

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 420 – Mandated Reporting of Child Abuse or Neglect

1.0 Purpose

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

2.0 General Statement of Policy

- 2.1 It is the policy of the school district to fully comply with Minnesota Statute § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- 2.2 A violation of this policy shall occur when any school personnel fail to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

3.0 Definitions

- 3.1 “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
- 3.1.1 is not likely to occur and could not have been prevented by exercise of due care; and
- 3.1.2 if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- 3.2 “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- 3.3 “Immediately” means as soon as possible but in no event longer than 24 hours.
- 3.4 “Mandated Reporters” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- 3.5 “Neglect” means the commission and/or omission of any of the acts below other than by accidental means:
- 3.5.1 Failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical care or other care required for the child's physical or mental health when reasonably able to

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do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a medical provider authorized to diagnose, and is due to parental neglect;

- 3.5.2 Failure to protect a child from conditions or actions that imminently and seriously endanger the child's physical or mental health when reasonably able to do so;
- 3.5.3 Failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications;
- 3.5.4 Failure to provide for the necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs/safety of another child in their care;
- 3.5.5 prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
- 3.5.6 medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
- 3.5.7 Chronic and severe use of alcohol or a controlled substance by the parent or person responsible for care of the child that adversely affects the child's basic needs and safety; or
- 3.5.8 Emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition, that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

"Neglect" does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected such means for treatment or care of disease except where the lack of medical care may cause serious danger to the child's health.

- 3.6 "Nonmaltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with

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remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition applies to child care centers licensed under Minn. Rules Ch. 9503.

- 3.7 “Physical Abuse” means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child’s care other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child’s history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized in Minn. Stat. § 125.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian, which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following:

- 3.7.1 Throwing, kicking, burning, biting or cutting a child;
- 3.7.2 Striking a child with a closed fist;
- 3.7.3 Shaking a child under the age of three;
- 3.7.4 Striking or other actions which result in any non-accidental injury to a child under 18 months of age;
- 3.7.5 Unreasonable interference with a child’s breathing;
- 3.7.6 Threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6;
- 3.7.7 Striking a child under age one on the face or head;
- 3.7.8 Striking a child who is at least age one but under age four on the face or head, which results in an injury;
- 3.7.9 Purposely giving a child poison, alcohol, or dangerous, harmful or controlled substances which are not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child’s behavior, motor coordination, or judgment or that results in sickness or internal injury or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
- 3.7.10 Unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379, including but not limited to tying, caging, or chaining;

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- 3.7.11 In a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.
- 3.8 "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- 3.9 "Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- 3.10 "School Personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.
- 3.11 "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a current or recent position of authority (as defined in Minn. Stat. § 609.341, Subd. 10), to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- 3.12 "Threatened Injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.
- 3.13 "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching and coaching.

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4.0 Reporting Procedures

- 4.1 A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department or agency responsible for assisting or investigating maltreatment. The reporter will include his or her name and address in the report.
 - 4.1.1 The Minnesota Department of Education (MDE) is the agency responsible for assessing or investigating allegations of child maltreatment in schools. Such reports should be made to the MDE or local law enforcement. In addition, such allegations should be reported to the Assistant to the Superintendent.
- 4.2 If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, Minnesota Department of Education, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and the extent of the abuse or neglect and the name and address of the reporter.
- 4.3 Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

A mandated reporter who knows or has reason to know of the deprivation of parental rights or kidnapping of a child shall report the information to the local law enforcement agency.

- 4.4 A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- 4.5 Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment or the child's access to school.
- 4.6 Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

5.0 Investigation

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- 5.1 The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
 - 5.2 When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
 - 5.3 Except where the alleged perpetrator is believed to be a school official or employee, the time and place and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place and manner of the interview set by school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
 - 5.4 Where the alleged perpetrator is believed to be a school official or employee, the school district shall also conduct its own investigation independent of the local welfare, law enforcement agency, or the Minnesota Department of Education.
 - 5.5 Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.
- 6.0 Maintenance of School Records Concerning Abuse or Potential Abuse

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- 6.1 When the investigating agency determines that a potentially abused or abused child should be interviewed on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- 6.2 All records maintained or derived from abuse or neglect reports from the school or the school district are confidential data. See Regulations 420-R for maintenance procedures.
- 6.3 Records regarding the report of maltreatment, including any notification of intent to interview which was received by the school as described in subsection 6.1 shall be destroyed only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

7.0 Physical or Sexual Abuse as Sexual Harassment or Violence

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable. See Policy 416.

8.0 Dissemination of Policy and Training

- 8.1 This policy shall appear in school personnel handbooks.
- 8.2 The school district will develop a method of discussing this policy with school personnel.
- 8.3 This policy shall be reviewed regularly for compliance with state law.

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