

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

- A. 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, the employee may also 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.
- B. If the notifying employee does not receive written confirmation from the building administrator/superintendent within 24 hours of his/her notification that a report has been made to DHHS (and the District Attorney if required), the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Form, in consultation with the building administrator or superintendent.
- C. If the notifying employee does receive written confirmation from the building administrator/superintendent within 24 hours of his/her notification (on the Suspected Child Abuse and Neglect Form), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator/superintendent.

III. ADMINISTRATORS AND CONFIRMATION 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 Superintendent or building administrator shall then make an immediate report by telephone 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/building administrator shall also make a verbal report to the District Attorney.
 - 1. The law requires the original notifying employee to make his/her own report to DHHS, and the District Attorney if required, if he/she has not received confirmation within 24 hours that a report has been made by the Superintendent or building administrator.
- C. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form in consultation with the notifying employee.
- D. The Superintendent or building administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the notifying employee within 24 hours of the employee's initial report. The notifying employee shall sign the report and return it to the Superintendent or building administrator.
- E. The Superintendent/designee shall retain a record of all verbal and written reports made to DHHS **for ten years**, the District Attorney, or other outside agencies as well as all actions taken by the school unit.

IV. 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.

V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

Upon Department of Human Services (DHHS) request, DHHS personnel shall be permitted to meet with and interview a child who is named in a report of suspected child abuse and neglect when the child is present at the school. The interviewer shall be required to provide written certification that he/she is an authorized representative of the DHHS and that, in DHHS judgment, the interview is necessary to carry out that 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 child'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 child 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 child 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 the interview request.

VI. 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 principal/designee is permitted to release a child'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 child or other individuals under federal law.

VII. 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 § 4011-A, 4021
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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