

**STUDENT WELFARE:  
CHILD ABUSE AND NEGLECT  
FFG (REGULATION)**

**ABUSE**

As defined in the Family Code, Section 261.001, abuse includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning.
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning.
3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm.
4. Failure to make reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child.
5. Sexual conduct harmful to a child's mental, emotional, or physical welfare.
6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child.
7. Compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code.
8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined by 43.21, Penal Code) or pornographic.

**NEGLECT**

As defined in the Family Code, Section 261.001, neglect includes:

1. The leaving of a child in a situation where the child would be exposed to a substantial risk of harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child.

2. The following acts or omissions by a person:
  - a. Placing the child in or failing to remove the child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child.
  - b. Failing to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.
  - c. Failing to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.
  - d. Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child.
3. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

## REPORTS

The principal must establish campus procedures for reporting child abuse or child neglect. Each employee is directed to comply with these procedures and is under independent statutory obligation to report any suspected child abuse or neglect within 48 hours of first suspecting that a child has been abused or neglected.

### FIRST REPORT

An employee will make the first report of suspected abuse and/or neglect by telephone or through the Web site for the Department of Family and Protective Services (DFPS). The principal or designee may assist the employee in the reporting process. Reports should be made to one of the following agencies:

1. Department of Family and Protective Services (DFPS) Child Protective Services (CPS) 24-hour Hotline - (800) 252-5400 Web site - <http://reportabuse.ws/>

Users will be prompted for a login and a password. The login is: professional. The password is: report1.

**The Website should not be used for reporting a life-threatening/emergency situation.**

2. A local law enforcement agency:

Midland ISD Police Department at 432-689-1059.

Midland Police Department at 432-685-7149.

In some cases, CPS intake staff may direct the caller to report to local law enforcement as well.

When a report is made by telephone or through the Web site, the employee should describe the situation and express any concerns about the urgency of the situation.

The individual should be prepared to give known family information, e.g., names of other family members and where siblings attend school.

#### WRITTEN REPORT

A written report may also be sent to the CPS office. Such a written report will give the name and address of the student, the name and address of the person responsible for the care of the student, if available, and any other pertinent information regarding the alleged or suspected abuse or neglect.

#### SCHOOL INTERVIEW WITH CHILD

Legal authorities investigating an allegation of child abuse or neglect, including employees of CPS, are authorized to interview, examine, videotape, and photograph children at school, without parental permission, if in their opinion, contact with the child is necessary.

The principal will require the representative from CPS or other legal authority to show identification, sign in at the office, and state the purpose of the campus visit.

The principal may request, but cannot require, that the interview be conducted in his or her presence or that of a designee, e.g., other administrator, helping teacher, counselor, or nurse. The representative from CPS or other legal authority will determine who is to be present during the interview. The principal will ensure that the interview is conducted in a place that respects the privacy and ensures the safety of the student.

Legal authorities may take the child from the campus, if they have provided the principal with adequate explanation of the need for removal and assurance that the parent/guardian will be notified as soon as possible.

Approved – October 2006