

# DEPARTMENT POLICY

Virgin Islands Department of Education

Mandatory Reporting of Child Abuse and Neglect




THE VIRGIN ISLANDS DEPARTMENT OF  
**EDUCATION**

<b>POLICY NAME</b>	Mandatory Reporting of Child Abuse and Neglect	<b>POLICY NO.</b>	2.0
<b>EFFECTIVE DATE</b>		<b>DATE OF LAST REVISION</b>	January 27, 2025
		<b>VERSION NO.</b>	1
<b>ADMINISTRATORS RESPONSIBLE</b>	School Administrators, STX and STT/J Superintendents, Assistant Commissioner	<b>CONTACT INFORMATION</b>	340-774-0100
<b>APPLIES TO</b> Apply group names to define applicable areas of staff.			
<b>GROUP 1</b>	All VIDE Employees	<b>GROUP 2</b>	Volunteers
<b>GROUP 3</b>		<b>GROUP 4</b>	Contractors
<b>GROUP 5</b>		<b>GROUP 6</b>	

VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR

**APPROVAL AND REVIEW**

**Legal Counsel**

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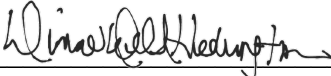
**Date:** January 28, 2025

**Assistant Commissioner**

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**Date:** February 11, 2025

**Commissioner**

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**Date:** February 11, 2025

## SCOPE

Describe to what and to whom this policy applies.

This policy applies to all teachers, administrators, support personnel, contractors, volunteers, and affiliates of the Virgin Islands Department of Education (VIDE), regardless of their position or role.

## POLICY STATEMENT

Describe the policy and the reason for the policy.

VIDE takes the safety and well-being of students to heart, emphasizing the profound responsibility educators and staff carry. Protecting children goes beyond teaching — it involves creating a sanctuary where their mental and physical health is prioritized. This commitment to swiftly reporting any signs of abuse, neglect, or abandonment isn't just a policy; it's an ethical duty. It reflects the promise to act as guardians, ensuring no child falls through the cracks and every student feels seen, safe, and supported.

Through these actions, VIDE staff are empowered as educators and protectors to safeguard each child's future. This requires that staff comply with the mandated identification and reporting of cases of child abuse or neglect following federal and local law.

## TERMS AND DEFINITIONS

Define any acronyms, jargon, or terms that might have multiple meanings.

ABBREVIATIONS	DEFINITIONS
VIDHS	Virgin Islands Department of Human Services
GVI	Government of the Virgin Islands
VIC	Virgin Islands Code
VIDE	Virgin Islands Department of Education
VIPD	Virgin Islands Police Department

TERMS	DEFINITION
Child Abuse	Any physical or mental injury inflicted on a child should be reported by those responsible for the care and maintenance of the child. Any injury that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or loss or protracted impairment of the function of any bodily organ. Abuse includes the sexual abuse of a child, as defined by law, or the sexual exploitation, including the prostituting of a child and the photographing or other depiction of a child for pornographic purposes, or a persistent course of sexual conduct that causes a child's health or welfare to be harmed or threatened. Abuse also includes the denial of necessities and the failure to ensure that a child attends school as required.
Emotional Abuse	Any pattern of behavior impairs a child's emotional development or sense of self-worth, including, but not limited to, behaviors such as grooming, which involves manipulation to gain a child's trust and control. This includes isolating the child, excessive physical touch, offering gifts or special treatment, inappropriate comments, encouraging secrecy, intimidation, and gaslighting.
Mandated Reporter	Anyone required by law to report suspected child abuse or neglect, which includes all employees, contractors, volunteers, and affiliates of VIDE.

TERMS	DEFINITION
Neglect	The failure by those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education as required by law, and medical or mental health care, to the extent that the child's health or welfare is harmed or threatened thereby. It shall also mean an abandoned child.
Physical Abuse	Non-accidental physical injury to a child.
Sexual Abuse	When a person knowingly causes another person to engage in a sex act by threatening or placing the other person in fear, or if someone participates in a sexual act with a person who is incapable of appraising the nature of the act or unable to give consent.
Sexual Abuse Contact	When a person does not sexually penetrate the victim, but when they intentionally touch the victim's genitalia, anus, groin, breast, inner thigh, or buttocks to abuse, humiliate, or harass the victim.
Person responsible for a Child	14 V.I.C. § 504 - Any person who is responsible for the safety or welfare of a child, including, but not limited to, a child's parent, stepparent, guardian, schoolteacher, or babysitter, who neglects a child, or who knowingly recklessly or negligently causes or allows a child to suffer physical, mental or emotional injury, or who knowingly, recklessly or negligently deprives a child of any of the basic necessities of life, shall be punished by a fine of not less than \$500, or by imprisonment of not more than 15 years, or both.
Reasonable suspicion	A belief or inference based on specific and articulable facts, rather than mere speculation, hunch, or instinct, that a person is engaged in criminal activity or wrongdoing.

## POLICY SECTIONS

### PURPOSE

The purpose of this policy is to ensure consistency in how mandatory reporters handle all suspicions of abuse, sexual abuse, or neglect. This includes promptly reporting any suspicions to the relevant authorities, maintaining accurate records, and collaborating with other GVI agencies. The aim is to provide a uniform approach to safeguarding and ensuring the well-being of individuals at risk.

### NOTIFICATIONS

All employees will receive a copy of this policy annually. This policy supersedes all previously written memorandums and policies. The Department reserves the right to rescind and/or amend this and all Department policies at any time, with or without notice.

### PROCEDURES

#### **I. Who is responsible for reporting suspected abuse, sexual abuse, and neglect? 5 V.I.C. § 2533**

All employees (i.e., any school administrator, teacher, or other school personnel), contractors, volunteers, and DE affiliates who have reasonable cause to suspect that a child has been subjected to abuse, sexual abuse, or neglect or observe the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

#### **II. What should be reported? 5 V.I.C. § 2534**

Reports shall contain the following key points:

1. Child and parents' names and addresses

2. Child's age and sex
3. Nature and extent of injuries or abuse
4. Reporting source details
5. Any actions taken by the reporting source

#### Family Composition

1. Names, ages, and relationships of all family members residing in the household.
2. Any other significant adults involved in the child's life (e.g., non-custodial parents, guardians, or frequent caregivers).
3. Whether any other children in the household have experienced or been exposed to abuse, neglect, or related harm.
4. Documentation of concerns, observations, or reports involving other children.

All reporters shall utilize VIDE's Child Abuses & Neglect Referral Form to capture all key points (see Appendix II).

### **III. When is Reporting Required?**

To establish reasonable suspicion, it is essential to identify and articulate an objective, factual basis for your concerns, such as recognizing signs or behaviors consistent with potential abuse. You should not conduct further investigation or determine the validity of the concern before making a report. Prompt reporting ensures that the appropriate authorities can take timely action to assess and address the situation.

- a. If an employee or contractor reasonably suspects that a child is subject to abuse, sexual abuse, or neglect or observes a child being subject to conditions or circumstances that would reasonably result in abuse or neglect, they must report their concerns immediately, as outlined below in Section IV.
- b. If a student or other informant reports abuse, sexual abuse, or neglect to a school-based or Departmental employee or contractor, the employee or contractor must immediately report it as outlined below in Section IV.

If there is doubt whether abuse or neglect occurred, the required course of action is for a report to be made. Refer to Appendix I for signs of child abuse and neglect.

### **IV. How to report?**

Step 1 – Gather the information outlined in section II above and immediately notify the Principal or Assistant Principal. If you are in the field, inform the Principal or Assistant Principal at your main campus. Notification can be verbal or in writing.

**\*Steps 2 and 3 are performed by the Principal or Assistant Principal to which the concern was brought in Step 1 above.**

Step 2 – Per 5 V.I.C. § 2534, all Principals or Assistant Principals shall immediately report concerns to the VIDHS Office of Intake and Emergency Services by telephone to:

- St. Thomas or St. John: (340) 774-0930 Ext. 4776
- St. Croix: (340) 772-7119

Reports can also be made to the Office of Intake and Emergency Services (340) 773-2323 ext. 2059.

Step 3 – Within 24 hours of performing step 2, complete VIDE's Child Abuse & Neglect Referral Form (see Appendix II) and send it via email to [vicpsreports@dhs.vi.gov](mailto:vicpsreports@dhs.vi.gov) and copy [mandatoryreporting@vide.vi](mailto:mandatoryreporting@vide.vi)

**\*Step 4 is performed by the reporter only if needed.**

Step 4 - If the reporting employee/volunteer/contractor does not receive written confirmation from the building principal or assistant principal within 24 hours of their report that a report has been made to VIDHS, the employee/volunteer/contractor shall make an immediate report directly to VIDHS.

**\*The Superintendent's Office performs step 5.**

Step 5 – Maintain a record of all referrals made (see Appendix III for an example). Obtain an update about the case referred to every 45 days until it is closed. To do so, send an email to [vicpsreports@dhs.vi.gov](mailto:vicpsreports@dhs.vi.gov) and copy [mandatoryreporting@vide.vi](mailto:mandatoryreporting@vide.vi). If an update is provided verbally, summarize the update in an email to [vicpsreports@dhs.vi.gov](mailto:vicpsreports@dhs.vi.gov) and [mandatoryreporting@vide.vi](mailto:mandatoryreporting@vide.vi)

VIDE's Compliance Hotline

- Reports can be made anonymously via the Compliance Hotline by calling or texting the word "Report" to 1-800-403-2461
- This service is available 24/7 and ensures confidentiality
  - Note: All cases that should be mandatorily reported will be routed to VIDHS, so please include all key points of information to address the concern effectively; refer to Appendix II as a guide.
  - Contacting VIDE's Compliance Line **does not** replace the legal reporting requirement to the VIDHS.

**\*The Assistant Commissioner performs step 6.**

Step 6 – The Assistant Commissioner may request records and updates on all referrals from each District Superintendent, as needed, to maintain oversight, identify trends, ensure compliance, assess productivity, and support strategic decision-making.

## **V. Training and Awareness**

In partnership with VIVIDHS, training for all new and current employees will be provided on the signs of child abuse and neglect with children with disabilities and the proper procedures for reporting suspected incidents. This training will be mandatory and conducted annually.

## **VI. Disciplinary Actions**

- Failure to comply with this policy, including failing to report suspected child abuse or neglect, will result in disciplinary action.
- Depending on the severity of the violation, disciplinary actions may include suspension or other action, termination of employment, and legal consequences.

## **VII. Failure to Report Penalties (5 V.I.C. § 2539)**

- Failure to report child abuse, sexual abuse, or neglect is a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to one year, or both.
- Failure to report certain offenses against a child under Title 14, chapter 3A, §§ 133, 135, 136, or 137; Chapter 23A; or Chapter 24, §§ 506(1) or 507 is a felony punishable by a fine of \$5,000 to \$10,000, imprisonment for two to five years, or both.

## CONFIDENTIALITY

All reports of suspected child abuse or neglect will be handled with the utmost confidentiality. Information will only be disclosed to those directly involved in the investigation or as required by law. The identity of the reporter will be protected to the extent possible.

## PROTECTION FROM RETALIATION

### **Immunity from Liability (5 V.I.C. § 2537)**

- Any person, official, or institution acting in good faith in compliance with reporting requirements is immune from civil or criminal liability.
- VIDE prohibits retaliation against any individual who, in good faith, reports suspected child abuse or neglect.
- Any employee who engages in retaliatory actions will be subject to disciplinary measures, including termination.

## LEGAL REQUIREMENTS

See the "Related Policies, Local/Federal Statutes, and Other References" below.

Under Virgin Islands law, all employees of VIDE are mandated reporters and must report any suspected child abuse or neglect to the appropriate authorities immediately. Failure to do so may result in legal consequences. Furthermore, Chapter 3- Sec. 10 Student Rights – Policy Memorandum No. 005-094 expounds on policy and procedures to execute in cases of suspected child abuse by a school-based, Departmental employee or contractor.

## EXCEPTIONS

No exceptions.

## RELATED POLICIES, LOCAL/FEDERAL STATUTES, AND OTHER REFERENCES

This procedure is guided by provisions included in the following:

- 5 V.I.C. §§ 1027, 1721A, 2502, 2533, 2534, 2535, 2537–39
- 14 V.I.C. §§ 503-505
- 18 U.S.C.A. §§ 1591, 2242, 2251
- Chapter 3- Sec. 10 Student Rights – Policy Memorandum No. 005-094

## ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITY
VIDE Internal Audit Director	Draft policy
Office of Legal Counsel	Input for legal sufficiency
VIDE Assistant Commissioner	Pre-Approval of the policy
VIDE Commissioner	Approval of the Policy

## APPENDIX I: INDICATORS OF CHILD ABUSE OR NEGLECT

For purposes of identification and referral, look for the following signs of child abuse and neglect while interacting with students. The probability of maltreatment is greater if several indicators are present or occur repeatedly. Remember that this list is neither exhaustive nor definitive. Be alert for other signs, such as deteriorating academic performance. Any reasonable doubt about the existence of abuse should be resolved in favor of reporting.

### Signs of Abuse

#### *Physical Indicators:*

1. Unexplained scratches, bruises, and welts on the face, lips, mouth, neck, torso, back, arms, buttocks, or thighs in various stages of healing, reflecting the shape of the article used to inflict injuries; regularly appearing after an absence, weekend, or vacation
2. Unexplained burns (e.g., cigar or cigarette burns, especially on soles, palms, back, or buttocks; immersion burns; burns patterned like an electric burner, iron, etc.; rope burns on arms, legs, neck, or torso)
3. Unexplained fractures to the skull, nose, or facial structure; fractures in various stages of healing; multiple or spiral fractures
4. Unexplained mouth, lips, gums, or eyes lacerations

#### *Behavioral Indicators:*

1. Wary of adult contacts
2. Apprehensive when other children cry
3. Uncharacteristic behaviors of a child; a sudden 'bad day'
4. Behavioral extremes (aggressiveness or withdrawal)
5. Frightened of parents or afraid to go home
6. Reporting injury, sexual abuse, or frequent spankings by a parent or other caretaker
7. Role-playing abusive parents or dramatizing abusive situations
8. Parent shows signs of abusive behavior (e.g., loss of control, being unusually negative about their child, or frequently mentioning spanking)
9. Child-on-child sexual contact or abuse

### Signs of Neglect

1. Consistent hunger, poor hygiene, or inappropriate dress (e.g., wearing the same dirty clothes for several days)
2. Lack of supervision apparent at home
3. Unattended physical problems or medical needs
4. Abandonment
5. Begging or stealing food
6. Extended stays at school (early arrival and late departure)
7. Constant fatigue, listlessness, or falling asleep in class
8. Delinquency
9. Saying there is no caretaker

**APPENDIX II: CHILD ABUSE AND NEGLECT REFERRAL FORM  
[REFER TO THE FOLLOWING PAGES]**

**Child Abuse & Neglect  
Referral Form**



**THE VIRGIN ISLANDS DEPARTMENT OF  
EDUCATION**

**Directions:**

Part A shall be completed by VIDE within 24 hours of being notified and sent via email to [vicpsreports@dhs.vi.gov](mailto:vicpsreports@dhs.vi.gov), copying [mandatoryreporting@vide.vi](mailto:mandatoryreporting@vide.vi)

Part B shall be completed by the agency the concern was referred to. Return to VIDE within 45 days.

**PART A: CHILD & CONCERN KEY POINTS**

**Date:**

**Agency Referred To:** Dept. of Human Services

**Reason for referral:**

**Name of Child:**

**Age:**

**Sex:**

**School:**

**Grade:**

**Child Address:**

**Parent or Custodian Name:**

**What did the reporter see/hear that requires this report? Expound on patterns observed.**

**Additional Information:**

**Source of Referral:**

**Name:**

**Email:**

**Address:**

**Occupation:**

**Telephone:**

**PART B: ACTION REQUIRED - PROVIDE TO VIDE WITHIN 45 DAYS**

Complete and send via email to [mandatoryreporting@vide.vi](mailto:mandatoryreporting@vide.vi)

**VIDE's report was (select at least one)**

- Notice of Action; Acknowledging receipt
- Assessed and assigned for investigation
- Screened Out (Does not meet Child Protective Services maltreatment criteria)
- Case closed; referral and advocacy services provided

Date case concluded:

Contact Telephone:

Contact Email:

