

# Davis School District Policy and Procedures

Subject: 5S-402 Mandatory Child Abuse Reporting ~~by Education Personnel and Training~~

Index: Student Services – *Student Safety and Welfare*

Revised DRAFT: ~~September 5, 2017~~ May 13, 2021 (HB218)

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## 1. PURPOSE AND PHILOSOPHY

School personnel have a responsibility to report suspected abuse or neglect of a child. The Board of Education of Davis School District (Board) adopted this policy to provide clear understanding and direction to school personnel in regard to universal, effective, and sensitive handling of child abuse referrals.

## 2. POLICY

Utah law requires that whenever any person, including any school employee, has reason to believe that a child is, or has been, the subjected ~~to of~~ incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services (DCFS).

## 3. CHILD ABUSE REPORTING PROTOCOL

~~3.1. The Director of Student and Family Resources shall distribute annually to all school employees copies of the District's procedures for reporting suspected child abuse or neglect and the District's Child Abuse Neglect Reporting Form.~~

### 3.1. Mandatory Reporting

#### 3.1.1. Verbal Report

~~If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the school employee reporting the abuse/neglect with a written report to follow within 24 hours.~~ Whenever any District employee has reason to suspect that a child may have been subjected to abuse or neglect, a report will be made immediately by the employee to a law enforcement officer or the Division of Child and Family Services.

[a] The principal should be notified of any child abuse report made to law enforcement or to DCFS.

~~3.2-[b] A report to a principal, supervisor, school nurse, school counselor, social worker, psychologist, or other District staff does not satisfy the employee's personal duty to report to law enforcement or DCFS.~~

[c] When making the ~~oral-verbal~~ report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

#### 3.1.2. Written Report

~~3.2.1-[a] A written report (Youth Concern Report) shall be completed by the reporting employee within 24 hours of the verbal report.~~

~~3.2.2-[b] A copy of the written report shall be put in a Child Abuse Neglect file at given to the District's Student and Family Resources Department and another copy shall be maintained by the principal placed in a separate file to be maintained by the principal, for all reported cases of suspected child abuse or neglect.~~

[c] The ~~Child Abuse Neglect Reporting Youth Concern Report~~ form shall not be placed in the student's personal education file.

#### 3.1.3. Additional Duty

[a] In addition to the duty to report, outlined above, an employee who has

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reasonable cause to believe that a student may have been physically or sexually abused by a school employee, volunteer, or contractor, shall immediately report the belief and all other relevant information to the principal.

[b] A principal who has received a report, or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school employee, volunteer, or contractor, shall immediately report that information to the Human Resources Director (Director).

3-2-3-[c] If the individual suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education (USBE), the Director or his/her designee shall immediately report that information to the Utah Professional Practices Advisory Commission (UPPAC).

### 3.2. Investigations – Limited Role of School Personnel

#### 3.2.1.

~~3.3.~~ It is not the responsibility of principals or other school employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection. Investigations are the responsibility of law enforcement and social services agencies.

~~3.3.1. Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.~~

3.2.2. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional school employees may (but are not required to) gather information only to the extent necessary to ~~determine whether a reportable circumstance exists~~ support a reasonable belief that a reportable problem exists.

3.2.3. School employees will not contact the child's parents, relatives, friends, neighbors, or others for the purpose of discussing a report to DCFS or to attempt to determine circumstances or causes of apparent abuse or neglect.

3.2.4. School employees are directed not to contact parents or otherwise give them notice of an investigation. Parent notification of an investigation is the responsibility of law enforcement or DCFS. Parents who make inquiries to school personnel about a report or an investigation should be directed to DCFS.

### 3.3. Cooperation with Law Enforcement and Social Services

#### ~~3.3.2.—~~

~~3.3.3.—Interviews with the child or suspected abuser shall not be conducted by administrators or school District employees.~~

~~3.3.4.—Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.~~

~~3.3.5.—Principals, school District employees, DCFS, and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.~~

~~3.3.6.—Investigations are the responsibility of DCFS.~~

~~[a]—Principals or other school District employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect~~

School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, including:

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- 3.3.1. (i) —allowing appropriate access to students;
  - 3.3.2. allowing authorized agency employees to interview a child-student consistent with the investigating agency’s protocols; and
  - [b] —3.3.3
  - (ii), —assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

#### 3.4. Confidentiality

Principals, school District employees, DCFS, and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

#### 3.5. Immunity from Liability

Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions.

#### 3.6. Failure to Report

- 3.6.1. An individual is guilty of a class B misdemeanor if the individual willfully fails to report the suspected abuse or neglect.
- 3.6.2. If DCFS has substantial grounds to believe that an educator (as defined in Utah Code §53E-6-102) has knowingly failed to report suspected abuse or neglect, DCFS shall file a complaint with the Utah State Board of Education.

### 4. TRAINING

#### 4.1. Child Abuse Reporting Training

The Director of Student and Family Resources shall distribute annually to all school employees copies of the District's procedures for reporting suspected child abuse or neglect, Child Abuse Prevention Training Handbook, and the Youth Concern Report.

#### 4.2. Child Sexual Abuse Prevention Training

Every other year, elementary and secondary school employees shall complete the USBE approved training and instruction on child sexual abuse and human trafficking prevention and awareness on:

- 4.2.1. responding to a disclosure of child sexual abuse in a supportive, appropriate manner;
- 4.2.2. identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and
- 4.2.3. the mandatory reporting requirements described in this policy.

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## **DEFINITIONS**

**“Abuse”** the policy uses the definition of abuse found in [Utah Code Ann. §78A-6-105\(1\)](#).

**“Neglect”** this policy uses the definition of neglect found in [Utah Code Ann. §78A-6-105\(35\)](#).

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## **REFERENCES**

[Utah Code Ann. §53E-6-102 – Education Professional Licensure – Definitions.](#)

[Utah Code Ann. §53E-6-701](#) – Mandatory reporting of physical or sexual abuse of students.

[Utah Code Ann. §53G-9-207 – Child sexual abuse prevention.](#)

[Utah Code Ann. §62A-4a-403](#) – Reporting requirements.

[Utah Code Ann. §62A-41-411 – Failure to report.](#)

[Utah Administrative Code R277-401](#) – Child Abuse-Neglect Reporting by Education Personnel.

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## **RESOURCES**

[Child Abuse Prevention Training Handbook](#)

[Youth Concern Reporting Form](#)

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## **DOCUMENT HISTORY:**

**Adopted: September 1, 2009** – Removed this language from policy 5S-401 Safe and Orderly Schools and created this new policy when Safe and Orderly Schools policy was revised, renumbered, and renamed 5S-100 Student Conduct and Discipline.

**Revised: May 25, 2012** – Minor revisions consistent with changes in law and rules.

**Revised: September 5, 2017** - Five-year review. Minor revisions consistent with changes in law and administrative rule.

March 8, 2018 – Education code references updated in accordance with 2018 recodification.

**Revised:** [Updated consistent with changes in HB218. DCFS report failure to report by educator to State Board. Reorganized to improve clarity.](#)