

DODGELAND SCHOOL DISTRICT
Board Policy Manual

454 - Rule

PROCEDURES FOR CHILD ABUSE AND NEGLECT REPORTING

Definitions

1. **"Abuse"** is defined as any of the following:
 - **Physical injury** means injury inflicted on a child by other than accidental means. When used in referring to an unborn child, physical injury includes serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.
 - **Sexual abuse** includes sexual intercourse or sexual contact, sexual exploitation of a child, permitting, allowing or encouraging a child to engage in prostitution, causing a child to view or listen to sexual activity for purposes of sexual arousal or gratification, and either causing a child to expose genitals or pubic area or exposing genitals or pubic area to a child.
 - **Exposure to the manufacture, use or trafficking of illegal drugs** includes the following circumstances: (1) with a child physically present during the manufacture, use or trafficking (2) in a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home, or (3) under any other circumstances where a reasonable person should have known that the manufacture, use, or trafficking would be seen, smelled or heard by a child.
 - **Emotional damage** for which the child's parent, guardian or legal custodian has neglected, refused or been unable, for reasons other than poverty, to obtain the necessary treatment or to take steps to ameliorate the symptoms.
2. **"Emotional damage"** means harm to a child's psychological or intellectual functioning. Such damage shall be evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal, outward aggressive behavior, or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.
3. **"Neglect"** is defined as failure, refusal or inability on the part of a parent/guardian or other caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

Reporting Process

1. Reports of suspected or threatened child abuse or neglect shall be made immediately by phone or personally to the County Human Services Department – Child Protective Services. If a report to that department is not possible, or if the person making the report suspects that the health or safety of a child is in immediate danger and wishes to request an immediate investigation, the school employee shall make the report to the County Sheriff's Department or the local police department.
2. In all cases, the building principal, or in his/her absence, the District Administrator, shall be informed that a child abuse or neglect report has been or will be filed. The building principal or District Administrator shall support the employee in their action(s) and shall not attempt to delay, modify or prevent any report of child abuse or neglect. Informing the principal or District

Administrator of any suspected or threatened abuse or neglect does not eliminate a school employee's independent responsibility to make a report to county child protective services or the appropriate law enforcement agency

3. School employees may consult with student services staff prior to making a report but may not delay the report beyond the time the student leaves the supervision of school staff on the day that awareness of suspected or threatened abuse or neglect arises.
4. When making a child abuse or neglect report, the employee should be prepared to provide as much of the following information as possible:
 - a. The employee's name, position, phone number, relationship to the child, and school phone number.
 - b. The name, home address, and age of the child suspected of, or threatened with, being abused or neglected.
 - c. The name(s), home address(es) and work place(s) of the child's parents/guardians.
 - d. The names and ages of the child's siblings, if relevant to the report.
 - e. A description of why the employee believes the child has been abused or neglected or has been threatened with abuse or neglect, statements made by the child to the reporter or allegedly made to others, and any relevant circumstances or conditions in the home or elsewhere of which the reporter is aware.

Investigations

1. It is not the responsibility of school employees to obtain definitive proof that abuse or neglect has occurred, and school employees shall not further investigate a child abuse or neglect situation after making a report, except in cases where an administrator has a responsibility to conduct an independent internal investigation into alleged misconduct by a student, school employee or agent of the District. School employees shall not contact for investigative purposes a parent/guardian, other caregiver, or other person in the community, who is suspected of or who potentially may be responsible for the abuse or neglect.
2. The county agency charged with responsibility for investigating child abuse or neglect reports may generally contact, observe or interview a child at any location, including school, to determine if the child is in need of protection or services. School personnel may not require parent notification before allowing such interviews to take place at school when the agency is exercising its investigative authority under state law. County child protective services or law enforcement personnel shall report to the school office prior to interviewing a child. Agency personnel may request the cooperation of a school teacher, counselor or other person whose presence would aid in the interview process. They may also, in the exercise of professional judgment and in accordance with agency standards, exclude school personnel from the interview.
3. The school employee who made the child abuse or neglect report should be available to child protective services and/or law enforcement personnel when they conduct an investigation. If the child abuse or neglect report is made by someone other than the person who originally suspected the abuse or neglect, the original person should also be available to child protective services or law enforcement personnel conducting the investigation.
4. A social worker with county child protective services has the same power as a law enforcement officer to take a child into custody if the child comes voluntarily or if the social worker believes on reasonable grounds that the child is suffering from illness or injury or is in immediate danger from his/her surroundings, and removal from those surroundings is necessary. If child protective services or law enforcement personnel make the decision to remove a student from school on this basis, the building principal or designee shall be notified.

5. If a District student, employee or other school official is the suspected abuser in a child abuse report, school officials shall conduct an internal investigation to determine possible discipline and other appropriate actions. Disciplinary action shall be consistent with established District policies and procedures or employee handbooks. When the District investigates misconduct by students or employees, the parents/guardians shall be notified as appropriate to the investigation.

Confidentiality of Student Records and Child Abuse and Neglect Report Information

1. School employees shall keep in mind state and federal laws and school district procedures regarding the confidentiality of student records when disclosing information from a student's school records to child protective services or law enforcement personnel. Student records may be disclosed under state and federal laws to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of a student or other individuals. School employees should take into consideration the totality of the circumstances pertaining to the threat to health or safety. When student record information is disclosed in this situation, school employees shall record: (1) the threat to the health or safety of the student or other individuals that formed the basis for the decision; and (2) the parties to whom the student record information was disclosed.
2. To provide for compliance with state law requirements, school employees shall keep child abuse and neglect reports and any information obtained from child protective services or law enforcement personnel regarding a child abuse or neglect report in a confidential file that is separate from the student's regular school records. Such information shall only be disclosed to the persons and for the purposes specified by law.

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