

## Section J Students

### JLF 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 under Title 20-A”.
- 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 who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the Director/designee.
  - 1. In addition to notifying the Director/designee, the employee may also make a report directly to the Department of Health and Human Services (DHHS) and the District Attorney, if required.
- B. If the notifying employee does not receive written confirmation within 24 hours from the Director/designee 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 supplied by the Director/designee.
- C. If the notifying employee does receive written confirmation from the Director/designee within 24 hours of their notification they shall sign the form as acknowledgement that the report was made and return it to the Director/designee.

#### III. ADMINISTRATORS’ DUTIES

- A. If an administrator suspects abuse or neglect, or receives such a report from an employee, they shall notify the Director/designee immediately.
- B. The Director/designee 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 Director/designee shall also make a verbal report to the District Attorney.

- C. The Director/designee shall complete the Suspected Child Abuse or Neglect form in consultation with the notifying employee.
- D. The Director/designee shall provide 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 Director/designee.
- E. Copies of the completed Child Abuse and Neglect form will be forwarded to DHHS, and to the District Attorney if required. The original Child Abuse and Neglect Form shall be retained by Region 8 for ten years, along with any other information relevant to the case.

#### IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. **Employees.** If the person suspected of abuse or neglect is an employee, the Director/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 Director/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 Director/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, school nurse, social worker or an 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:
  - 1. Requiring that certain persons be present during the interview;
  - 2. Prohibiting certain persons from being present during the interview; and
  - 3. 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 Director/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 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 MRSA 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. §§ 3272(2); 5051-A(1)(C); 5051-A(2)(B)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students  
GBEBB – Staff Conduct with Students  
JLF-E – Suspected Child Abuse/Neglect Report Form  
JRA – Student Records

First Reading: 6/24/09, 4/27/16

Adoption: 9/23/09, 5/25/16

Revised: 1/14/16, 4/4/16

Reviewed: \_\_\_\_\_