

## CHILD ABUSE

The St. Mary Parish School Board shall require that instances of suspected child abuse and/or neglect be reported in accordance with appropriate state and local laws and procedures. Therefore, the School Board directs that all school personnel be informed of their responsibilities under law as mandatory reporters when performing their occupational duties.

Students shall be provided age- and grade-appropriate instruction relative to child assault awareness and prevention, and how students may report abuse or assault to the child protection toll-free hotline operated by the State Department of Children and Family Services, and where students may locate the number for the hotline.

Each public school shall post the hotline number in a prominent location on its website.

### DEFINITIONS

*Abuse* means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

1. The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
2. The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
3. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker or any other person of the child's involvement in (i) any sexual act with any other person; (ii) pornographic displays; (iii) any sexual activity constituting a crime under Louisiana law; or (iv) a coerced abortion conducted upon a child.

*Caretaker* means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a registered family child day care home, or other person providing a residence for the child.

*Child*, for purposes of this policy, means a person under eighteen (18) years of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage.

A *mandatory reporter* means any teaching or child care provider, which is any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff

member, bus operator, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides these services to a child in a voluntary or professional capacity. In addition, any police officer or law enforcement officer who works as a school resource officer shall be considered a mandatory reporter. A school resource officer shall not receive information from another mandatory reporter or commence or oversee any investigation into the report.

A *permitted reporter* means any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.

*Neglect* means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect. In accordance with statutory provisions, the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

#### PROCEDURE FOR REPORTING CHILD ABUSE OR NEGLECT

A *permitted reporter* shall make a report through the designated state child protection reporting hotline phone number or in person at any child welfare office of the state.

A *mandatory reporter*, notwithstanding any claim of privileged communication, who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death, in accordance with statutory provisions, shall immediately report suspected abuse/neglect in accordance with the following guidelines:

1. Reports in which the abuse or neglect is believed to be perpetrated by a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker or a person living in the same residence with the parent or caretaker as a spouse whether married or not, the mandatory reporter shall make the report to the Department of Children and Family Services
2. Reports in which the reporter has reason to believe abuse or neglect is being perpetrated by someone other than the individuals listed in number one above

shall be made to local or state law enforcement. Abuse or neglect perpetrated on a student by a teaching or child care provider shall be immediately reported to local or state law enforcement

3. Dual reporting to both the Louisiana Department of Child and Family Services and the local or state law enforcement agency is permitted.

Reports to the Louisiana Department of Child and Family Services shall be made as follows:

- A. A mandatory reporter shall make a report of suspected abuse or neglect requiring immediate assistance via the designated state child protection reporting hotline telephone number. A report of suspected abuse or neglect which is of a non-emergency nature may be reported via the Louisiana Department of Children and Family Services Mandated Reporter Portal online. Reports may also be made in person at any child welfare office.
- B. If a report involves alleged sex trafficking, all mandatory reporters shall report via the hotline telephone number to the Department regardless of whether there is alleged parental or caretaker culpability.
- C. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office.

If a mandatory reporter is prohibited from immediately making the report required by statutes to the department or local or state law enforcement because of School Board policies or employee manual, the mandatory reporter shall file a complaint with local or state law enforcement. Local or state law enforcement shall investigate the complaint and if violations are confirmed, the School Board shall be subject to the penalties provided for in La. Rev. Stat. Ann. §§14:131.1 and 403. The School Board shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with this policy. If the School Board discriminates or retaliates against an employee for compliance, the School Board shall be subject to additional penalties as provided for in La. Rev. Stat. Ann. §§14:131.1 and 403.

#### INVESTIGATION OF REPORTS

Admission of the investigator on school premises or access to the child in school shall not be denied by school officials.

#### ALLEGATIONS OF SEXUAL OFFENSES

The Superintendent or his/her designee shall be required to notify the local law

enforcement agency of any allegation made by a student of the commission of a sex offense as defined by La. Rev. Stat. Ann. §15:541. Such notification shall be made by the Superintendent or his/her designee within twenty-four (24) hours of the time the student notified the Superintendent or other appropriate personnel. Any school employee who receives information from a student concerning the possible commission of a sexual offense shall immediately comply with the reporting procedure outlined in this policy.

### CONFIDENTIALITY

The circumstances and information of the initial report, the fact that a report was made to an agency, and the written report shall be held in confidence and shall not be disseminated to third parties other than those persons or agencies designated by this policy or required by state law. Any written report or other written information regarding the report shall be kept in a confidential file separate from the child's routine school records and accessible only by the principal/designee/supervisory employee or by court order.

### INSERVICE TRAINING

Teaching or child care providers shall be required to complete an online training course provided by the Department of Children and Family Services between June first and August thirty-first annually. A record of completion of the course by the teaching or child care provider shall be provided to and retained by the School Board. The School Board shall retain a list of all teaching or child care providers who have not complied with the training requirements provided by State law.

### IMMUNITY FROM LIABILITY

Any person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings authorized under the Louisiana Children's Code shall have immunity from civil or criminal liability that otherwise might be incurred or imposed. This immunity, however, does not extend to (1) a person who participates in or conspires with a participant or an accessory to an offense involving the abuse or neglect of a child; (2) any person who makes a report known to be false or with reckless disregard for the truth of the report.

### LIABILITY

The Louisiana Children's Code and Louisiana criminal law provide substantial penalties for mandatory reporters who fail to report facts which would support a reasonable belief that child abuse or neglect has occurred. Additionally, educators or other employees of the St. Mary Parish School Board who fail or refuse to report child abuse/neglect as provided by law or by this policy may be subject to disciplinary and/or dismissal proceedings for neglect of duty.

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Ref: La. Rev. Stat. Ann. §§14:403, 15:539, 15:541, 17:81, 17:81.6; La. Children's Code, Title VI, Art. 601, 603, 609, 610; Board minutes, 1-10-08, 12-13-12, 11-8-18, 10-15-20, 11-10-22, 8-8-24.