RSU63

a. NEPN/NSBA Code:	**JLF**
b. Title:	**Reporting Child Abuse and Neglect**
c. Author:	**Superintendent**
d. Replaces Policy:	
e. Date Approved:	**08/24/2026 RSU63**
f. Previously Approved:	**01/24/2022** **04/24/2017**
g. Policy Expiration:	**Review as Needed**
h. Responsible for Review:	**Superintendent & Policy Committee**
i. Date Reviewed:	**08/05/2026** **12/19/2021** **01/10/2022**
j. References:	**22 MRSA Chap. 1071, Child and family Services and Child Protection Act** **Me. P.L. Ch. 407 (2016)** **20 USC § 1232g, Family Education 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**

k. Narrative:

1. Definitions

Students less than 18 years of age

A. **Child abuse or neglect**. "Child abuse or neglect" means:

i. A threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation or lack of protection from these by a person responsible for the child;

ii. Serious harm or threat of serious harm by a person responsible for the child due to inadequate care or supervision of the child or deprivation of food, clothing, shelter, education or medical care necessary for the child's health or welfare by that person when that person is financially able to provide food, clothing, shelter, education or medical care necessary for the child's health or welfare or is offered lawful and reasonable financial means or resources to do so;

iii. Truancy (for a child who is either (a) age 5 and under age 6 and who has been voluntarily enrolled in school; or (b) six years of age and has not completed grade six; if a child described in (a) or (b) has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year) when the absence is the result of the neglect by a personal responsible for the child; or

iv. 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 a child's health or welfare, whether in the child's home or another home; a facility which, as part of its function, provides for the care of the child; or a person licensed or subject to licensure that, as part of its function, provides for care of the child. It includes the child's parent, guardian, or other custodian.

C. **Child sex trafficking**. "Child sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a child for the purposes of a commercial sex act.

D. **Child.** A "child" means any person who is less than 18 years of age.

Students 18 or more years of age

A. **Dependent adult.** A "dependent adult" means an adult who has a physical or mental condition that substantially impairs the adult's ability to adequately provide for that adult's daily needs. "Dependent adult" includes, but is not limited to, any of the following: (i) a person, regardless of where that person resides, who is wholly or partially dependent upon one or more other persons for care or support because the person suffers from a significant limitation in mobility, vision, hearing or mental functioning or is unable to perform self-care because of physical or mental disease, disorder or defect; and (ii) a person, regardless of where that person resides, who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, because the person suffers from a significant limitation in mobility, vision, hearing or emotional or mental functioning.

B. **Incapacitated adult.** An "incapacitated adult" means an adult who is unable to receive and evaluate information or make or communicate informed decisions to such an extent that the adult lacks the ability to meet essential requirements for physical health, safety or self-care, even with reasonably available appropriate technological assistance.

C. **Abuse.** "Abuse" means the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or sexual exploitation; financial exploitation; or the intentional, knowing or reckless deprivation of essential needs. "Abuse" includes acts and omissions.

D. **Neglect**. "Neglect" means a threat to an adult's health or welfare by physical or mental injury or impairment, deprivation of essential needs or lack of protection from these.

E. **Exploitation. "**Exploitation" means the illegal or improper use of an incapacitated or dependent adult or that adult's resources for another's profit or advantage.

2. Employees' Duty to Report

Students less than 18 years of age

A. Any employee of the school unit (hereinafter referred to as the "notifying employee") who has reason to suspect that a child has been or is likely to be abused or neglected must immediately:

   i. Notify the building administrator, and

   ii. Whenever possible, make a report directly to the Office of Child and Family Services (OCFS) within the Department of Health and Human Services (DHHS) in consultation with the Superintendent or building administrator. If the notifying employee is unavailable to make the report, the Superintendent or building administrator shall make the report.

   Notifying employees may make reports independently to DHHS. All reports must be made to DHHS within twenty-four (24) hours of the notifying employee acquiring knowledge of potential child abuse or neglect.

B. Any school volunteer who has reason to suspect that a child has been or is likely to be abused or neglected is also expected to make a report to the Superintendent or building administrator and/or directly to DHHS within twenty-four (24) hours of the school volunteer acquiring knowledge of potential child abuse or neglect.

3. Reporting and Confirmation Duties

All building administrators and the Superintendent are designated agents to make child abuse or neglect reports**.**

A. If a building administrator suspects abuse or neglect or receives such a report from an employee, they shall notify the Superintendent immediately.

B. A designated agent (in consultation with the notifying employee whenever possible, as outlined above) shall then make an immediate report by telephone of suspected abuse or neglect to DHHS. DHHS must be notified within twenty-four (24) hours of the school employee acquiring knowledge of potential child abuse or neglect.

    i. In addition, if the person suspected of abuse or neglect is not the parent, guardian, or other custodian of the child, the designated agent may, in consultation with the notifying employee, also make a verbal report to the appropriate district attorney's office.

C. The notifying employee and designated agent shall complete the Suspected Child Abuse or Neglect Form (see JLF-E).

D. The form shall retained by the school unit for ten (10) years, along with any other information relevant to the case.

Students 18 or more years of age

Employees shall follow the same requirements above with respect to suspected abuse, neglect, or exploitation of an incapacitated or dependent adult, except that such reports shall be made to Adult Protective Services (APS) within DHHS. For purposes of this policy "abuse or neglect" includes exploitation.

4. Internal Investigations and Discipline

A. **Employees**. If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall 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 school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

C. School officials should attempt to coordinate investigations with DHHS and law enforcement to the extent possible, in light of the school's obligation to protect the safety and security of the school environment. When reasonably possible, any internal interviews of a child who may have been abused or neglected (or an incapacitated or dependent adult who may have been abused or neglected) will be conducted by a person who has knowledge of appropriate techniques for interviewing alleged victims of abuse or neglect.

5. Interviews of Child and School Personnel

DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school as provided in this section. The building administrator or designee shall:

A. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, 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 is necessary to provide needed emotional support to the child 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; prohibiting certain persons from being present during the interview; or requiring 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 child except to school officials or the school's attorney who need the information to comply with the interview request.

6. Confidentiality of Information and Records

All records, reports and information concerning alleged cases of child abuse or neglect or incapacitated or dependent adult abuse or neglect shall be kept confidential to the extent required by Board policies and applicable law.

The building administrator/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials if, based on the totality of the circumstances, the school unit determines there is an articulable or significant threat to the health or safety of the child or other individuals and disclosure is necessary to protect the health or safety of the child or other individuals.

7. Good Faith Immunity from Liability; Retaliation Prohibited

Any person who in good faith reports child abuse or neglect, assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation will be immune from any criminal or civil liability for the

act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made, and the person knows the report is false.

The school unit prohibits any retaliation against an employee who makes a good faith report of child abuse or neglect in accordance with this policy.

8. Child Abuse Awareness and Prevention Training for School Employees

A. All school employees shall receive mandated reporter training approved by DHHS on child abuse or neglect every two (2) years and all school employees who work with incapacitated or dependent adults in any capacity shall receive mandated reporter training approved by DHHS on incapacitated and dependent adult abuse or neglect every (4) years as required by law.

B. All school employees will receive a minimum of one hour of child sexual abuse awareness and prevention training within six months of hire and every two (2) years thereafter.

C. The training about child sexual abuse awareness and prevention shall be delivered by a qualified instructor(s) and be "evidence-informed."

D. The training about sexual abuse awareness and prevention is intended to:

i. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children;

ii. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);

iii. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and

iv. Include local child sexual abuse and sexual assault resources.

9. Child Sexual Abuse Prevention Education for Students

Students in public pre-school through grade 5 will receive child sexual abuse prevention education curriculum programs delivered by qualified instructors as part of the health education curriculum aligned with the Learning Results Health Education Standards and follow an appropriate scope and sequence. The curriculum will be consistent with evidence-informed, age-appropriate child sexual abuse prevention education for students, and include:

A. Age-appropriate education regarding physical and personal boundaries, including biologically accurate body terminology;

B. Age-appropriate education for children regarding identifying unsafe or uncomfortable situations including a range of feelings, touches or violations of physical boundaries;

C. Age-appropriate education for children regarding identifying safe adults with whom they could discuss unsafe or uncomfortable situations; and

D. Age-appropriate education for children regarding identifying and developing skills to support a friend who may be experiencing unsafe or uncomfortable situations.

Legal References: 22 MRSA Ch. 1071, Child and Family Services and Child Protection Act
22 MRSA Ch. 958-A, Adult Protective Services Act
20 U.S.C. § 1232g, Family Educational Rights and Privacy Act
20-A MRSA § 5001-A
20-A MRSA § 254(18)

Cross References: ACAA – Unlawful Harassment and Sexual Harassment of Students
GBEBB – Staff Conduct with Students
JEA – Compulsory School Attendance
JHB – Truancy
JLF-E – Suspected Child Abuse or Neglect Form
JRA – Student Education Records and Information