

## **Personnel - Certified/Non-Certified**

### **Reporting Child Abuse and Neglect**

The Board of Education recognizes the obligation and importance of reporting suspected child abuse and neglect. Many of the school district's employees are considered mandated reporters and have an independent duty under state law to report suspected abuse and neglect to the Department of Children and Families ("DCF") or other law enforcement agencies. Regardless of an employee's status as a mandated reporter, ALL employees of the school district are required to report suspected child abuse or neglect in accordance with this policy and applicable law.

### **Definitions**

For the purposes of this policy, the following definitions shall apply:

**"Child"** means any person under eighteen years of age or any person under twenty-one years of age who is in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program;

**"Abused"** refers to a child who (a) has had physical injury or injuries inflicted upon him/her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

**"Neglected"** refers to a child who (a) has been abandoned; (b) is being denied proper care and attention, physically, educationally, emotionally, or morally; or (c) is being permitted to live under conditions, circumstances, or associations injurious to the child's well-being;

**"Mandated reporters"** are "School Employees" and specifically include: teachers, substitute teachers, administrators, superintendents, guidance counselors, psychologists, social workers, nurses, physicians, paraprofessionals, coaches or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the district.

**"Sexual assault"** means the criminal conduct described in Conn. Gen. Stat. §§53a-70 (sexual intercourse by force or threat of force, or with a person unable to consent due to age or mental incapacity); 53a-70a (aggravated sexual assault); 53a-71 (includes sexual intercourse between a school employee and a student enrolled in the school district); 53a-72a (compelled sexual contact); 53a-72b (sexual contact with threat of firearm) or 53a-73a (sexual contact between a school employee and student enrolled in the school district).

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#### **When to Report Abuse or Neglect**<sup>1</sup>

Reports must be made whenever an employee, in the ordinary course of his or her employment, has reasonable cause to suspect or believe that:

1. A child (as defined above) has been: abused or neglected; has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child; or has been placed in imminent risk of serious harm.
2. A student has been the victim of a sexual assault and the perpetrator is a school employee. "Student" means a person of any age who is being educated by a local or regional board of education or technical high school other than as part of an adult education program.
3. A full time student under the age of 21 has been abused or neglected by a member of the school staff.

#### **Reasonable Cause**

A reporter's suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim or third party. Such suspicion or belief does not require certainty or probable cause.

#### **Reporting Procedure for Mandated Reporters**<sup>1</sup>

##### **Oral Report to DCF within 12 hours**

Mandated reporters must make an oral report by telephone (24 Hour Careline, 1-800 842-2288) or in person to the Department of Children and Families, or an appropriate law enforcement agency, as soon as practicable but not later than twelve (12) hours after having acquired reasonable cause to suspect or believe that a child or victim has been abused or neglected. The employee shall notify the Building Principal and Superintendent of Schools or designee immediately after the oral report has been made.

##### **Written Report to DCF within 48 hours**

Mandated reporters shall submit a written report to DCF within forty-eight (48) hours of making the oral report. The report shall be filed on form DCF-136 or other sufficient form provided by DCF. The reporter shall also provide a copy of the written report to the Building Principal and

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<sup>1</sup> The following section of this policy shall be effective until September 30, 2019.

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#### **Reporting Procedure for Mandated Reporters<sup>1</sup> (continued)**

Superintendent of Schools, except when the Superintendent is the alleged perpetrator of the abuse or neglect. In making all written reports required under this policy, the reporter may use a form provided by DCF. Written reports of abuse or neglect by mandatory reporters shall include the following information, if known:

1. The names and addresses of the child or victim and his or her parents or other person responsible for the child's or victim's care;
2. The age of the child or victim;
3. The gender of the child or victim;
4. The nature and extent of the child's or victim's injury or injuries, maltreatment or neglect;
5. The approximate date and time the injury or injuries, maltreatment or neglect occurred;
6. Information concerning any previous injuries to, maltreatment of or neglect to the child or his or her siblings;
7. The circumstances in which the injuries, maltreatment or neglect came to be known to the reporter;
8. The name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
9. The reasons such persons are suspected of causing such injury or injuries, maltreatment or neglect;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child;
11. Whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

#### **Reporting Procedure for Mandated Reporters<sup>2</sup>**

##### **Oral Report to DCF within 12 hours**

Mandated reporters must make an oral or electronic report to the Department of Children and Families, or an appropriate law enforcement agency, as soon as practicable but not later than twelve (12) hours after having acquired reasonable cause to suspect or believe that a child or victim has

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<sup>2</sup> The following section of this policy shall be effective on and after October 1, 2019.

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#### **Reporting Procedure for Mandated Reporters<sup>2</sup> (continued)**

been abused or neglected. An oral report shall be made by telephone (24 Hour Careline, 1-800 842-2288) or in person. An electronic report shall be made in accordance with any electronic reporting procedures established by the Commissioner of the Department of Children and Families. The employee shall notify the Building Principal and Superintendent of Schools or designee immediately after the oral or electronic report has been made. A mandated reporter who makes an electronic report shall respond to further inquiries from the Department of Children and Families made within twenty-four hours of such report.

#### **Written or Electronic Report to DCF within 48 hours**

Mandated reporters shall submit a written or electronic report to DCF within forty-eight (48) hours of making an oral report. The reporter shall also provide a copy of the written or electronic report to the Building Principal and Superintendent of Schools, except when the Superintendent is the alleged perpetrator of the abuse or neglect. All reports required under this policy, shall be made in a manner prescribed by the Department of Children and Families.

All reports of abuse or neglect by mandatory reporters shall include the following information, if known:

1. The names and addresses of the child or victim and his or her parents or other person responsible for the child's or victim's care;
2. The age of the child or victim;
3. The gender of the child or victim;
4. The nature and extent of the child's or victim's injury or injuries, maltreatment or neglect;
5. The approximate date and time the injury or injuries, maltreatment or neglect occurred;
6. Information concerning any previous injuries to, maltreatment of or neglect to the child or his or her siblings;
7. The circumstances in which the injuries, maltreatment or neglect came to be known to the reporter;
8. The name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
9. The reasons such persons are suspected of causing such injury or injuries, maltreatment or neglect;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child;

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#### **Reporting Procedure for Mandated Reporters<sup>2</sup> (continued)**

11. Whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

#### **Cooperation with Investigation**

A person reporting child abuse or neglect shall provide any person authorized to conduct an investigation of child abuse or neglect with all information related to the investigation that is in the possession or control of the person reporting the abuse or neglect, except as expressly prohibited by state or federal law.

Notwithstanding the provisions of Connecticut General Statutes §10-151c, upon request and for the purposes of an investigation of suspected child abuse or neglect by a teacher employed by the Board, the Board shall provide the Commissioner of DCF any records maintained or kept on file about said teacher. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board and records of personal misconduct. For the purpose of this requirement, "teacher" is defined as each certified professional employee below the rank of superintendent in a position requiring a certificate issued by the State Board of Education.

#### **Reporting Procedure for Employees who are NOT Mandated Reporters**

Employees of the school district who are not mandated reporters are required to report suspected abuse or neglect and suspected sexual assault of a student by a school employee as soon as possible but not later than twelve (12) hours after the employee has reasonable cause to suspect that a child has been abused or neglected. Such reports shall be made in writing to the Superintendent of Schools and the building administrator who shall act in accordance with his or her obligations as a mandated reporter.

Nothing in the reporting procedure outlined by this policy prevents employees who are not mandated reporters from also reporting suspected abuse or neglect directly to DCF or a law enforcement agency.

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#### **Procedures When a School Employee is the Alleged Abuser**

##### **Notification of Parent or Guardian**

Whenever there is a report that a student has been abused or neglected by a school employee, the Superintendent shall immediately notify the child's parent or other person responsible for the child's care that a report has been made.

##### **Investigation by the Board of Education**

The Board of Education shall permit and give priority to any investigation conducted by DCF or the appropriate law enforcement agency. The Board may conduct its own investigation of the alleged abuse or neglect or sexual assault by a school employee provided that such investigation does not impede an investigation by DCF. The Superintendent of Schools shall conduct his/her investigation upon receipt of notice from the Commissioner of DCF or the appropriate law enforcement agency that the Board's investigation will not interfere with the investigation of DCF or law enforcement.

Before interviewing a child in connection with the investigation of an allegation of abuse or neglect by a school employee, the Superintendent or designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child. The investigation shall include an opportunity for the suspected perpetrator to be heard with regard to the alleged abuse or neglect. During the course of the investigation, the Superintendent of Schools may suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

Regardless of the outcome of any investigation by DCF or a law enforcement agency, the Superintendent of Schools may take disciplinary action against any school employee up to and including termination of employment based upon the school district's investigation.

##### **Impact of DCF Findings on Mandatory Suspension of School Employees**

If the Commissioner of DCF determines that there is reasonable cause to believe that a child has been abused or neglected by a school employee, and has recommended that such employee be placed on the DCF child abuse and neglect registry, the Superintendent shall suspend such employee with pay and without termination of benefits, and, within seventy-two (72) hours after issuance of the suspension, shall notify the Board of Education and the Commissioner of Education or his representative of the reasons for and conditions of the suspension. The suspension of a school employee who is employed in a position requiring a certificate shall remain in effect until the Board of Education acts pursuant to §10-151 of the Connecticut General Statutes. The Superintendent shall also disclose those records provided by DCF concerning its investigation to the Commissioner of

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#### **Impact of DCF Findings on Mandatory Suspension of School Employees (continued)**

Education and the Board of Education or its attorney. If the contract of employment of such a certified school employee is terminated as the result of an investigation of abuse or neglect or the employee resigns, the Superintendent shall notify the Commissioner of Education or his representative within seventy-two (72) hours after such termination or resignation. The suspension of a non-certified school employee shall remain in effect until the Superintendent of Schools or designee determines the appropriate disciplinary response, up to and including termination of employment.

#### **Prohibitions on Employment**

The Board shall NOT employ a person whose employment contract was previously terminated by a board or who resigned from such employment if such person:

Has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

#### **Training**

School employees who are mandated reporters and were hired on or after July 1, 2011 shall be required to complete a training program for the accurate and prompt identification and reporting of child abuse and neglect. School employees who are mandated reporters and were hired before July 1, 2011 are required to complete a refresher training program. All mandated reporters shall be required to complete the refresher training program at least once every three years.

Although only mandated reporters are legally required to complete abuse and neglect training and refresher training programs, the Superintendent of Schools, at his or her discretion, may require other school employees to complete such training.

The training and refresher training programs shall be developed and made available by the Commissioner of DCF in accordance with applicable law.

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#### **Training (continued)**

The principal for each school shall annually certify to the Superintendent of Schools that each school employee who is a mandated reporter working at the school is in compliance with the training requirements. The Superintendent of Schools shall certify that all school employees who are mandated reporters are in compliance with training requirements.

#### **Confidential Rapid Response Team**

The Board hereby establishes a confidential rapid response team to coordinate with the DCF to ensure prompt reporting of suspected abuse or neglect or the suspected sexual assault of a student by a school employee and provide immediate access to information and individuals relevant to the department's investigation. The team shall consist of the Superintendent of Schools or designee, a teacher, a local police officer and other members designated by the Superintendent.

#### **Child Sexual Abuse and Assault Awareness and Prevention**

The Superintendent of Schools is authorized to implement a sexual abuse and assault awareness and prevention program developed by the State Department of Education in accordance with state law. The program should include training for teachers regarding the prevention, identification of and response to child sexual abuse and assault, information on resources to promote awareness, age-appropriate educational materials for students in grades K-12, and use of the uniform child sexual abuse and assault response policy and reporting procedure.

#### **Records and Documentation**

All records pertaining to allegations, investigations or reports of child abuse or neglect by a school employee shall be maintained in a central location. Such records shall include any reports made to DCF. The Department of Education shall have access to such records.

The Board shall keep records establishing that school employees have completed training and refresher training programs as required by law.

The Board shall document the annual notification of this policy to school employees.



**4118.25(i)**

**4218.25(i)**

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#### **Retaliation Prohibited**

Retaliation against a mandated reporter is prohibited. The Board will not discriminate, discharge or otherwise retaliate against an employee who acts in good faith to comply with this policy and the individual obligations of applicable state law.

#### **Violation of this Policy**

Employees who fail to report child abuse or neglect in a timely manner or otherwise violate the requirements of this policy and/or applicable law may face disciplinary action up to and including termination of employment.

#### **Delegation of Authority**

The Superintendent is authorized to delegate his or her responsibilities for receiving and making reports, notifying and receiving notification, and conducting investigations to a designee acting on his or her behalf.

#### **Notification of Policy**

This policy shall be distributed annually to all school employees.

#### **Legal References: Connecticut General Statutes**

10-220 Duties of boards of education

10-220a In-service training

10-221s Investigations of child abuse and neglect. Disciplinary action

10-151e Disclosure of teacher records for purposes of an investigation of child abuse or Neglect

17a-101 Protection of children from abuse. Mandated reporters. Educational and training programs Model mandated reporting policy

17a-101a Report of abuse, neglect or injury of child or imminent risk of serious harm to child. Penalty for failure to report. Notification of Chief State's Attorney

17a-101b Oral report by mandated reporter

17a-101c Written report by mandated reporter

17a-101d Contents of oral and written reports

17a-101i Abuse or neglect by school employee or public or private institution or facility providing care for children. Suspension. Termination or resignation. Notification of state's attorney re conviction. Written policy re mandated reporting. Training programs

17a-1010 School employee failure or delay in reporting child abuse or neglect

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Legal References: Connecticut General Statutes (continued)

17a-101p Reports by persons not designated as mandated reporters. Notice to Commissioner of Education  
17a-101q State-wide sexual abuse and assault awareness and prevention program  
17a-103e Reports of child abuse and neglect by a school employee. Review of records and information  
53a-65 Definitions  
53a-70 Sexual assault in the first degree: Class B or A felony  
53a-70a Aggravated sexual assault in the first degree: Class B or A felony  
53a-71 Sexual assault in the second degree: Class C or B felony  
53a-72a Sexual assault in the third degree. Class D or C felony  
53a-72b Sexual assault in the third degree with a firearm: Class C or B felony  
53a-73a Sexual assault in the fourth degree: Class A misdemeanor or class D felony  
Public Act 18-67 An Act Concerning Minor Revisions to the Statutes of the Department of Children and Families and Establishing a Pilot Program to Permit Electronic Reporting by Mandated Reporters

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NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut