POLICY MANAGEMENT
Adopted: 11/17/2022
Reviewed/ Revised: 11/16/2023*, 10/13/2026*
Mandatory: Yes
Frequency: Y
Annual Distribution: Website

Policy 414-Mandated Reporting of Child Maltreatment

Art and Science Academy

PURPOSE

The purpose of this policy is to state the individual duty of mandated school personnel to report suspected child maltreatment, the school's duty to cooperate with the responsible agencies, and the privacy and notice rules governing that response. [1]

GENERAL STATEMENT OF POLICY

Art and Science Academy shall comply with Minnesota Statutes Chapter 260E. This policy governs external reporting, statutory school-facility parent notice, agency interviews, and maltreatment records. It does not create a separate school harassment or Title IX grievance process. Policy 413 governs general harassment and violence; Policy 522 governs Title IX. [2]

A mandated reporter who knows or has reason to believe that a child is being maltreated or was maltreated within the preceding three years shall report immediately. Proof, a completed investigation, administrator approval, parent consent, or an internal complaint is not required. The Academy shall not prevent or discourage mandatory or voluntary reporting. [3]

DEFINITIONS

"Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

is not likely to occur and could not have been prevented by exercise of due care; and

if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.

"Child" generally means a person under age 18. MDE's school-maltreatment jurisdiction also covers students ages 18 through 21, including students receiving special education services, up to and including graduation and issuance of a secondary or high school diploma under §

260E.14, subdivision 1(d). Extended foster-care eligibility is governed separately by Chapters 260C and 260D. [4]

"Immediately" means as soon as possible but in no event longer than 24 hours.

"Mandated reporter" means a professional or professional's delegate engaged in education or another practice listed in § 260E.06, subdivision 1, including school personnel providing educational, health, social, psychological, law-enforcement, or child-care services. Reporting status comes from the person's role, not from whether the person already knows of maltreatment. Any person may voluntarily report suspected maltreatment. [5]

"Maltreatment" includes egregious harm, neglect, physical abuse, sexual abuse, substantial child endangerment, threatened injury, mental injury, and maltreatment of a child in a facility, as defined in § 260E.03. Suspected sex or labor trafficking shall also be reported through the responsible agencies under Chapter 260E. [6]

"Neglect" means the commission or omission of any of the acts specified below, other than by accidental means:

failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health care, medical care, or other care required for the child's physical or mental health when reasonably able to do

failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as failure to thrive, diagnosed by a physician and due to parental neglect; [8]

failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;

failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;

prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;

medical neglect as defined by Minn. Stat. § 260C.007, Subd.6, Clause (5); [9]

chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture. [10]

A child is not neglected solely because a responsible person in good faith relies on spiritual means or prayer instead of medical care; a report is still required if lack of medical care may seriously endanger the child's health. The statute imposes no duty to provide care on a person not otherwise legally responsible for that care. A child is not neglected solely

because necessary services are unavailable and the child must remain in an emergency department or hospital because safe discharge to the family is not possible. [11]

"Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 125A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

"Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known. [14]

"School personnel" means professional employee or professional's delegate of the school who provides health, educational, social, psychological, law enforcement, or child care services.

"Sexual abuse" has the meaning in § 260E.03, subdivision 20. It includes the offenses identified there when committed by a caregiver, person with a significant relationship, or person in a current or recent position of authority; sexual extortion; child solicitation and sexual communications under § 609.352; prostitution and sexual-performance offenses involving children; child sex trafficking; and threatened sexual abuse, including the applicable offender-registration circumstances. Current significant-relationship and authority definitions in § 260E.03 control. [15]

Suspected grooming that meets the maltreatment or threatened-injury reporting threshold shall be reported without waiting for sexual contact. The grooming offense added to § 609.352,

subdivision 2c, effective August 1, 2026, addresses an adult's expressed sexual intent toward a child combined with a deliberate pattern of developing a false trusting relationship to manipulate the child into future sexual conduct. Additional authority and school-employee provisions apply under subdivisions 2d and 2e. Personnel shall report the facts; they need not determine criminal guilt. [16]

"Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

"Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school principal and other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

"Threatened injury" means a statement, overt act, condition, or status creating a substantial risk of physical abuse, sexual abuse, or mental injury, including the circumstances specified in § 260E.03, subdivision 23. The current statute's limitations concerning earlier parental-rights or custody proceedings apply; personnel shall not omit those qualifications when assessing a report. [17]

REPORTING PROCEDURES

A mandated reporter as defined herein shall immediately report the maltreatment, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporter will include his or her name and address in the report. [18]

For suspected school maltreatment by a school employee or agent, report promptly to the MDE Student Maltreatment Program as the responsible school agency, or to another recipient authorized by § 260E.06. Suspected family maltreatment or trafficking is reported to the local welfare agency or appropriate law enforcement. Use the special routing required by § 260E.11 for suspected maltreatment-related death (medical examiner or coroner) and deprivation of parental rights or kidnapping (police or sheriff). Call 911 for an immediate emergency. Reporting to one authorized recipient does not replace any independently applicable special reporting duty. [19]

If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.

Document the date, time, recipient, and facts reported and keep the written follow-up securely. An internal notice to the Executive Director is for school safety and coordination only and

does not discharge the reporter's external duty. If the Executive Director is implicated, notify the board chair instead. Do not wait for either person before reporting. The provider licensing and reporting hub exception in § 260E.09(c) applies only to qualifying licensed-program reports; it does not replace the school reporting procedure above. [20]

Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

This school-facility incident notice is distinct from the investigating agency's interview notice and outcome notices. The Academy shall honor § 260E.22, subdivision 7, and any applicable court order, including the statutory exception when a school employee or agent is the alleged maltreater. General harassment outcome notices belong in Policy 413; Title IX party notices belong in Policy 522. [21]

A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.

Prenatal-exposure reports shall follow § 260E.31. A mandated reporter shall immediately report qualifying nonmedical controlled-substance use or habitual or excessive alcohol use during pregnancy to the local welfare agency and follow an oral report with a written report within 72 hours, excluding weekends and holidays. The exemption for a health-care or social-service professional providing or collaborating in prenatal, postpartum, or other health services, including infant care, and the renewed reporting duty when regular care stops after attempted contact, apply as specified in that section. [22]

A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.

Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.

Good-faith reporters and persons assisting lawful investigations receive the protections and immunity provided by §§ 260E.07 and 260E.34. The Academy shall not retaliate against the reporter or child because of the report. A screened-out or unsubstantiated report does not by itself establish that a report was false or made in bad faith. [23]

Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

MDE is responsible for screening and investigating school maltreatment under § 260E.14. The Executive Director shall maintain current MDE, local child-protection, and law-enforcement contact information for staff. An agency's decision not to investigate or find maltreatment does

not resolve the school's separate duties under Policies 413, 522, student discipline, or personnel rules. [24]

INVESTIGATION

The responsibility for investigating reports of suspected maltreatment rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child, as provided by § 260E.22, subdivision 7. Any court order restricting notice must be honored. [25]

When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.

Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. 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.

The Academy shall promptly assess school safety, preserve relevant evidence, and conduct any required school employment or student-policy response independently of the agency's maltreatment determination. Use Policy 413's general process when applicable and Policy 522's Title IX process when applicable; this policy creates no additional school grievance process. Coordinate with the agency to avoid unnecessary, duplicative child interviews while meeting school obligations. No internal review may delay an external report. [26]

The board and Executive Director shall also meet any separate educator-licensing reporting duty under § 122A.20, subdivision 2, including the ten-day report after a qualifying discharge, suspension, or resignation. An external maltreatment report does not discharge that separate duty. [27]

Upon request by MDE, the school shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

The school shall provide legally required access to relevant maltreatment data under §§ 260E.28, 13.32, and 13.43, applying FERPA and CAPTA together. Personnel shall not withhold a mandatory report on the assumption that FERPA bars reporting. Other requests for education records require consent or applicable legal authority; identify the disclosure basis and keep disclosure records when required. [28]

MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

Agency interview notices and related disclosures shall follow the Investigation section above and § 260E.22, subdivision 7. Access is limited to authorized persons; classification and reporter-identity protections are governed by Chapter 13 and § 260E.35. [29]

Maintain maltreatment records securely and comply with § 260E.35, subdivision 6, including destruction when ordered by the investigating agency. Independently required Title IX records are maintained under Policy 522; other school records follow their applicable retention rules. Before acting on a destruction instruction that affects separately required records or a legal hold, obtain legal direction so all controlling requirements are met. [30]

Coordination with Policies 413 and 522 [31]

One incident may require an external maltreatment report under this policy and a school response under Policy 413 or 522. Complete the external report immediately; separately notify the Human Rights Officer for Policy 413 matters and the Title IX Coordinator for possible sex discrimination or sexual harassment. Policy 522 governs the Title IX response, grievance process, and Title IX retaliation complaints. Policy 413 governs the general harassment and violence response, including Minnesota protections beyond Title IX jurisdiction. Neither a school finding nor an agency finding substitutes for the other, and a dismissal under one policy does not automatically dismiss a matter under another. [32]

DISSEMINATION OF POLICY AND TRAINING

This policy shall appear in school personnel handbooks.

The Academy shall inform all mandated reporters employed by or associated with the school of their reporting duties and the prohibition on retaliation. Training shall address signs of all statutory maltreatment categories, immediate reporting, written follow-up, grooming and threatened sexual abuse, routing, and confidentiality. The Executive Director shall use current state/local training and incorporate the state grooming module when available. [33]

This policy shall be reviewed at least annually for compliance with state and applicable federal law. [34]

Legal References:

Minn. Stat. Chapter 260E, especially §§ 260E.03, 260E.06–260E.14, 260E.22–260E.23, 260E.28–260E.31, 260E.34–260E.35 (Maltreatment reporting, agency response, and data) [35]

Minn. Stat. §§ 13.32, 13.43, 121A.58, 121A.582, 125A.0941–125A.0942, and 609.352; 2026 Minn. Laws Chapter 108 (Grooming and related updates). 20 U.S.C. § 1232g and 34 C.F.R. Part 99 (FERPA); 42 U.S.C. § 5106a (CAPTA). Cross references: Policies 413 and 522. [36]

Review notes and sources

Policies 413, 414, and 522 should be adopted and implemented together. Policy 413 governs general harassment and violence; Policy 414 governs external maltreatment reporting and agency cooperation; Policy 522 governs Title IX. A single incident may trigger multiple duties, but each procedure is stated in its governing policy.

1. Broadens coverage to maltreatment under Chapter 260E; this is the governing external-reporting policy.
https://www.revisor.mn.gov/statutes/cite/260E.03
https://www.revisor.mn.gov/statutes/cite/260E.06

2. Replaces former § 626.556 citation and assigns distinct responsibilities to the three policies.
https://www.revisor.mn.gov/statutes/cite/260E.06
https://www.revisor.mn.gov/statutes/cite/260E.29
https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

3. Report based on the statutory threshold; no internal screening prerequisite.
https://www.revisor.mn.gov/statutes/cite/260E.06
https://www.revisor.mn.gov/statutes/cite/260E.08

4. Distinguishes school-maltreatment jurisdiction from foster-care eligibility.
https://www.revisor.mn.gov/statutes/cite/260E.14

5. Corrects circular definition and includes voluntary reporting.
https://www.revisor.mn.gov/statutes/cite/260E.06

6. Adds missing statutory categories and trafficking response.
https://www.revisor.mn.gov/statutes/cite/260E.03
https://www.revisor.mn.gov/statutes/cite/260E.14

7. Moves failure-to-thrive language to the correct current neglect clause.
https://www.revisor.mn.gov/statutes/cite/260E.03

8. Current § 260E.03, subdivision 15(a)(2).
https://www.revisor.mn.gov/statutes/cite/260E.03

9. Corrects the cross-reference.
https://www.revisor.mn.gov/statutes/cite/260E.03

10. Retains emotional-harm definition and separates current statutory exceptions below.
https://www.revisor.mn.gov/statutes/cite/260E.03

11. Adds the current statutory qualifications, including the 2025 hospital exception.
https://www.revisor.mn.gov/statutes/cite/260E.03
https://www.revisor.mn.gov/statutes/cite/260E.06

12. Removes an inapplicable licensed/certified child-care-center provision from the K–8 school policy. Personnel must not use that provision to screen out a report.
https://www.revisor.mn.gov/statutes/cite/260E.30

13. Coordinates lawful force limitations without duplicating discipline procedures.
https://www.revisor.mn.gov/statutes/cite/121A.58
https://www.revisor.mn.gov/statutes/cite/121A.582
https://www.revisor.mn.gov/statutes/cite/125A.0942

14. Updates terminology to § 260E.03, subdivision 19.

https://www.revisor.mn.gov/statutes/cite/260E.03

15. Updates cross-references and omitted sexual-extortion coverage. Uses the current statute rather than incomplete older definitions.

https://www.revisor.mn.gov/statutes/cite/260E.03

https://www.revisor.mn.gov/statutes/cite/609.352

16. Adds 2026 Chapter 108 changes. A boundary concern requires school attention even where the full criminal definition is not established.

https://www.revisor.mn.gov/laws/2026/0/108/

https://www.revisor.mn.gov/statutes/cite/609.352

https://www.revisor.mn.gov/statutes/cite/260E.06

17. Replaces incomplete older list with current definition and statutory qualifications.

https://www.revisor.mn.gov/statutes/cite/260E.03

18. Uses the broader current reporting term.

https://www.revisor.mn.gov/statutes/cite/260E.06

19. Clarifies recipient roles without requiring a duplicate routine report.

https://www.revisor.mn.gov/statutes/cite/260E.06

https://www.revisor.mn.gov/statutes/cite/260E.11

https://www.revisor.mn.gov/statutes/cite/260E.14

https://education.mn.gov/MDE/dse/mal/

20. Separates external reporting from internal notice and acknowledges the limited 2025 hub exception.

https://www.revisor.mn.gov/statutes/cite/260E.06

https://www.revisor.mn.gov/statutes/cite/260E.09

21. Clarifies notice responsibilities and avoids conflicting blanket confidentiality.

https://www.revisor.mn.gov/statutes/cite/260E.22

https://www.revisor.mn.gov/statutes/cite/260E.29

22. Updates the care-provider exemption and adds written reporting.

https://www.revisor.mn.gov/statutes/cite/260E.31

23. Adds immunity and protects good-faith reporting.

https://www.revisor.mn.gov/statutes/cite/260E.07

https://www.revisor.mn.gov/statutes/cite/260E.08

https://www.revisor.mn.gov/statutes/cite/260E.34

24. Replaces informal advisory note with operational coordination.

https://www.revisor.mn.gov/statutes/cite/260E.14

25. Adds the statutory school-employee exception to interview confidentiality.

https://www.revisor.mn.gov/statutes/cite/260E.22

26. Keeps independent school duties without repeating a competing investigation procedure.

https://www.revisor.mn.gov/statutes/cite/260E.23

https://www.revisor.mn.gov/statutes/cite/260E.28

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

27. Adds separate licensing reporting responsibility; qualifying triggers are controlled by § 122A.20, not every allegation.

https://www.revisor.mn.gov/statutes/cite/122A.20

https://www.revisor.mn.gov/laws/2026/0/108/

28. Adds federal privacy coordination; the federal Minnesota CAPTA guidance distinguishes required maltreatment disclosures from unrelated requests.

https://www.revisor.mn.gov/statutes/cite/260E.28

https://studentprivacy.ed.gov/resources/letter-minnesota-department-children-families-and-learning-regarding-capta-november-2006

https://studentprivacy.ed.gov/faq/does-ferpa-permit-school-officials-release-information-they-personally-observed-or-which-they

29. Removes repeated interview procedure and blanket secrecy that omitted the employee exception.

https://www.revisor.mn.gov/statutes/cite/260E.22
https://www.revisor.mn.gov/statutes/cite/260E.35

30. Updates retention coordination without conflating agency-report files with separate Title IX records.

https://www.revisor.mn.gov/statutes/cite/260E.35
https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

31. Replaces ambiguous overlapping heading with a clear routing rule.

32. Defines complementary duties without duplicating their procedures.

https://www.revisor.mn.gov/statutes/cite/260E.06
https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

33. Implements staff notice requirements; annual refresher is a local implementation choice, and the new state module is due August 1, 2027.

https://www.revisor.mn.gov/statutes/cite/260E.30
https://www.revisor.mn.gov/statutes/cite/260E.065
https://www.revisor.mn.gov/laws/2026/0/108/

34. Includes federal privacy obligations.

35. Replaces obsolete legal reference.

https://www.revisor.mn.gov/statutes/cite/260E

36. Adds relevant Minnesota and federal authority.

https://www.revisor.mn.gov/laws/2026/0/108/