

**CHILD ABUSE AND NEGLECT**

The Windham School Committee, recognizing the right of children to be protected from abuse and neglect and recognizing its responsibility under state law, has adopted this policy for all school personnel.

"Child abuse or neglect" is defined by Maine law as "a threat to a child's health or welfare by physical or 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, if the 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, by a person responsible for the child.

"Child" means any person who is less than 18 years of age.

"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 care of the child. It includes the child's parent, guardian, or other custodian.

**Employees' Duty to Report**

When any school administrator, teacher, nurse, social worker, or other school employee in Windham knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected, he/she will immediately report to the school principal or his/her designee, who will notify the Superintendent. A verbal report to the principal shall be followed by a written report on the next working day. Any report shall include the following information if within the knowledge of the person reporting:

- A. The name and address of the child and the persons responsible for his/her care or custody;
- B. The child's age and sex;
- C. The nature and extent of abuse or neglect, including a description of injuries and any explanation given for them;
- D. A description of alleged sexual abuse or exploitation, if any;
- E. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- F. The source of the report, the person making the report, his/her occupation, and where he/she can be contacted;
- G. Any actions taken by school staff, including any photographs taken or other materials collected; and
- H. Any other information that the person making the report believes may be helpful.

A person participating in good faith in reporting under this subchapter, or in a related child protection investigation or proceeding, 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. In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith.

Maine State law provides that any person who knowingly violates a provision of Title 22, Chapter 733, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

### **Administrators' Duties**

Upon receipt of a verbal report, the school principal or his/her designee will immediately report by telephone to the Department of Human Services. This verbal report will be followed by a written report to the Department of Human Services and the Superintendent within 48 hours. A copy of the initial report will be maintained in a central file in the Superintendent's office. Access to this central file will be supervised by the Superintendent or his/her designee and shall be limited to authorized school personnel and the assigned Department of Human Services Child Protective Worker.

When doubt exists concerning a suitable report of suspected child abuse and neglect, staff members are cautioned to err in favor of the child. The judgment of validity of a report is the responsibility of the Department of Human Services. Staff members who deem it necessary to make a direct report to the Department of Human Services will not be penalized for this action.

The principal shall notify the initiator of the report when an investigation is being conducted and when the case is closed as an invalid referral.

School personnel will cooperate with the Department of Human Services' investigation by providing pertinent information and personal observation which are necessary for an appropriate assessment of the child's welfare.

The Family Education Rights and Privacy Act establishes rules governing the release of information from education records. The Act does not restrict a teacher or school official from making a report based on his or her personal knowledge or observation.

### **Interviews of Child and School Personnel**

The Department of Human Services Child Protective Worker shall be allowed to meet with and interview the child named in the report of suspected child abuse when the child is present at the school, with or without parental permission when, in the judgment of the principal, such an interview will be in the best interest of the child. Any such interview shall be structured by the principal with due regard for the needs of the child. The interviewer shall provide written certification that he/she is an authorized representative of the DHS, and that, in DHS judgment, the interview is necessary to carry out that Department's duties under Maine law.

The DHS caseworker shall discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance counselor, school nurse, social worker, or principal, as the caseworker determines is necessary for the provision of any needed emotional support to the child prior to and following the interview.

School officials may not place any other conditions on the DHS's ability to conduct the interview, including, but not limited to, requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; or requiring notice to or consent from a parent or guardian.

School officials shall provide an appropriate, quiet and private place for the interview to occur.

### **Confidentiality of Information & Records**

Under State statute, all records, reports, and information concerning cases of child abuse and neglect shall be kept confidential and subject to release only under specific conditions.

School personnel who are directly involved with the education and supervision of a child who is the subject of a report are authorized to give and receive information necessary for the planning and

treatment of the child. Teachers who are in daily contact with the child are an important part of the treatment team and should cooperate with the

Department of Human Services' Child Protective Worker in the conduct of the treatment plan.

Upon completion of investigation by the Department of Human Services, invalid reports will be clearly marked and maintained in the central file no more than three years. The name of the assigned Department of Human Services' Child Protective Worker will be added to the report of valid cases.

This policy will be distributed to all school personnel who have direct contact with children and will be reviewed annually with staff.

Legal Reference: 22 MRSA § 4011-A, 4021  
20 USC § 1232g, Family Educational Rights & Privacy Act

Cross Reference: JICK – Harassment, Sexual Harassment, Hazing & Bullying  
JRA – Student Educational Records

Adopted: AUGUST 19, 1981

REVISED: December 17, 2008