

CHILD ABUSE AND NEGLECT

Child abuse and neglect is a serious problem affecting children from all social and economic levels in the Windham community. The residual affect of maltreatment of children has profound implications for the child, his/her family, and the community at large. Potentially two-thirds of the child abuse and neglect victims in this community attend school each year.

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" means a threat to a child's health or welfare by physical or mental injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, 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 custodian.

"Custodian" means the person who has legal custody and power over the person of a child.

When any school administrator, teacher, nurse, social worker, or teacher aide 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. Family composition and evidence of prior abuse or neglect of the child or his/her siblings;
- E. The source of the report, the person making the report, his/her occupation, and where he/she can be contacted; and

- F. 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 civil liability that might otherwise result from these actions. 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.

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.

The Department of Human Services Child Protective Worker may be allowed to interview the child named in the report 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.

Under State statute, all records and reports concerning child abuse and neglect are 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.

Adopted: AUGUST 19, 1981