

MSAD 52 Policy on 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, or failure to ensure compliance with school attendance requirements, if the child is at least seven years of age and has not completed grade six and has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year, by a person 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 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 MSAD 52 who has reason to suspect that a student has been or is likely to be abused or neglected must immediately notify the building principal as soon as is reasonably possible, and if the building principal or guidance counselor is not available contact the superintendent’s office and speak with an administrator, who shall process the report as provided in Section III of this policy. In the event that an employee is unable to contact an administrator / guidance counselor, the employee may then make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney when the employee believes a direct report will better protect the child in question. The employee shall process the report as provided in Section III of this policy.

III. REPORTING PROCEDURES

1. Make all reasonable attempts to contact the building administrator / guidance counselor.
2. Contact the superintendent’s office and speak with an administrator.
3. If you are unable to make contact with any of the above administrators / guidance counselors, evaluate the situation, and make the call to DHHS according to the following reporting procedures.
4. Notify the building administrator as soon as possible.

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, including any photographs if taken or other materials collected;
- H. Any other information the person making the report believes may be helpful.

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

#### IV. 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 DHHS 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 DHHS 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 DHHS. 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 DHHS, the District Attorney, or other outside agencies as well as all actions taken by MSAD 52.

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 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.

VI. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

Upon DHHS request, DHHS personnel shall be permitted to meet with and interview the child named in the report of suspected student abuse and neglect when the student is present at school. The interviewer shall provide written certification that he/she is an authorized representative of the Department of Health and Human Services and that, in DHHS's judgment, the interview of the student at school during school hours is necessary to carry out the Department's duties under Maine law.

The DHHS caseworker shall discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the student's teacher or guidance counselor or the school's nurse, social worker or principal, as the caseworker determines is necessary for the provision of any needed emotional support to the student prior to and following the interview.

School officials may not place any other conditions on the DHHS's ability to conduct the interview, including, but not 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.

School officials shall provide an appropriate, quiet and private place for the interview to occur.

That DHHS intends to interview the student is confidential information and may not be disclosed to any person except those school officials, including an attorney for the school, who need the information to comply with Maine law pertaining to child abuse and neglect investigations.

School personnel who assist DHHS in making a student available for an interview are regarded as participating in a child protection investigation or proceeding for the purpose of immunity from liability.

VII. CONFIDENTIALITY OF INFORMATION AND RECORDS

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

The building principal/designee is permitted to release a student's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the student 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 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  
  JRA – Student Records

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