

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 420 – Mandated Reporting of Child Abuse or Neglect

1.0 Purpose:

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

2.0 General Statement of Policy

2.1 It is the policy of the school district to fully comply with Minnesota Statute §626.556 (Supp 1999) requiring school personnel to report suspected child neglect or physical or sexual abuse.

2.2 It shall be a violation of this policy for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

3.0 Definitions

3.1 “Child” means one under age 18.

3.2 “Immediately” means as soon as possible but in no event longer than 24 hours.

3.3 “Mandated Reporters” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.

3.4 “Neglect” means:

3.4.1 Failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, or medical care or other care required for the child's physical or mental health when reasonably able to do so;

3.4.2 Failure to protect a child from conditions or actions that imminently and seriously endanger the child’s physical or mental health when reasonably able to do so;

3.4.3 Failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications;

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- 3.4.4 Failure to provide for the necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs/safety of another child in their care;
 - 3.4.5 Chronic and severe use of alcohol or a controlled substance by the parent or person responsible for care of the child that adversely affects the child's basic needs and safety; or
 - 3.4.6 Emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition, that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.
- 3.5 "Neglect" does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected such means for treatment or care of disease except where the lack of medical care may cause serious danger to the child's health.
- 3.6 "Physical Abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized in State law. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian, which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by State law. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of a child:
- 3.6.1 Throwing, kicking, burning, biting or cutting a child;
 - 3.6.2 Striking a child with a closed fist;
 - 3.6.3 Shaking a child under the age of three;
 - 3.6.4 Striking or other actions which result in any non-accidental injury to a child under 18 months of age;
 - 3.6.5 Unreasonable interference with a child's breathing;
 - 3.6.6 Threatening a child with a weapon, as defined in Minn. Stat. §609.09, Subd. 6;
 - 3.6.7 Striking a child under age one on the face or head;

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- 3.6.8 Purposely giving a child poison, alcohol, or dangerous, harmful or controlled substances which are not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
- 3.6.9 Unreasonable physical confinement or restraint not permitted under Minn. Stat. §609.379, including but not limited to tying, caging, or chaining;
- 3.6.10 In a school facility or school zone, an act by a person responsible for the child's care that is a violation under State law.
- 3.7 "Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- 3.8 "School Personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.
- 3.9 "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority, to any act which constitutes a violation of Minn. Stat. §609.342 (criminal sexual conduct in the first degree), §609.343 (criminal sexual conduct in the second degree), §609.344 (criminal sexual conduct in the third degree), §609.345 (criminal sexual conduct in the fourth degree), or §609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act, which involved a minor, which constitutes a violation of prostitution offenses under Sections 609.321 to 609.324 or 617.246 of Minn. Stat. Sexual abuse includes threatened sexual abuse.
- 3.10 "Threatened Injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.
- 3.11 "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching and coaching.
- 3.12 "Report" means any report received by the local welfare agency, police department, county sheriff, or agency responsible for assessing or investigating maltreatment pursuant to this section.

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- 3.13 "Facility" means a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed, or a school as defined in State law; or a non-licensed personal care provider organization as defined in State law.
- 3.14 "Threatened Injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.
- 3.15 "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering facts, assessing the risk to the child, and formulating a plan.

4.0 Reporting Procedures

- 4.1 A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or Minnesota Department of Children Families and Learning.
 - 4.1.1 "Immediately" means as soon as possible but in no event later than 24 hours.
 - 4.1.2 The Minnesota Department of Children, Families & Learning is the agency responsible for assessing or investigating allegations of child maltreatment in schools. Such reports should be made to the CFL or local law enforcement. In addition, such allegations should be reported to the Assistant to the Superintendent.
- 4.2 If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holiday) to the appropriate police department, the county sheriff, local welfare agency, or Minnesota Department of Children, Families and Learning. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and the extent of the abuse or neglect and the name and address of the reporter.
- 4.3 A person mandated by Minnesota law and this policy to report who fails to report is guilty of a misdemeanor, and such a failure to report may result in discipline.
- 4.4 Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment or the child's access to school.
- 4.5 Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

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5.0 Investigation

- 5.1 The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county or state agency or agencies. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care.
- 5.2 Except where the alleged perpetrator is believed to be a school official or employee, the time and place and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place and manner of the interview set by school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- 5.3 Where the alleged perpetrator is believed to be a school official or employee, the school district shall also conduct its own investigation independent of the local welfare, law enforcement agency, or the Department of Children, Families & Learning.

6.0 Maintenance of School Records Concerning Abuse or Potential Abuse

- 6.1 When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- 6.2 All records maintained or derived from abuse or neglect reports from the school or the school district are confidential data. See Regulations 420-R for maintenance procedures.
- 6.3 Records regarding the report of maltreatment, including any notification of intent to interview which was received by the school as described in subsection 6.1 shall be destroyed only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

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7.0 Physical or Sexual Abuse as Sexual Harassment or Violence

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable. See Policy 416.

8.0 Dissemination of Policy and Training

8.1 This policy shall appear in school personnel handbooks.

8.2 The school district will develop a method of discussing this policy with school personnel.

8.3 This policy shall be reviewed regularly for compliance with state law.

Legal References: Minn Stat § 626 et seq. (Reporting of Maltreatment of Minors)

Adopted: 2/11/82

Revised: 2/12/02