

CHILD ABUSE REPORTING, PREVENTION AND EDUCATION

I. Definitions

- A. **Child abuse or neglect.** Child abuse or neglect is defined by Maine law as “a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements under Title 20-A” (specifically when a child who is at least six years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).
1. When a child who is age 5 and under 6 has been voluntarily enrolled in school, they are required to attend every day school is in session and the same standard as to truancy that applies to students who are 6 or older but have not completed grade six. For this reason, the school unit will also report to DHHS when an enrolled student who is 5 is truant.
 2. A person required to make a report under Section II below shall report to the department if the person knows or has reasonable cause to suspect that a child is not living with the child's family. Although a report may be made at any time, a report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 6 months or if there is reason to suspect that a child has been living with someone other than the child's family for more than 12 months pursuant to a power of attorney or other nonjudicial authorization.
- B. **Person responsible for the child.** A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

II. Employees’ Duty to Report

- A. Any employee of the school unit (hereinafter referred to as the “notifying employee”) who has reason to suspect that a child has been or is likely to be abused or neglected, that there has been a suspicious child death, or if a child is not living with their family as defined in Section (I)(A)(2) above must immediately notify the building administrator.
1. In addition to notifying the building administrator, the employee may also make a report directly to the Department of Health and Human Services (DHHS), and the District Attorney if required (Section III.B provides further information about reporting to DHHS and the District Attorney).

- B. If the notifying employee does not receive written confirmation from the building administrator/Superintendent within 24 hours of his/her notification that a report has been made to DHHS (and the District Attorney if required) as described in Section III.D, the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Form (see JLF-E), in consultation with the building administrator or Superintendent.
- C. If the notifying employee does receive written confirmation from the building administrator/Superintendent within 24 hours of his/her notification as described in Section III.D. (on the Suspected Child Abuse and Neglect Form (see JLF-E), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator/Superintendent.
- D. Any volunteer who has reason to suspect that a child has been or is likely to be abused or neglected is also expected to make a report to the building administrator, and may also make a report directly to DHHS, and the District Attorney if required (see Section III.B).

III. Administrator Reporting and Confirmation Duties

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports.

- A. If a building administrator suspects abuse or neglect, or receives such a report from an employee, he/she shall notify the Superintendent immediately.
- B. The Superintendent or building administrator shall then make an immediate report by telephone of suspected abuse or neglect to DHHS. In addition, if the person suspected of the abuse or neglect is not the parent, guardian or other custodian of the child, the Superintendent/building administrator shall also make a verbal report to the District Attorney.
 - 1. The law requires the original notifying employee to make his/her own report to DHHS, and the District Attorney if required, if he/she has not received confirmation within 24 hours that a report has been made by the Superintendent or building administrator.
- C. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form in consultation with the notifying employee (see JLF-E).
- D. The Superintendent or building administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the notifying employee within 24 hours of the

employee's initial report. The notifying employee shall sign the report and return it to the Superintendent or building administrator.

- E. The form will be forwarded to DHHS, and to the District Attorney if required. It shall be retained by the school unit for ten years, along with any other information relevant to the case. *[Note to Board: This retention period is specified in the Maine State Archives Local Government Record Retention Schedules.]*

IV. Internal Investigations and Discipline

- A. **Employees.** If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.
- B. **Students.** If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.
- C. School officials should attempt to coordinate investigations with DHHS and law enforcement to the extent possible, in light of the school's obligation to protect the safety and security of the school environment. When reasonably possible, any internal interviews of a child who may have been abused or neglected will be conducted by a person who has knowledge of appropriate techniques for interviewing alleged victims of abuse or neglect.

V. Interviews of Child and School Personnel

DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school as provided in this section. The building administrator or designee shall:

- A. Require the DHHS employee requesting to interview the child to provide identification and written certification that in the Department's judgment, the interview is necessary to carry out its duties;
- B. Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance, school nurse, social worker or building administrator as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
- C. Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the

interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;

- D. Provide an appropriate, quiet and private place for the interview; and
- E. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

VI. Confidentiality of Information and Records

All records, reports and information concerning alleged cases of child abuse and neglect shall be kept confidential to the extent required by Board policies and applicable law.

The building administrator/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals.

VII. Good Faith Immunity From Liability; Retaliation Prohibited

Any person who in good faith reports, assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false.

The school unit prohibits any retaliation against an employee who makes a good faith report of child abuse and neglect in accordance with this policy.

VIII. Child Abuse Awareness and Prevention Training for School Employees

- A. All school employees shall receive training on child abuse/neglect and reporting procedures every four years as required by law.
- B. All school employees will receive a minimum of one hour of child sexual abuse awareness and prevention training within six months of hire and every four years.
- C. The training about child sexual abuse awareness and prevention shall be delivered by a qualified instructor(s) and be "evidence-informed."
- D. The sexual abuse awareness and prevention training is intended to

1. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children;
2. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);
3. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and
4. Include local child sexual abuse and sexual assault resources.

IX. Child Sexual Abuse Prevention Education for Students

Students in public pre-school through grade 5 will receive child sexual abuse prevention education curriculum programs delivered by qualified instructors as part of the health education curriculum aligned with the Learning Results Health Education Standards and follow an appropriate scope and sequence. The curriculum will be consistent with evidence-informed, age-appropriate child sexual abuse prevention education for students, and include:

- A. Age-appropriate education regarding physical and personal boundaries, including biologically accurate body terminology;
- B. Help children identify unsafe or uncomfortable situations including a range of feelings, touches or violations of physical boundaries;
- C. Help children identify safe adults with whom they could discuss unsafe or uncomfortable situations; and
- D. Helps children identify and develop skills to support a friend who may be experiencing unsafe or uncomfortable situations.

Legal Reference: 22 MRSA Ch. 1071, Child and Family Services and Child Protection Act
20 USC § 1232g, Family Educational Rights and Privacy Act
20-A MRSA §§5001-A(3);5051-A(1-D)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students
GBEB – Staff Conduct with Students
JEA- Compulsory School Attendance
JHB- Truancy
JLF-E –Suspected Child Abuse and Neglect Form
JRA – Student Records

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