# JLF - REPORTING CHILD ABUSE AND NEGLECT

The Maine legislature requires schools to implement a policy to address the prevention, response, and reporting of child sexual abuse within the school setting (20-A MRS §254, sub-§18). The Cape Elizabeth School Board is committed to implementing best practices to prevent and respond to child sexual abuse, and to ensure that all children attend a school which is a safe and secure learning environment. The policy herein is consistent with 20-A MRS §4502, sub-§5-C.

## DEFINITIONS

I. **Child abuse or neglect**. Child abuse or neglect is defined by Maine law as:

1. 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.

2. 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;

3. 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 neglectd by a person responsible for the child; or (iii) Truancy resulting from the neglect of the person responsible for the child in the following circumstances:

   A. The child is at least 6 years old, has not completed grade 6, and has the equivalent of 7 full unexcused absences or 5 consecutive days of unexcused absences during a school year.

   B. The child is at least 5 years old, is voluntarily enrolled in public school, has not completed grade 6, and has the equivalent of 7 full unexcused absences or 5 consecutive days of unexcused absences during a school year.

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**.
"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; 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.

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:

# B. EMPLOYEES’ DUTY TO REPORT

I. 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:

   1. Notify a building administrator or the Superintendent/Superintendent's designee; and

   2. Whenever possible, make a report directly to the Department of Health and Human Services (DHHS) in consultation with the Superintendent/designee 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.

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.

# ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports. Other employees, in addition to the notifying employee, may also be designated at the discretion of the Superintendent.

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

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

III. 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.

IV. The notifying employee and designated agent in consultation with the notifying employee shall complete the Suspected Child Abuse, Including Sexual Abuse, and Neglect Form (JLF-E).

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

# INTERNAL INVESTIGATIONS AND DISCIPLINE

1. **Employees**. If the person suspected of abuse or neglect is an employee, the Superintendent or designee shall investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining agreements, and federal and state laws.

2. **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 or designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

3. 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 will be conducted by a person who has knowledge of appropriate techniques for interviewing alleged victims of abuse or neglect.

# 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:

i. Require the DHHS employee requesting to interview the child to provide identification and written certification that in DHHS's judgment, the interview is necessary to carry out its duties;

ii. 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, school 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;

i. 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;

and requiring notice to or consent from a parent or guardian;

ii. Provide an appropriate, quiet, and private place for the interview; and

iii. 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.

# 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 Board policies and applicable law.

The building administrator or 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.

# CHILD ABUSE AWARENESS AND PREVENTION TRAINING FOR SCHOOL EMPLOYEES

A. All school unit employees shall receive training on child abuse/neglect and reporting procedures every two (2) 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

# 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.

The Maine Department of Education (MDOE) provides resources to local school departments and the public to further support the health and safety of children from abuse and neglect. The MDOE Mandated Reporter website can be accessed through this link: Maine Department of Education Mandated Reporter website.

## 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 is 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 and neglect in accordance with this policy.

# Legal Reference:

- 22 MRSA Ch. 1071, Child and Family Services and Child Protection Act
- 20-A MRSA §§ 5051-A
- 20-A MRSA §§ 5001-A
- 20 USC § 1232g, Family Educational Rights and Privacy Act

- 20-A MRSA §§ 5051-A(1)(C); 5051-A(2)(C)

# Cross Reference:

- ACAA – Harassment and Sexual Harassment of Students
- GBEBB - Staff Conduct with Students
- JEA - Compulsory Student Attendance
- JHB - Truancy
- JLF-R – Reporting Child Abuse, Including Sexual Abuse, and Neglect Administrative Procedure
- JLF-E – Suspected Child Abuse, Including Sexual Abuse, and Neglect Report Form

# Adopted:

- May 13, 2008

# Revised:

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