

4000.3 Personnel

REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN

Conn. Gen. Stat. Section 17a-101 et seq. requires certain educational personnel (school teachers, school administrators, school guidance counselors, school coaches and paraprofessionals) as well as licensed nurses, psychologists, social workers, mental health professionals, and certain professional counselors who have reasonable cause to suspect or believe that a child has been abused or neglected to report such abuse and/or neglect. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected child abuse and/or neglect, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him 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" means that a child (a) has been abandoned, or (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 his well-being, or (d) has been abused.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, school coaches, paraprofessionals, licensed nurses, psychologists, social workers, mental health professionals, certified alcohol and drug counselors and any other licensed professional counselor.

3. What Must Be Reported

A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or to believe that a child under the age of eighteen:

- a) has been abused or neglected;
- b) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her; or
- c) is placed at imminent risk of serious harm.

4. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency.
- (2) The employee shall also make an oral report as soon as practicable to the Superintendent or the Superintendent's designee.
- (3) In cases involving suspected or believed abuse or neglect by a school employee, and upon receiving notice from the Commissioner of Children and Families or the commissioner's designee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Within 48 hours of making an oral report the employee shall submit a written report to the Commissioner of Children and Families or his/her representative containing all of the required information.

- (5) The employee shall immediately submit a copy of the written report to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse or neglect by a certified school employee, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as defined above.

- a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.
 - (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
 - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of Children and Families.

6. Contents of Reports

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a) The names and addresses of the child and his/her parents or other person responsible for his/her care;
- b) the age of the child;

- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
- i) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

7. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report. Recognizing the fact that the Department of Children and Families is the lead agency for the investigation of child abuse and neglect reports, the Superintendent's investigation shall be coordinated with the Department of Children and Families and/or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child to an interview with a child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators of the alleged abuse, or where the Department of Children and Families has indicated that obtaining such consent will interfere with its investigation.

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

a) Evidence of Abuse by Certified School Employee

If, upon completion of the investigation by the Commissioner of Children and Families, the Superintendent has received a report from the Commissioner of Children and Families that the Commissioner of Children and Families has reasonable cause to believe that a child has been abused by a school employee who holds a certificate, permit, or authorization issued by the State Department of Education, the Superintendent shall make a written request to the Commissioner of Children and Families that the Commissioner provide all records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent. In addition, the Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits.

Within seventy-two (72) hours after such suspension the Superintendent shall notify the Board of Education and the Commissioner of Education, or his or her representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. Such suspension shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section 10-151.

Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a school staff member who holds a certificate, permit or authorization issued by the State Department of Education.

If the contract of employment of such certified school employee is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or his or her representative, within seventy-two (72) hours after such termination.

b) Evidence of Abuse by Other School Staff

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused by a non-certified school staff member, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

8. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

9. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 10 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

10. Non-discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

Legal References:

Connecticut General Statutes:

Section 10-151

Section 17a-101 *et seq.*

Public Act 02-106

Public Act 02-138