

REPORTING CHILD ABUSE AND NEGLECT

I. DEFINITIONS

- A. **Child abuse or neglect.** Child abuse or neglect is defined by Maine law as “a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these.”
- 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 or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.

II. EMPLOYEES’ DUTY TO REPORT

Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal who shall process the report as provided in Section III of this policy. In addition to notifying the building principal/designee, the employee may also make a report directly to the Department of Human Services (DHS) or the District Attorney when the employee believes a direct report will better protect the child in question.

III. ADMINISTRATORS’ DUTIES

- A. The principal shall make an immediate verbal report to the Superintendent/ designee. If it is determined that there is a duty to make a report to DHS or the District Attorney, the Superintendent/designee shall make the appropriate report(s), as provided in section B.
- B. The law provides that a report must be made to DHS when the person suspected is a “person responsible for the child,” or to the District Attorney when the person suspected is not a person responsible for the child. However, because the legal definition of “person responsible for the child” is vague, the Superintendent/designee shall report all cases of suspected

abuse or neglect to DHS. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/ designee shall also make a report to the District Attorney.

- C. The Superintendent/designee shall retain a record of all verbal and written reports made to DHS, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

IV. REPORTING PROCEDURES

The verbal report shall include the following information, if known:

- A. The name and address of the child and the persons responsible for his/her care or custody;
- B. The child's age and sex;
- C. The nature and extent of the alleged abuse or neglect, including description of injuries and any explanation given for them;
- D. A description of alleged sexual abuse or exploitation, if any;
- E. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- F. The source of the report, the person making the report, his/her occupation and where he/she can be contacted;
- G. Any actions taken by school staff, or other materials collected; and
- H. Any other information the person making the report believes may be helpful.

Upon DHS' request for a written report, the Superintendent/designee shall complete the Suspected Child Abuse/Neglect Report and mail a copy to DHS. Proper documentation shall be maintained in accordance with Section III. C.

V. 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 Committee 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 Committee policies and federal and state laws.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHS personnel shall be permitted to meet with and interview the child named in the report at school during school hours upon written certification from the DHS that: (1) the interviewer of the child is an authorized representative of the Department of Human Services; (2) there are reasonable grounds to believe that prior notice to the child's parent/guardian would increase the threat of serious harm to the child or another person; (3) the interview of the child at school during school hours is necessary to carry out the Department's duties under Maine law; and (4) a school person with whom the child is comfortable may be present in the interview.

VII. CONFIDENTIALITY OF INFORMATION AND RECORDS

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

The building principal/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

VIII. GOOD FAITH IMMUNITY FROM LIABILITY

Any person who in good faith reports or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or

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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.

Legal Reference: 22 MRSA Chap. 1071, Child and Family Services and Child Protection Act
20 USC § 1232g, Family Educational Rights and Privacy Act

Cross Reference: ACAA – Harassment and Sexual Harassment of Students
JLF-E – Suspected Child Abuse/Neglect Report Form
JRA – Student Records

Adopted: Prior to 1988

Adopted: May 15, 2003