

## REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

### Purpose

The purpose of this policy is to make clear the statutory and District policy requirements of District employees to report suspected child abuse or neglect. District personnel are in a position to identify children who potentially have been abused or neglected or threatened with abuse or neglect and to refer them for treatment and protection.

### Statement of Policy

It is the policy of the District to fully comply with Wisconsin State Statute 48.981.

**Cross References:** Student Sexual Harassment Policy, 411.1, 411.1-Rule  
Bullying Policy 443.71, 443.71-Rule

**Legal References:** Wisconsin State Statutes 48.981, 118.31, 940.225, 948.02,  
948.025, and 948.085

**Adoption Date:** January 23, 1989

**Amended Dates:** October 10, 2011 and June 25, 2012

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### Procedures

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The purpose of this policy is to make clear the statutory and District policy requirements of District employees to report suspected child abuse or neglect. District personnel are in a position to identify children who potentially have been abused or neglected or threatened with abuse or neglect and to refer them for treatment and protection.

#### Statement of Policy

It is the policy of the District to fully comply with Wisconsin State Statute 48.981. The reporting procedures for all District employees are explained below.

#### Legal Definitions Under Wis. Stat. § 48.981

**“Neglect”** means failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

**“Abuse”** includes, but is not limited to, emotional or physical injury inflicted on a child by other than accidental means, sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085, and emotional damage for which the child’s parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

**“Child”** means a person who is less than 18 years of age, or a student who is between the ages of 18 and 21 and who is a “vulnerable adult.”

**“Mandatory Reporters”** Under Wis. Stat. § 48.981, mandatory reporters includes all school district employees. “School District Employees” includes those subcontracted employees with direct or indirect student contact.

#### “Ombudsman for Reporting Policy Compliance and Implementation”

The District will identify annually a District designated ombudsman to assist District staff to make reports to county department of Child Protective Services (CPS) or the police. The ombudsman will have the following authority: to assist all staff in the reporting process and fulfilling obligations; to provide an alternative source for staff inquiries; to assist in the review of the effective implementation of this policy; and to serve as the link between the school district and outside agencies under this policy.

In addition, each building principal will seek a volunteer to serve as an ombudsman at their site as an alternative to the District ombudsman.

The ombudsman shall have no authority to impose discipline or evaluate the performance of employees who may report to them under this paragraph of the policy. The ombudsman shall not be subject to any discipline or retaliatory action as a result of fulfilling the duties and obligations under this policy.

## 454-Rule (cont.)

### **REPORTING PROCEDURES**

Any District employee who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall immediately inform, by telephone or personally, the county CPS or the police of the facts and circumstances contributing to that suspicion. Staff making a report to county CPS or the police are to notify the building principal or District administrator unless otherwise directed not to do so by county CPS or the police.

### **Information to be Provided in Report**

Information provided when reporting, if known, shall include:

- Demographic information for the child, parent, caregiver and alleged maltreater such as dates of birth, names, current addresses, phone numbers, and school information
- Specifics of incident (time, place, details of injury if observed)
- Specifics of any statements from caretaker or child
- Prior concerns or observations
- Access to alleged maltreater
- Concerns for child's immediate safety

### **Immunity and Non-Retaliation Provisions**

Any person or institution participating in good faith in the making of a report under Wis. Stat. § 48.981 shall have immunity from liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under Wis. Stat. § 48.981 shall be presumed. The immunity provided does not apply to liability for abusing or neglecting a child. Any employee who participates in good faith in the making of a report to a District administrator or designee under this policy shall not be disciplined or retaliated against as a result of making the report. The good faith of any District employee reporting under this policy shall be presumed.

No individual making a child abuse or neglect report in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for so doing.

### **Investigation**

The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county CPS and/or police. The investigating agency may interview the child at school. The investigating agency, not the District, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care.

Except where the alleged perpetrator is believed to be a District official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials. 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.

## 454-Rule (cont.)

Where the alleged perpetrator is a District official or employee, in addition to making the mandatory report to county CPS or police, the District shall conduct its own investigation and take appropriate disciplinary action. Any District employee who is found to have abused or neglected a student is subject to discipline, up to and including termination of employment.

### Policy Implementation

Any District employee who violates this policy is subject to discipline, up to and including termination of employment.

A summary or reference to this policy shall appear in school handbooks.

The District will discuss this policy with all school employees annually. All employees shall receive training within the first 6 months of employment with the school district and at least once every 5 years after the initial training. The training will assist District personnel in recognizing the signs of abuse, neglect and trauma for all students ages 3 through 21, including those with cognitive, developmental and communication disabilities as well as the required reporting procedures.

**Cross References: Student Sexual Harassment Policy, 411.1, 411.1-Rule  
Bullying Policy 443.71, 443.71-Rule**

**Legal References: Wisconsin State Statute 48.981, 118.31, 940.225, 948.02,  
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