

# S-8: Administrative Procedures

## Mandatory Child Abuse Reporting and Training



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### REFERENCES

[Board Policy S-8](#)

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### DEFINITIONS

**Parent:** For purposes of these administrative procedures and the corresponding board policy, “parent” means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child’s behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (FERPA) with respect to the child’s education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

“Parent” does not include the state or any political subdivision of government.

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### PROCEDURES FOR IMPLEMENTATION

#### I. Mandatory Training

- A. Every other year elementary and secondary schools will provide all school personnel with training on child sexual abuse and human trafficking prevention and awareness, which will include:
  1. how to respond to a disclosure of child sexual abuse in a supportive appropriate manner;
  2. identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and
  3. how to comply with the mandatory reporting requirements described below.
- B. Every other year elementary schools will also provide training to parents of elementary school students on:
  1. recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation; and
  2. using effective, age-appropriate methods for discussing the topic of child sexual abuse with a student.
- C. Elementary schools may choose to provide instruction on child sexual abuse and human trafficking prevention and awareness to elementary school students using age-appropriate curriculum.
  1. No such instruction may be given to a student unless the parent of the student is:
    - a. notified in advance of the:
      - i. instruction and content of the instruction; and
      - ii. parent’s right to have the student excused from the instruction;
    - b. given an opportunity to review the instructional materials before the instruction occurs; and
    - c. allowed to be present when the instruction occurs.
  2. In addition, before providing any such instruction to students, school employees must comply with the prior written consent and privacy provisions of the Utah Family Educational Rights and Privacy Act. See, Utah Code Ann. §§53E-9-201, -203.
  3. Upon the written request of the parent of an elementary school student, the student shall be excused from the instruction on child sexual abuse prevention and awareness.
- D. The schools will select a state-approved organization to provide such training, and state approved instructional materials must be used in providing all training outlined above. The list of state-approved organizations and materials can be accessed at: <https://www.schools.utah.gov/prevention/childsexualabuse>.
- E. Each year, principals and district supervisors must notify their employees of each employee’s legal responsibility to report suspected child abuse or neglect to appropriate authorities.

1. The mandatory employee training requirement cannot be met through the district's required training but must be met through a state approved vendor.

## **II. Mandatory Reporting**

- A. 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 (DCFS).
  1. School administrators will provide all faculty and staff with the telephone number of the DCFS Child Abuse and Reporting Line: 1.855.323.3237.
  2. The school principal should be notified of any child abuse report made to law enforcement or to DCFS.
  3. 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.
- B. When school personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described below to DCFS.
  1. If school personnel have reason to believe that, after a notice of compulsory education violation has been issued, the parent has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall file a report with DCFS, which includes information regarding:
    - a. the child and the child's parent who received the notice of compulsory education violation;
    - b. the longest number of consecutive school days the school-age minor has been absent from school and the percentage of school days the child has been absent during each relevant school term;
    - c. whether the child has made adequate educational progress;
    - d. whether the school has made efforts to resolve the child's attendance problems (see, Utah Code Ann. §53G-6-206);
    - e. whether the child is two or more years behind the school's age group expectations in one or more basic skills; and
    - f. whether the child is receiving special education services or systemic remediation.
- C. When school personnel have reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, school personnel may not wait to report to DCFS the other form of neglect or abuse pending preparation of the report regarding educational neglect described in Section II.B. above
- D. In addition to the duty to report outlined above, an employee who has reasonable cause to believe a student may have been physically or sexually abused by any school employee, volunteer or contractor shall immediately report the belief and all other relevant information to the school principal or superintendent, or the Utah State Board of Education (USBE).
  1. Any school administrator who has received a report under Section II.D. 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 superintendent or the executive director of human resource services.
  2. If the individual suspected to have abused a student holds a professional educator license issued by USBE, the executive director of human resource services or his/her designee shall immediately report that information to the Utah Professional Practices Advisory Commission ("UPPAC").
- E. Failure to comply with the requirements of this section shall be considered unprofessional conduct by the district and by the UPPAC and will result in disciplinary action.
- F. Any district employee who fails to report suspected child abuse or neglect is guilty of a class B misdemeanor.
  1. In accordance with state law, DCFS may file a report with UPPAC against any licensed educator who it believes knowingly failed to report suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency.
- G. Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions.
- H. Principals, district employees, DCFS, and law enforcement personnel will preserve the anonymity of those making reports.

## **III. Investigations – Limited Role of School Personnel**

- A. Investigation by school personnel prior to submitting a report should not go beyond that necessary to determine whether there is a reasonable belief that a reportable problem exists.
  1. It is not the responsibility of principals or other school personnel to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.
- B. School personnel 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 neglect or abuse.

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

**IV. Cooperation with Law Enforcement and Social Services - General**

- A. District employees will cooperate and share all information with properly identified social services and law enforcement agency personnel authorized to investigate charges of child abuse and neglect. Social service agents that may be involved in investigating child abuse allegations include, but are not limited to:
  - 1. DCFS;
  - 2. Court Appointed Special Advocates (typically referred to as CASA volunteers); and
  - 3. Guardians ad Litem.
- B. After verifying their credentials and authorization to access a student and/or student records, district employees will cooperate by:
  - 1. allowing appropriate access to students;
  - 2. allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;
  - 3. making no contact with the parents of children being questioned by DCFS or law enforcement authorities; and
  - 4. maintaining appropriate confidentiality.
- C. School administrators should document DCFS and law enforcement school visits using the [Confidential Information Form](#).
- D. School administrators shall allow DCFS and law enforcement appropriate access to student records in accordance with state and federal privacy laws, and/or a court order.

**V. Law Enforcement and DCFS – Interviews**

- A. DCFS employees or local law enforcement authorities seeking to interview a student at school who is suspected of being the victim of abuse or neglect should contact the principal or his/her designee.
  - 1. In cooperating with law enforcement and DCFS investigators who wish to interview a student, the principal shall:
    - a. allow authorized representatives reasonable access (without a court order) to a suspected victim of child abuse or neglect for the purpose of interviewing the child at school;
      - i. If the child is not comfortable being alone in the interview with the interviewer, the child is allowed to have a supportive adult of the child's choice present. This adult may be a teacher, administrator, guidance counselor, principal, etc.
      - ii. Without a court order, the principal or designee may condition the requested interview of the child at school on a supportive adult's presence during the interview.
    - b. allow authorized representatives to interview a student at school upon presentation of a court order;
      - i. The principal or designee shall request a copy of the order.
      - ii. The presence of the principal or designee at a court ordered in-school interview shall be at the discretion of the DCFS employee(s) or law enforcement authorities.
- B. If a local law enforcement officer or DCFS agent seeks to remove a student from campus in order to interview the student at a different site:
  - 1. The law enforcement officer or DCFS agent should take the student into custody or provide a court order authorizing the school to release the student.

**VI. Law Enforcement and DCFS – Examinations and Photographs**

- A. If DCFS employees or law enforcement authorities seek to physically examine or photograph a student at school who is suspected of being the victim of abuse or neglect, they shall make a request to the principal or his/her designee and inform him/her of their intent to secure photographs during the interview.
  - 1. In cooperating with law enforcement and DCFS investigators who seek to physically examine or photograph a student, the principal shall:
    - a. grant the request (without a court order) if s/he believes there is a reasonable explanation for conducting the examination at school;
      - i. The decision as to whether or not to grant the request shall take into account the following considerations:
        - a) the gender of the student and of the examiner;
        - b) the age, maturity, and sensitivities of the student, including the student's willingness to be examined and/or photographed; and
        - c) the location of the trauma and its seriousness.

- ii. The presence of the principal or designee at the examination or photographing shall be at the discretion of the DCFS employee or law enforcement agent.
  - a) If the principal is present at the examination or photographing, s/he shall not participate in the examination or photographing of the student.
- b. allow the examination or photographing of the student upon the presentation of a court order or administrative subpoena;
  - i. The principal or designee shall request a copy of the order.
  - ii. The presence of the principal or designee at the examination or photographing shall be at the discretion of the DCFS employee or law enforcement agent.
    - a) If the principal is present at the examination or photographing, s/he shall not participate in the examination or photographing of the student.