

Title: Child Abuse Reporting and Investigation Regulation

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. All licensed school employees, teachers, coaches and paraeducators and all school employees 18 years of age or older are mandatory reporters as provided by law and are to report alleged incidents of child abuse they become aware of within the scope of their professional duties.

All licensed school employees, certified paraeducators and holders of a coaching authorization are mandatory reporters of suspected child abuse.

As mandatory reporters these staff members are required to report any suspected cases of child abuse to the Pottawattamie County Department of Human Services office or through the Iowa Child and Adult Abuse Hotline pursuant to Iowa Code law. For the purpose of this policy, all licensed staff employed by the District including but not limited to administrators, teachers, counselors, registered nurses, licensed practical nurses, health care professionals, mental health professionals, certified paraprofessionals and social workers are considered mandatory reporters. Any other person who believes that a child has suffered abuse may make a report of the suspected abuse but will be regarded as permissive reporters.

The Department of Human Services has the legal authority to conduct an assessment of child abuse when it is alleged that:

- The victim is a child
- The child is subjected to one or more of the categories of child abuse as defined by law.

A child is defined in Iowa Code 232.68 as any person under the age of eighteen (18) years.

Many of the categories of abuse involve acts or omissions of the person responsible for the care of the child. A person responsible for the care of a child is defined in Iowa Code 232.68 as:

- A parent, guardian or foster parent.

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- A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence.
- An employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center or child care facility.
- Any person providing care for a child but with whom the child does not reside without reference to the duration of the care.
- There are times an educator may be in the role of a person responsible for the care of a child, such as if a teacher is acting in a parental capacity or has temporary custody such as an overnight trip. Teachers are NOT considered caretakers in the teaching and supervising of children.
- Children are sometimes caretakers for other children and may be responsible for abusing a child in their care. Children may be in a caretaker role, for example, as a baby-sitter. A mandatory reporter who suspects that abuse has occurred when one child is caring for another is required by law to make a child abuse report.

The categories of child abuse as defined in Iowa Code 232.68 include:

- Physical Abuse
- Denial of Critical Care
- Sexual Abuse
- Mental Injury
- Child Prostitution
- Presence of Illegal Drugs
- Manufacture or Possession of Dangerous Substance
- Bestiality in Presence of Minor

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- Allowance of Access by Registered Sex Offender

REPORTING PROCEDURES:

1. If a School District employee who is a mandatory reporter reasonably suspects that a child may be experiencing abuse, file an oral report with the Pottawattamie County Department of Human Service office:

712-328-4875

Or outside of regular business hours call:

1-800-362-2178

2. The law requires employees to report to the Department of Human Services within 24 hours of becoming aware of the situation. Suspected child abuse must be reported in writing within 48 hours after the oral report. A “Suspected Child Abuse Reporting” form is available in the office at every school building.
3. If a child is in imminent danger, immediately contact law enforcement, as law enforcement is the only profession that can take a child into custody in that situation. After you have notified law enforcement, then call the Department of Human Services.
4. District employees may report that they have filed an oral and written report of suspected child abuse to their building administrators. Reporting suspected abuse to another school employee does **NOT** relieve mandatory reporters of the responsibility to report to the Department of Human Services.
5. Iowa Code section 232.75 provides for civil and criminal sanctions for failing to report child abuse or interfering with the making of such a report. Any person, official, agency or institution required by this chapter to report a suspected case of child abuse that knowingly and willfully fails to do so is guilty of a simple misdemeanor. Any person who reports or causes to be reported to the Department of Human Services false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

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6. Any report of an investigation returned to an employee is the property of the employee and is **NOT** to be placed in the student's cumulative file or to be treated as school record.
7. Iowa Code section 232.73 states that a person participating in good faith in the making of a report or photographs, or x-rays, performances of a medically relevant test, aiding and assisting in an assessment of a child abuse report, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed. The person shall have the same immunity with respect to participation in good faith in any judicial proceeding resulting from the report or relating to the subject matter of the report.

Cross References:

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Legal References:

Iowa Code Chapters: 232.68, 232.69
232.73, 232.75, A Guide for
Mandatory Reporters, Iowa
Department of Human Services 7/09,
441 Iowa Admin. Code Chapter 175

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