101i if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in this policy.

H. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of the Board of Education

If the investigation by the Superintendent and/or Commissioner of DCF produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District.

I. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification or investigating reports pursuant to this policy.

J. Confidential Rapid Response Team

The Superintendent shall establish a Confidential Rapid Response Team to coordinate with DCF to:

1. ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th-degree sexual assault; 1st degree aggravated sexual assault; or 3rd-degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and
2. provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The Confidential Rapid Response Team consists of a teacher, the Superintendent, a local police officer, and any other person the Board, acting through its Superintendent, deems appropriate.

K. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

The District shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting when an allegation of abuse or neglect or sexual assault has been substantiated.

L. Non-Discrimination Policy/Prohibition Against Retaliation

The Board expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy, administrative regulation, or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

M. Distribution of Policy and Posting of Careline Information

This policy shall be distributed annually to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required below. The Board shall post the Internet website address and telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous location frequented by students in the school.

N. Training

1. All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of DCF.
2. All District employees, as defined above, must take a refresher training course developed and approved by the Commissioner of DCF at least once every three (3) years.
3. The Superintendent or his/her designee shall annually certify that each school employee, as defined above, working at the school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

O. Records

1. The Superintendent shall maintain in a central location all records of allegations, investigations, and reports that a child has been abused or neglected by a school employee employed by the Board or that a student has been a victim of sexual assault by a school employee employed by the Board, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to the Department of DCF. The State Department of Education shall have access to such records upon request.

2. Notwithstanding the provisions of Connecticut General Statutes § 10-151c, the Board shall provide the Commissioner of DCF, upon request and for the purposes of an investigation by the Commissioner of DCF of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character, and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

P. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and administrative regulations reporting procedure in connection with the implementation of its sexual assault and abuse prevention and awareness program. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator in addition to complying with his/her obligations under this Policy and the law regarding mandatory reporting of abuse, neglect, and sexual assault.

Legal References: Connecticut General Statutes § 10-151
 Connecticut General Statutes § 10-221s
 Connecticut General Statutes § 17a-101 et seq.
 Connecticut General Statutes § 17a-101q
 Connecticut General Statutes § 17a-103
 Connecticut General Statutes § 46b-120
 Connecticut General Statutes § 53a-65

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Source: Shipman

Relevant Excerpts of Statutory Definitions of Sexual Assault and Related Terms Covered by Mandatory Reporting Laws and this Regulation

An employee of the Board must make a report in accordance with this Regulation when the employee of the Board in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this Regulation.

Intimate Parts (C.G.S. § 53a-65)

Intimate Parts means the genital area or any substance emitted therefrom groin, anus, or any substance emitted therefrom inner thighs, buttocks, or breasts.

Sexual Intercourse (C.G.S. § 53a-65)

Sexual intercourse means vaginal intercourse, anal intercourse, fellatio, or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse, or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

Sexual Contact (C.G.S. § 53a-65)

Sexual contact means any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

Sexual Assault in the First Degree (C.G.S. § 53a-70)

A person is guilty of sexual assault in the first degree when such person 1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or 2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or 3) commits sexual assault in the second degree as provided in Section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or 4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

5141.4 (Appendix A-2)

Aggravated Sexual Assault in the First Degree (C.G.S. § 53a-70a)

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense 1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, 2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, 3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim and thereby causes serious physical injury to such victim, or 4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

Sexual Assault in the Second Degree (C.G.S. § 53a-71)

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: 1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or 2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or 3) such other person is physically helpless; or 4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or 5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or 6) the actor is a psychotherapist and such other person is A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or 7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or 8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or 9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or B) is under eighteen years of age; or 10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or 11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Sexual Assault in the Third Degree (C.G.S. § 53a-72a)

A person is guilty of sexual assault in the third degree when such person 1) compels another person to submit to sexual contact A) by the use of force against such other person or a third person, or B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or 2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or 3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in Section 46b-21.

5141.4 (Appendix A-3)

Sexual Assault in the Third Degree with a Firearm (C.G.S. § 53a-72b)

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in Section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

Sexual Assault in the Fourth Degree (C.G.S. § 53a-73a)

A person is guilty of sexual assault in the fourth degree when: 1) Such person subjects another person to sexual contact who is A) under thirteen years of age and the actor is more than two years older than such other person, or B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or C) physically helpless, or D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or 2) such person subjects another person to sexual contact without such other person's consent; or 3) such person engages in sexual contact with an animal or dead body; or 4) such person is a psychotherapist and subjects another person to sexual contact who is A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or 5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or 6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or 7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or B) is under eighteen years of age; or 8) such person subjects another person to sexual contact and A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and B) such other person is under eighteen years of age; or 9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Approved: February 13, 2019

Revised: April 7, 2021

Source: Shipman

Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect, and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut DCF.

For the purposes of these operational definitions:

- A person responsible for a child's health, welfare, or care means:
 - the child's parent/guardian, foster parent, an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child daycare, family daycare, or group daycare.
- A person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare, or care or by a person entrusted with the care of a child.
- A person entrusted with the care of a child is a person who is given access to a child by a person responsible for the health, welfare, or care of a child for the purpose of providing education, childcare, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined in this policy above may be classified as a victim of child abuse and/or neglect; only a "person responsible," "person given access," or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
 - While only a child under eighteen (18) may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an employee of the Board in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, as set forth in this policy, and the perpetrator is a school employee.

Physical Abuse

A child may be found to have been physically abused who:

- has been inflicted with physical injury or injuries other than by accidental means;
- is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; and/or
- has injuries at variance with the history given of them.

5141.4 (Appendix B-2)

Evidence of physical abuse includes but is not limited to the following:

- excessive physical punishment;
- bruises, scratches, lacerations;
- burns, and/or scalds;
- reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.;
- injuries to bone, muscle, cartilage, ligaments: fractures, dislocations, sprains, strains, displacements, hematomas, etc.;
- head injuries;
- internal injuries;
- death;
- misuse of medical treatments or therapies;
- malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion;
- deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child; and/or
- cruel punishment.

Sexual Abuse/Exploitation Sexual Abuse/Exploitation

Sexual Abuse/Exploitation is any incident involving a child's non-accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

- rape;
- penetration: digital, penile, or foreign objects;
- oral / genital contact;
- indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking, or exerting control over the victim;
- incest;
- fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking, or exerting control over the victim;
- sexual exploitation, including possession, manufacture, or distribution of child pornography. online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website;
- coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior;
- disease or condition that arises from sexual transmission; and/or
- other verbal, written, or physical behavior not overtly sexual but likely designed to "groom" a child for future sexual abuse;

Legal Reference: Federal Law 18 U.S.C. 2251 Sexual Exploitation of Children.

Emotional Maltreatment-Abuse

Emotional Maltreatment-Abuse is an:

- act(s), statement(s), or threat(s), which
 - has had, or is likely to have an adverse impact on the child; and/or
 - interferes with a child’s positive emotional development.

Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:

- rejecting;
- degrading;
- isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or
- exposing the child to brutal or intimidating acts or statements.

Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:

- depression;
- withdrawal;
- low self-esteem;
- anxiety;
- fear;
- aggression/ passivity;
- emotional instability;
- sleep disturbances;
- somatic complaints with no medical basis;
- inappropriate behavior for age or development;
- suicidal ideations or attempts;
- extreme dependence;
- academic regression; and/or
- and/or trust issues.

Physical Neglect

A child may be found neglected who:

- has been abandoned;
- is being denied proper care and attention physically, educationally, emotionally, or morally;
- is being permitted to live under conditions, circumstances, or associations injurious to his well-being; and/or
- has been abused.

Evidence of physical neglect includes, but is not limited to:

- inadequate food;
- malnutrition;
- inadequate clothing;
- inadequate housing or shelter;
- erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;
- permitting the child to live under conditions, circumstances, or associations injurious to his well-being including, but not limited to, the following:
 - substance abuse by caregiver, which adversely impacts the child physically;
 - substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs;
 - psychiatric problem of the caregiver which adversely impacts the child physically;
 - exposure to family violence which adversely impacts the child physically.
 - exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety;
 - non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances;
 - voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care; e.g. persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes; persons appearing on the Central Registry;
 - non-accidental or negligent exposure to pornography or sexual acts;
 - inability to consistently provide the minimum of child-caring tasks;
 - inability to provide or maintain a safe living environment.
 - action/inaction resulting in death;
 - abandonment;
 - action/inaction resulting in the child's failure to thrive;
 - transience;
 - inadequate supervision: creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities;
 - holding the child responsible for the care of siblings or others beyond the child's ability; and/or
 - failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

Note:

- Inadequate food, clothing, or shelter, or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.
- Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability, and developmental level.
- Adverse impact may not be required if the action/inaction is a single incident that demonstrates a serious disregard for the child's welfare.

Medical Neglect

Medical Neglect is the unreasonable delay, refusal, or failure on the part of the person responsible for the child's health, welfare, or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

Evidence of medical neglect includes, but is not limited to:

- frequently missed appointments, therapies, or other necessary medical and/or mental health treatments;
- withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions; and/or
- withholding medically indicated treatment from disabled infants with life-threatening conditions.

Note: Failure to provide the child with immunizations or routine well-child care in and of itself does not constitute medical neglect.

Educational Neglect

Except as noted below, **Educational Neglect** occurs when a school-aged child has excessive absences from school through the intent or neglect of the parent or caregiver.

Definitions:

School-Aged Child: Except as noted below, a school-aged child is a child five (5) years of age and older and under eighteen (18) years of age who is not a high school graduate. **Note:** Excessive absenteeism and school avoidance may be presenting symptoms of a failure to meet the physical, emotional, or medical needs of a child. Careline staff shall consider these potential additional allegations at the time of referral.

Criteria:

- For children school-aged to age twelve (12), excessive absenteeism may be indicative of the parent's or caregiver's failure to meet the educational needs of a student.
- For children older than age twelve (12), excessive absenteeism, coupled with a failure by the parent or caregiver to engage in efforts to improve the child's attendance, may be indicative of educational neglect.
- For children older than age twelve (12), excessive absenteeism through the child's own intent, despite the parent's or caregiver's efforts, is not educational neglect. Rather, this is truancy, which is handled through the District.

5141.4 (Appendix B-6)

Child's Characteristics: In determining the criteria for excessive absenteeism, the following characteristics of the child shall be considered by the social worker:

- age;
- health;
- level of functioning;
- academic standing; and
- dependency on parent or caregiver.

Parent or Caregiver's Characteristics: In determining the criteria for excessive absenteeism, the following characteristics of the parent or caregiver shall be considered by the social worker:

- rationale provided for the absences;
- efforts to communicate and engage with the educational provider; and
- failure to enroll a school-aged child in appropriate educational programming (including homeschooling).

Exceptions (in accordance with Connecticut General Statutes § 10-184):

1. A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the School or District office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.
2. A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the School or District office and sign a withdrawal form.

Note: Failure to sign a registration option form for such child is not in and of itself educational neglect.

Emotional Neglect

Emotional Neglect is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare, or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

Note: Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability, and developmental level. Adverse impact is not required if the action/inaction is a single incident which demonstrates a serious disregard for the child's welfare.

Note: The adverse impact may result from a single event and/or from a consistent pattern of behavior and may be currently observed or predicted as supported by evidence-based practice.

5141.4 (Appendix B-7)

Evidence of emotional neglect includes, but is not limited to, the following:

- inappropriate expectations of the child given the child's developmental level;
- failure to provide the child with appropriate support, attention, and affection;
- permitting the child to live under conditions, circumstances, or associations; injurious to his well-being including, but not limited to, the following:
 - substance abuse by caregiver, which adversely impacts the child emotionally;
 - psychiatric problem of the caregiver, which adversely impacts the child emotionally; and/or
 - exposure to family violence which adversely impacts the child emotionally.

Indicators may include, but are not limited to, the following:

- depression;
- withdrawal;
- low self-esteem;
- anxiety;
- fear;
- aggression/passivity;
- emotional instability;
- sleep disturbances;
- somatic complaints with no medical basis;
- inappropriate behavior for age or development;
- suicidal ideations or attempts;
- extreme dependence;
- academic regression; and/or
- trust issues.

Moral Neglect

Moral Neglect: Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare, or care or person given access or person entrusted with the child's care.

Evidence of Moral Neglect includes but is not limited to:

- stealing;
- using drugs and/or alcohol; and/or
- involving a child in the commission of a crime, directly or by caregiver indifference.

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Revised: April 7, 2021

Source: Shipman

INDICATORS OF CHILD ABUSE AND NEGLECT

INDICATORS OF PHYSICAL ABUSE

Historical

- Delay in seeking appropriate care after injury
- No witnesses
- Inconsistent or changing descriptions of accident by child and/or parent
- Child's developmental level inconsistent with history
- History of prior "accidents"
- Absence of parental concern
- Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent or caregiver
- Unexplained school absenteeism
- History of precipitating crisis

Physical

- Soft tissue injuries on face, lips, mouth, back, buttocks, thighs, or large areas of the torso
- Clusters of skin lesions; regular patterns consistent with an implement
- Shape of lesions inconsistent with accidental bruise
- Bruises/welts in various stages of healing
- Burn pattern consistent with an implement on soles, palms, back, buttocks, and genitalia; symmetrical and/or sharply demarcated edges
- Fractures/dislocations inconsistent with history
- Laceration of mouth, lips, gums, or eyes
- Bald patches on scalp
- Abdominal swelling or vomiting
- Adult-size human bite mark(s)
- Fading cutaneous lesions noted after weekends or absences
- Rope marks

Behavioral

- Wary of physical contact with adults
- Affection inappropriate for age
- Extremes in behavior, aggressiveness/withdrawal
- Expresses fear of parents
- Reports injury by parent

- Reluctance to go home
- Feels responsible (punishment "deserved")
- Poor self-esteem
- Clothing covers arms and legs even in hot weather

INDICATORS OF SEXUAL ABUSE

Historical

- Vague somatic complaint
- Excessive school absences
- Inadequate supervision at home
- History of urinary tract infection or vaginitis
- Complaint of pain; genital, anal, or lower back/abdominal
- Complaint of genital itching
- Any disclosure of sexual activity, even if contradictory

Physical

- Discomfort in walking, sitting
- Evidence of trauma or lesions in and around mouth
- Vaginal discharge/vaginitis
- Vaginal or rectal bleeding
- Bruises, swelling, or lacerations around genitalia, inner thighs
- Dysuria
- Vulvitis
- Any other signs or symptoms of sexually transmitted disease
- Pregnancy

Behavioral

- Low self-esteem
- Change in eating pattern
- Unusual new fears
- Regressive behaviors
- Personality changes (hostile/aggressive or extreme compliance)
- Depression
- Decline in school achievement
- Social withdrawal or poor peer relationships
- Indicates sophisticated or unusual sexual knowledge for age

- Seductive behavior, promiscuity, or prostitution
- Substance abuse
- Suicide ideation or attempt
- Runaway

INDICATORS OF EMOTIONAL ABUSE

Historical

- Parent ignores/isolates/belittles/rejects/scapegoats child
- Parent's expectations inappropriate to child's development
- Prior episode(s) of physical abuse
- Parent perceives child as "different"

Physical

- (Frequently none)
- Failure to thrive
- Speech disorder
- Lag in physical development
- Signs/symptoms of physical abuse

Behavioral

- Poor self-esteem
- Regressive behavior (sucking, rocking, enuresis)
- Sleep disorders
- Adult behaviors (parenting sibling)
- Antisocial behavior
- Emotional or cognitive-developmental delay
- Extremes in behavior - overly aggressive/compliant
- Depression
- Suicide ideation/attempt

INDICATORS OF PHYSICAL NEGLECT

Historical

- High rate of school absenteeism
- Frequent visits to the school nurse with nonspecific complaints
- Inadequate supervision, especially for long periods and for dangerous activities
- Child frequently unattended; locked out of the house

5141.4 (Appendix C-4)

- Parental inattention to recommended medical care
- No food intake for 24 hours
- Home substandard (no windows, doors, heat), dirty, infested, obvious hazards
- Family members addicted to drugs/alcohol

Physical

- Hunger, dehydration
- Poor personal hygiene, unkempt, dirty
- Dental cavities/poor oral hygiene
- Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day
- Constant fatigue or listlessness
- Unattended physical or health care needs
- Infestations
- Multiple skin lesions/sores from infection

Behavioral

- Comes to school early, leaves late
- Frequent sleeping in class
- Begging for/stealing food
- Adult behavior/maturity (parenting siblings)
- Delinquent behaviors
- Drug/alcohol use/abuse

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Source: Shipman

BETHANY PUBLIC SCHOOL DISTRICT CHILD ABUSE/NEGLECT PROTOCOL

This checklist should be used as a guide. Order may need to be modified depending on the situation.	Date Completed
<p>1. Suspect child abuse and/or neglect? MAKE DCF referral call CARELINE 1-800-842-2288 WITHIN 12 HOURS. Note: Did the student report sexual assault? DO NOT INTERVIEW THE STUDENT. NOTIFY DCF AND POLICE DEPARTMENT.</p>	
2. Assess the physical harm of the student.	
3. Contact parent/guardian, when appropriate. If the alleged perpetrator is a school employee, notify the parent/guardian immediately.	
4. Review the need to create a student safety plan (separating child from adult).	
5. Determine if police involvement is necessary. If yes, call local Police Department.	
6. Notify and brief Supervisor .	
<p>7. Complete DCF-136 Form and fax to the responsible DCF Office. File within 48 hours of initial report.</p> <p>Note: If the MANDATED REPORTER IS A SCHOOL EMPLOYEE, then a copy of the report must be sent to the Principal (who, in turn, will send a copy to the Superintendent).</p>	
8. Contact Human Resources, Sue Carpenter (203) 393-1170 x101, scarpenter@bethany-ed.org .	
<p>9. Paid Administrative Leave</p> <p>The decision of whether to place the employee on paid administrative leave will be determined by the Superintendent. If the allegation relates to physical or sexual abuse or any other behavior that is seriously disruptive to the educational/work environment or otherwise compromises student or staff safety, the employee shall immediately be placed on paid administrative leave pending the outcome of the investigation into his or her behavior. Prior to sending the employee home, procure a full statement related to the incident, collect keys, and electronic devices, and advise the individual that they are not to come on school grounds or District property unless required by Human Resources (HR).</p> <p>All such incidents must be immediately reported to Superintendent for further instruction. A follow-up letter will be sent from HR to the employee stating that he or she must be available during work hours if called upon by the District. All materials related to the matter must be forwarded to the Superintendent for further investigation.</p> <p>Note: Please contact Supervisor to discuss a plan to cover the position during the leave of absence.</p>	
10. After filing Form 136, check to see if DCF accepted the case by calling the Careline (if not already notified).	
DETERMINE IF INCIDENT REQUIRES FURTHER INVESTIGATIONS	
A. Were the employee's actions a failure to meet District standards for professional conduct?	
B. Did the incident include a report of Suicide Ideation?	
Did the incident involve the Harassment of an employee and/or student?	
Are there Title IX implications (i.e., sexual harassment)?	
Were there any Restraints and/or Seclusions during the incident?	
Did the incident involve any issues of student Bullying?	
Did the incident involve criminal elements?	