

**SUBJECT: REPORTING CHILD ABUSE AND NEGLECT**

Date of Original Policy: December 9, 2021

Date of Next Review:

Cancels Policy Code: None

Revision Date:

**JURISDICTION: RSU 73 Schools****POLICY: 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” This specifically applies when a 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.
- 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**

Any employee of the school unit who knows or has reason to suspect that a child has been or is likely to be abused or neglected must ***immediately*** notify the building principal and School Social Worker. In addition to notifying the building principal and School Social Worker, the employee will 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. The employee may seek assistance from the social worker to make the report.

**III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES**

- A. All District 73 employees are mandated reporters to make child abuse and neglect reports.
- B. When a report is received by the building principal and social worker, they shall notify the Superintendent within 48 hours of the report being made to DHHS.
- C. The person making the report to DHHS and / or the District Attorney shall complete the Suspected Child Abuse or Neglect Form (JLF-E).
- D. If requested by the relevant agency, the form will be forwarded to DHHS and / or the District Attorney, and 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.

**IV. INTERNAL INVESTIGATIONS AND DISCIPLINE**

- A. Employees. If the person suspected of abuse or neglect is an employee, the Superintendent/designate administrator 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

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with applicable Board policies and federal and state laws.

**V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL**

- A. DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school without prior notification to the parent/guardian or custodian when DHHS has reasonable grounds to believe that prior notice would increase the threat of serious harm to the child or another person.
- B. Upon request of a DHHS employee to meet with and interview the child named in the report when the child is present at school, the building principal or designee shall:
  1. Require DHHS employee requesting to interview the child to provide written certification that, in the Department's judgement, the interview is necessary to carry out its duties;
  2. 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, professional school counselor, school nurse, social worker, or building principal as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
  3. Do 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;
  4. Provide an appropriate, quiet, and private place for the interview; and
  5. Do 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**

- A. 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.
- B. 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 in response to a lawful subpoena, or as necessary to protect the health or safety of the child or other individuals under federal law.

**VII. TRAINING**

Any school unit employee who is required to make a report shall, at least once every four years, complete mandated training approved by DHHS.

**VIII. GOOD FAITH IMMUNITY FROM LIABILITY**

Any person who in good faith reports abuse or neglect, assists DHHS in making the child available for an interview, and/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

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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  
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-R - Reporting Child Abuse and Neglect Administrative Procedure  
JLF-E - Suspected Child Abuse and Neglect Report Form  
JRA - Student Records

Adopted: December 9, 2021