

## ~~JLF -- Referral to Other Agencies~~

~~When, while acting in a professional capacity for M.S.A.D. #22, a teacher, guidance counselor, school official, social worker, psychologist, registered or licensed practical nurse knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, that person shall immediately report or cause a report to be made to the Department of Human Services. (§ 4011)~~

~~The law further provides that any person required to report or to supply information concerning a case of known or suspected child abuse or neglect who willfully fails to do so is guilty of a Class B misdemeanor.~~

~~All employees of M.S.A.D. # 22 will cooperate to the fullest extent possible in the fulfillment of this law. The superintendent will develop guidelines specifying the agency to contact and the procedures to be followed.~~

~~Adopted: July 21, 1993~~

~~Recoded: January 7, 1998~~

Code: JLF

## **REPORTING CHILD ABUSE AND NEGLECT**

### **I. DEFINITIONS**

- A.** Child abuse or neglect. Child abuse or neglect is defined by Maine law as “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 under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).

- 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.
- C. **Mandated Reporter. Any adult employed by RSU 22 and acting in an official capacity when the person knows or has reasonable cause to suspect a child has been or is likely to be abused or neglected or that a suspicious child death has occurred.**

## II. EMPLOYEES’ DUTY TO REPORT

A. Any employee of **RSU 22** who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal **or school counselor**.

- 1. In addition to notifying the building principal **or school counselor**, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).

- B. If the reporting employee does not receive written confirmation from the building administrator within 24 hours of his/her report that a report has been made to DHHS and/or District Attorney, 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 Reporting Form (JLF-E).

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- C. If the reporting employees does receive written confirmation from the building administrator within 24 hours of his/her report (which is a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator.
- D. **RSU 22 employees shall complete at least once every 4 years mandated reporter training approved by the department of health and human services**

### III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

All building administrators and **school counselors** are designated agents to make child abuse and neglect reports.

**[NOTE: Other administrators may also be designated at the discretion of the Superintendent.]**

1. Building administrator shall maintain a file of the reports.
2. The building administrator or school counselor shall then make a verbal and written report(s) 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 report to the District Attorney.
  1. The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the Superintendent/building administrator.
3. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form (JLF-E).
4. The building administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the reporting employee within 24 hours of the employee's initial report. The reporting employee shall sign the report and

return it to the Superintendent/building administrator.

5. The form shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

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#### IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

1. 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.
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/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

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:

- A. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, the interview is necessary to carry out its duties;
- B. 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, guidance, 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;
- C. 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;
- D. Provide an appropriate, quiet and private place for the interview; and
- E. 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.

## 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 administrator/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, assists DHHS in making the child available for an interview, 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 M.R.S.A. Chap. 1071, Child and Family  
Services and Child Protection Act  
20 USC § 1232g, Family Educational Rights  
and Privacy Act  
20-A M.R.S.A. §§ 5051-A(1)(C); 5051-A(2)  
(C)

Cross Reference: ACAA – Harassment and Sexual  
Harassment of Students

JLF-E --Suspected Child Abuse/Neglect  
Report Form  
JRA – Student Records

Adopted: \_\_\_\_\_