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EXPLANATION: REPORTING AND INVESTIGATING CHILD ABUSE/NEGLECT

MSBA has revised this policy to reflect the language in Senate Bill 599 (2012), § 160.261, RSMo., which requires the district to work with law enforcement, rather than the juvenile officer, when investigating allegations of child abuse relating to a spanking or use of physical force against a student by a district employee.

MSBA removed the language requiring the district to suspend the employee during the investigation of an allegation of sexual misconduct to give districts more flexibility. In some situations, suspension would be called for, but in others, it may not be necessary. The district might temporarily transfer the employee or simply prevent contact with the accusing student.

Additional changes were made for clarity.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>			
Board Secretary		Business Office	Coaches/Sponsors
Facility Maintenance		Food Service	Gifted
Human Resources	X	Principals	Library/Media Center
Health Services	X	Counselor	Special Education
Transportation		Public Info/Communications	Technology

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REPORTING AND INVESTIGATING CHILD ABUSE/NEGLECT

The FIELD(DistrictCommonName) and its employees will take action to protect students and other children from harm including, but not limited to, abuse and neglect, and will respond immediately when discovering evidence of harm to a child. Employees must cooperate fully with investigations of child abuse and neglect. The district prohibits discrimination, negative job action or retaliation against any district employee who in good faith reports alleged child abuse or neglect, including alleged misconduct by another district employee.

Employees failing to follow the directives of this policy or state or federal law will be subject to discipline including, but not limited to, termination, and may be subject to criminal prosecution.

Public School District Liaison

The superintendent shall designate a specific person or persons to serve as the public school district liaison(s) and forward that information to the local division office of the Children's Division (CD) of the Department of Social Services. The liaison(s) shall develop protocols in conjunction with the chief investigator of the local division office to ensure information regarding the status of a child abuse or neglect investigation is shared with appropriate school personnel.

The liaison(s) will also serve on multidisciplinary teams used in providing protective or preventive social services along with law enforcement, the juvenile officer, the juvenile court and other agencies, both public and private.

It will be the responsibility of the liaison(s) to arrange for training and information necessary to assist staff members in identifying possible instances of child abuse and neglect, including annual updates regarding any changes in the law. Additionally, the liaison is charged with implementing a planned program of personal safety and awareness education, including methods for preventing sexual abuse, that shall be provided to teachers, students and parents/guardians.

Reporting Child Abuse/Neglect

The Board of Education requires its staff members to comply with the state child abuse and neglect laws and the mandatory reporting of suspected neglect and/or abuse. Any school official or employee acting in his or her official capacity who knows or has reasonable cause to suspect that a child has been subjected to abuse or neglect, or who observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, will immediately make a report to the school principal or designee, including any report of excessive absences that may indicate educational neglect. The school principal or designee will then become responsible for making a report via the Child Abuse and Neglect Hotline to the CD, as required by law. This policy does not

preclude any employee from directly reporting abuse or neglect to the CD; however, the school official or employee must notify the school principal or designee immediately after making a report.

~~In accordance with law, if a student reports alleged sexual misconduct on the part of a school district employee to an employee of this district, the employee who receives the report and the superintendent shall forward the allegation to the CD within 24 hours of receiving the information.~~

The school principal or designee will inform the superintendent or designee and the liaison(s) that a report has been made and will keep them aware of the status of the case. The school principal or designee may also notify law enforcement or the juvenile office when appropriate. If the school principal or designee has reason to believe that a victim of such abuse or neglect is a resident of another state or was injured as a result of an act that occurred in another state, then, in addition to notifying the Missouri CD pursuant to this policy, he or she may also make a report to the child protection agency with the authority to receive such reports, pursuant to law, in the other state.

In accordance with law, if a student reports alleged sexual misconduct on the part of a school district employee to an employee of this district, the employee who receives the report and the superintendent shall forward the allegation to the CD within 24 hours of receiving the information. For the purposes of this policy, the term "sexual misconduct" is defined as engaging in any conduct with a student, on or off district property, that constitutes the crime of sexual misconduct; illegal sexual harassment as defined in policy AC, as determined by the district; or child abuse involving sexual behavior, as determined by the CD.

Investigating Child Abuse/Neglect

Except in situations involving sexual misconduct, when the CD receives a child abuse report alleging that an employee of the district has abused a student, the report shall be immediately referred to the superintendent (or the president of the School Board in situations concerning the superintendent), who will conduct an initial investigation. If the initial investigation determines that the report relates to a spanking by a certificated district employee or the use of reasonable physical force against a student for the protection of persons or property by any district personnel administered pursuant to district policy, or if it is determined that the sole purpose of the report is to harass a district employee, the report will be investigated as detailed below in accordance with law. All other reports of any nature will be immediately returned to the CD for investigation, ~~and the superintendent (or Board president, if applicable) will take no further action.~~

Harassment, Spanking or Protection of Persons or Property

If ~~the~~ report **to the CD** relates to a spanking by a certificated district employee or the use of reasonable physical force against a student for the protection of persons or property by any district personnel administered pursuant to district policy, or if it is determined that the sole purpose of the

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report is to harass a district employee, the superintendent, Board president or a designee of either will notify the ~~juvenile officer~~ law enforcement of the county in which the alleged incident occurred. The district will jointly investigate the matter with the ~~juvenile officer or a~~ law enforcement officer designated by the ~~juvenile officer~~. The superintendent, Board president and their designees are authorized to contact and utilize the district's attorney to assist in the investigation.

Once the investigation is concluded, the ~~juvenile officer or~~ law enforcement officer and the investigating district personnel will issue separate reports of their findings, no later than seven days after the district receives notice of the allegation from the CD. The reports must contain a statement of conclusion as to whether the preponderance of evidence supports a finding that the alleged incident of child abuse is substantiated or unsubstantiated. The Board will consider the separate reports and will issue its findings and conclusions, if any, within seven days after receiving the last of the two reports. The findings and conclusions will be made as required by state law and will be sent to the CD.

Sexual Misconduct Involving an Employee

The district takes all allegations of sexual misconduct seriously, regardless of the source. When an allegation is made, district employees will immediately take appropriate action to protect students and other children, which will include reporting to the CD in accordance with Board policy and notifying the superintendent. The superintendent or designee will contact law enforcement, ~~suspend the employee pending an investigation,~~ and begin an investigation.

In accordance with law, if a student reports alleged sexual misconduct on the part of a teacher or other employee of a school district to a district employee, the employee who receives the report shall notify the superintendent immediately and forward the allegation to the CD within 24 hours of receiving the information. The superintendent will also forward the allegation to the CD within 24 hours of receiving the report. The CD will investigate all allegations of sexual misconduct involving district employees.

Referral to the Office of Child Advocate for Children's Protection and Services

If the CD determines that a report of child abuse or neglect is unsubstantiated, the district or a district employee may request that the report be referred to the Office of Child Advocate for Children's Protection and Services for additional review.

Information from the Children's Division

In accordance with law, as mandated reporters district employees reporting child abuse and neglect are entitled upon request to information on the general disposition of a report of child abuse or neglect and may receive findings and information concerning the case at the discretion of the CD.

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The CD will also notify the district when a student is under judicial custody or when a case is active regarding a student.

Any information received from the CD will be kept strictly confidential in accordance with law and will only be shared with district employees who need to know the information to appropriately supervise the student or for intervention and counseling purposes. All written information received by any public school district liaison or the district shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). Information received from the CD will not be included in the student's permanent record.

Immunity

In accordance with law, any person who in good faith reports child abuse or neglect; cooperates with the CD or any law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state in reporting or investigating child abuse or neglect; or participates in any judicial proceeding resulting from the report will be immune from civil or criminal liability.

Any person who is not an employee of the district and who in good faith reports to a district employee a case of alleged child abuse by any district employee will be immune from civil or criminal liability for making such a report or for participating in any judicial proceedings resulting from the report.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: FIELD(AdoptDate)

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
GBH, Staff/Student Relations
GBLB, References
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members
GCPF, Nonrenewal of Professional Staff Members
GDPD, Nonrenewal, Suspension and Termination of Support Staff Members

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Legal Refs: §§ 160.261, 167.122 - .123, 210.110 - .165, .865, RSMo.
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g

FIELD(DistrictLocationLine)