

Personnel

Reporting Suspected Maltreatment of a Child or Vulnerable Adult

I. Purpose

This policy makes clear the requirements of school district employees' to report suspected maltreatment of a child or a vulnerable adult.

II. General Statement of Policy

- A. The school district complies with state laws requiring a district employee to report suspected child neglect, physical abuse, or sexual abuse.
- B. The district complies with state laws requiring a district employee to report suspected maltreatment of vulnerable adults.
- C. A district employee violates this policy if the employee fails to report suspected maltreatment when the employee has reason to believe that a child or vulnerable adult is being or has been maltreated.

III. Definitions

- A. "Mandated reporter" means a school district employee who has reason to believe that a child or vulnerable adult is being or has been maltreated. A school employee who knows or has reason to believe a child has been maltreated within the preceding three years will immediately report the information.
- B. "Maltreatment of a vulnerable adult" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. "Vulnerable adult" includes but is not limited to a person 18 years of age or older who regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual's self from maltreatment.
- D. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- E. "Child" means a person under age 18.
- F. "Maltreatment of a child" includes but is not limited to neglect, physical abuse, or sexual abuse of a child.

IV. Reporting Procedures for Maltreatment of a Child

- A. A mandated reporter will immediately report suspected maltreatment of a child to the local county welfare agency*, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
 - a. Local county welfare agency – allegations of maltreatment in home, child foster care, family child care
 - b. Department of Education – allegations of maltreatment in school
 - c. Department of Human Services – allegations of maltreatment in licensed child care facilities
 - d. Law Enforcement – allegations of violation of criminal statutes

*To make a maltreatment report to Hennepin County Child Protection Services, call (612) 348-3552.

- B. If the immediate report has been made orally, by telephone or otherwise, the oral report must be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate entity responsible for assisting or investigating maltreatment. The written report must identify the child, a person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter.
- C. 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 will inform the parent, legal guardian, or custodian of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- D. An employee mandated to report suspected maltreatment of a child who fails to report may be subject to criminal penalties and/or discipline up to and including termination of employment. An employee may also be liable in a civil suit for damages caused by a failure to report.
- E. The district will not retaliate against an employee who makes a good faith report of maltreatment of a child under Minnesota law or this policy.
- F. An employee who knowingly or recklessly makes a false report of maltreatment will be liable in a civil suit for damages and/or discipline up to and including termination of employment.

V. Reporting Procedures for Maltreatment of a Vulnerable Adult

- A. A mandated reporter will immediately report suspected maltreatment of a vulnerable adult to the Minnesota Adult Abuse Reporting Center (MAARC) at 1 1-844-880-1574. The MAARC is available twenty-four hours per day and seven days per week.
- B. An employee mandated to report suspected maltreatment of a vulnerable adult

who fails to report may be subject to criminal penalties, liability for damages caused by the failure, and/or discipline, up to and including termination of employment.

- C. The district will not retaliate against an employee who makes a good faith report of maltreatment of a vulnerable adult report under Minnesota law or this policy.
- D. An employee who intentionally makes a false report of maltreatment will be liable in a civil suit for any actual damages suffered, punitive damages, and attorney fees, and discipline up to and including termination of employment.

VI. Investigation

The responsibility for assessing and investigating reports of suspected maltreatment rests with the entity designated by the state for receiving reports. When the alleged offender is believed to be a school district employee, the district will conduct its own investigation independent of the designated entity.

VII. Dissemination of Policy and Training

The school district will discuss this policy with district employees when appropriate.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. Ch. § 260E. (Reporting of Maltreatment of Minors Act)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)

Cross References:

Policy 104 (Complaints – Students, Employees, Parents, Other Persons)
Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee or Student)
Policy 403 (Discipline of School District Employees)
Policy 406 (Public and Private Personnel Data)
Policy 507 (Corporal Punishment)
Policy 515 (Protection and Privacy of Student Records)

Additional Reference:

[MDE Confidential Student Maltreatment Reporting Form](#)

Policy

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INDEPENDENT SCHOOL DISTRICT 273
Edina, Minnesota