

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.

II. EMPLOYEES’ DUTY TO REPORT

- A. Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building administrator.
- B. In addition to notifying the building administrator, the employee shall 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).
- C. The employee shall submit a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E) to the building administrator following the filing of the report to DHHS or District Attorney, as applicable.

III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

- A. Building Administrator must confirm through verbal confirmation and receipt/review of completed Child Abuse Reporting Form (JLF-E) that the mandated report to DHHS and/or District Attorney was filed by employee.
- B. Building Administration will retain a copy of completed JLF-E forms in school files and submit a copy of all completed JLF-E forms to the Superintendent. Completed JLF-E forms will be retained by the school district central office 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/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 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. Request that the DHHS caseworker 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;
- B. 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;
- C. Provide an appropriate, quiet and private place for the interview; and
- D. 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 principal/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

State law (22 MSRA § 4014) provides that any person who in good faith reports 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.

VIII. TRAINING

Pursuant to 22 MSRA §4011-A, any RSU 26 Employee who is required to make a report shall, at least once every four years, complete mandated training approved by the Department of Health and Human Services (DHHS). The Superintendent/designee will be responsible for documenting employee training.

Legal Reference: 22 M.R.S.A. Chap. 1071, Child and Family Services and Child Protection Act
Me. P.L. Ch. 407 (2016)
22 MSRA §4011-A
22 MSRA § 4014
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 and Neglect Report Form
JRA – Student Records

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