

RSU #63

- a. NEPN/NSBA Code:** **JLF**
- b. Title:** **Reporting Child Abuse and Neglect**
- c. Author:**
- d. Replaces Policy:**
- e. Date Approved:** **01/24/2022 RSU #63**
- f. Previously Approved:** **04/24/2017**
- g. Policy Expiration:** **Review as Needed**
- h. Responsible for Review:** **Superintendent & Policy Committee**
- i. Date Reviewed:** **12/19/2021 Superintendent**
01/10/2022 Policy Committee
- j. References:** **22 MRSA Chap. 1071, Child and Family Services and Child Protection Act**
Me. P.L. Ch. 407 (2016)
20 USC § 1232g, Family Educational Rights and Privacy Act
20-A MRSA § 5051
22 MRSA § 4002; 20-A MRSA § 3272
Cross Reference – ACAA-Harassment and Sexual Harassment of Students
JLF-E-Suspected Child Abuse and Neglect Form
JRA-Student Record

k. Narrative:

I. DEFINITIONS:

- A.** Child abuse and neglect: Child abuse and/or neglect is defined by Maine law as a threat to a child's health or welfare by physical, mental, or emotional injury or impairment, sexual abuse or exploitation, or deprivation of essential needs, or lack of protection from these requirements by a person responsible for the child.

Abuse or neglect also means truancy under Title 20-A, section 3272 or section 5051-A, or when truancy is the result of neglect by a person responsible for the child (specifically when a child who is at least six (6) years of age or five (5) years of age and enrolled in school or has not completed grade six, and has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).

Abuse or neglect also means a threat to a child's health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

- B.** Person responsible for the child: A "person responsible for the child" means a person with responsibility for the child's health or welfare, whether in the child's home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child's parent, guardian, or other custodian.

- C. For the purpose of this RSU #63 (the District) policy, subsequent use of the word “student” is used in place of the word “child”.

II. EMPLOYEE’S DUTY TO REPORT:

- A. Any District employee who has reason to suspect that a student has been or is likely to be abused or neglected must immediately notify the building Principal, Administrator, or school counsellor. In such cases, the employee will then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), a sample of which is attached.

In addition to notifying the building Principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS), the District Attorney, and/or the local law enforcement agency. (See Section III. B which provides further information about reporting to DHHS and/or the District Attorney and/or local law enforcement).

- B. If the reporting employee does not receive written confirmation from the building Principal/Superintendent/designated agent within 24 hours that a report has been made to DHHS and/or the District Attorney or local law enforcement, as appropriate, the employee will make an immediate report directly to DHHS, District Attorney, or Local Law Enforcement, as appropriate.
- C. The reporting employee will sign the form (JLF-E) as acknowledgement that they made the report and return it to the building Principal/Superintendent. It is recommended the reporting employee retain a copy of the report form as verification that a report was made.

IT IS A VIOLATION OF THE LAW FOR AN ADMINISTRATOR TO DISSUADE OR ATTEMPT TO DISSUADE A MANDATED REPORTED FROM REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT.

III. ADMINISTRATOR’S DUTIES AND CONFIRMATION DUTIES

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports. Other administrators may also be designated at the discretion of the Superintendent. At RSU 63, school counselors are also designated agents.

- A. If a building administrator receives a report of suspected child abuse or neglect from an employee, they will notify the Superintendent immediately.
- B. The Superintendent, building administrator, or school counselor will then make a verbal report of suspected abuse or neglect to DHHS. If the person suspected is not the parent, guardian, or other custodian of the student, the report will be made to the District Attorney. If physical or sexual abuse is suspected, the report will be made to the local law enforcement agency.

- C. The person making the report to DHHS and/or District Attorney and/or local law enforcement will complete the Suspected Child Abuse or Neglect Form (JLF-E).
- D. The Superintendent/building administrator/school counselor will provide a copy of the completed JLF-E form to the reporting employee within 24 hours of the employee's initial report. This copy is to confirm that a report was made to DHHS/District Attorney/local law enforcement by an administrator.
- E. The reporting employee will sign the confirming copy and return it to the Superintendent/building administrator.
- F. The law requires the reporting employee to make their own report to DHHS, the District Attorney, or local law enforcement, as appropriate, if the employee has not received written confirmation within 24 hours that such a report has been made by the Superintendent/building administrator/school counselor.

IV. REPORTING PROCEDURES

Proper documentation will be maintained in accordance with Section III.C. The verbal report will include the following information, if known:

- A. The name and address of the student and the persons responsible for their care or custody.
 - B. The student's age and sex.
 - C. The nature and extent of the alleged abuse or neglect, including description of injuries and any explanations given for them.
 - D. Family composition and evidence of prior abuse or neglect of the student or their siblings, if known. Information about any out-of-home parents, if known. Name of any non-family adult living in the home, if known.
 - E. The source of the report, the person making the report, their occupation and where they can be contacted.
- What, if any action, the reporting party, Superintendent, or administration intends to take.
- F. Any actions taken by school staff, including any photographs taken or other materials collected.
 - G. Any other information the person making the report believes may be helpful.

V. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. Employees.** If the person suspected of abuse or neglect is an employee, the Superintendent/designee will investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.
- B. Students.** If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on district premises, during a school activity, or is otherwise related to the district, the Superintendent/designee will investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel will be permitted to meet with and interview the child named in the report when the student is present at school as provided in this section. District Attorney/Law enforcement personnel wishing to interview the student named in the report should do so in compliance with policy KI. The building administrator/designee will:

- A.** Require the DHHS or law enforcement employee requesting to interview the student to provide written certification that, in the Department's judgement, the interview is necessary to carry out its duties;
- B.** Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance counselor, school nurse, social worker, or building administrator as the caseworker deems necessary to provide needed emotional support to the student prior to and following the interview;
- C.** Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; or require notice to or consent from a parent or guardian;
- D.** Provide an appropriate, quiet, and private place for the interview; and
- E.** Not disclose any information about DHHS's intention to interview the student except to school officials or the district's attorney who need the information to comply with the interview request.

VII. CONFIDENTIALITY OF INFORMATION AND RECORDS

- A.** All records, reports, and information concerning alleged cases of child abuse and neglect will be kept confidential to the extent required by Board policies and applicable law.

- B.** The building administrator/designee is permitted to release a student's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

VIII. TRAINING

Any District employee who is required to make a report will, at least once every four years, complete mandated training approved by DHHS.

IX. GOOD FAITH IMMUNITY FROM LIABILITY

Any person who in good faith reports, assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceedings. Good faith does not include instances when a false report is made and the person knows the report is false.

SUSPECTED CHILD ABUSE/NEGLECT REPORT FORM – JLF-E

- 1) Name/title/telephone number of person making first report: _____

- 2) Date and title of first report (i.e. 3/24/17 – Suspected abuse of student): _____
- 3) Name/title of school department official to whom first reported: _____

- 4) Did the person making first report contact DHHS independently? _____ Yes _____ No
Name of person contacted: _____ Date/Time: _____
- 5) Date/time/person making the report to Superintendent: _____
- 6) Name of student who is subject of report: _____
Birth date: _____ Sex: _____ Grade: _____
Known history of abuse/neglect? _____
Parent/Guardian Name(s): _____
Address (include directions to home): _____

Home and work telephone numbers: _____
Name(s) of sibling(s): _____
Parent(s) living outside the home (Name/address): _____

Non-relative adult living in the home (Name/relationship): _____

- 7) Statements or indicators leading to the suspicion of abuse/neglect (include all known information, including date, time and location, name of alleged abuser, and relationship to student):

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- 8) List any photographs taken or other materials collected related to the report:
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- 9) Any actions taken or intended to be taken by reporting party or administration (i.e., contacting/advising anyone in the family – include date, time, & response):
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- 10) Administrator notifying DHHS, District Attorney, or Local Law Enforcement Agency:
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To whom reported: Name, Date, Time: _____

Reporting Party:

Signature: _____ Date: _____

Reporting Administrator:

Signature: _____ Date: _____