

Policy Title: CHILD ABUSE AND NEGLECT	Policy No.	No. of Pages
	STU01	4
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I. **PURPOSE:** To establish a policy to implement child abuse reporting requirements for school employees as mandatory reporters under the law.

II. **DEFINITIONS:**

1. Alleged abuser, as broadly defined in this regulation, refers to any individual or group of individuals, including, but not limited to, parents, spouses, siblings, other relatives, school employees, students, volunteers, community members and/or other individuals interacting with the child.
2. Child abuse or neglect means injury, sexual abuse, or negligent treatment or maltreatment of a child by an alleged abuser under circumstances which indicate that the child's health, welfare, and safety are endangered.
3. Negligent treatment or maltreatment means an act or non-action which shows a serious disregard of consequences of such magnitude as constitutes a clear and present danger to the child's health, welfare, and safety. Examples include but are not limited to:
 - a. Substantial or multiple skin bruising or any other internal bleeding.
 - b. Any injury to skin causing substantial bleeding.
 - c. Malnutrition.
 - d. Failure to thrive.
 - e. Burn or burns.
 - f. Poisoning.
 - g. Fracture of any bone.
 - h. Subdural hematoma.
 - i. Soft tissue swelling.
 - j. Extreme pain.
 - k. Extreme mental distress.
 - l. Gross degradation.
4. Parent means a parent, guardian or person having legal custody of a child to include when it is known that the person has custody and is the primary caretaker of the child although without a legal appointment as guardian.
5. Sexual misconduct as used in this regulation means any sexually exploitive act with or to a child. Sexually exploitive acts include, but are not limited to, the following:

- a. Any sexual advance, verbal, written or physical including the sharing of inappropriate sexual materials.
- b. Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a child except to the extent necessary and appropriate to attend to the hygienic or health needs of the child.
- c. Any activities determined to be grooming behavior for purposes of establishing a sexual relationship.
- d. Indecent exposure of one's private body parts.
- e. Sexual harassment of another as defined under state statute.
- f. Commission of a criminal sex offense as defined under the laws of the State of Hawaii.

III. POLICY:

1. Any person participating in good faith in the making of a report pursuant to law or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of the state (Chapter 350, HRS).
2. Any person who is required to make, or to cause to be made, a report, pursuant to state statute and administrative procedure, and who knowingly fails to make or to fails to cause to be made such a report, will be accountable for violation of state statute and, if an employee, will be subject to disciplinary action up to and including termination.
3. Employees' Responsibilities

- a. Duty to Report

Every employee, whether certificated or classified, is required to immediately report as set forth in this section those cases in which the employee has reasonable cause to believe a child has suffered abuse or neglect, by an alleged abuser, to the Principal or designee. A report also must be made when an employee has reason to believe a child has been or may have been a victim of physical abuse or sexual misconduct by another school employee.

- b. Time and Agency for Report

The Employee and the Principal or Vice Principal shall jointly and immediately report the suspected abuse or neglect case when there is reasonable cause to believe that the child has suffered abuse or neglect to the proper law enforcement or Child Protective Service.

- c. Confidentiality

All reports concerning child abuse or neglect made in accordance with this policy, as well as all records of such reports, are confidential. Any person who intentionally makes an unauthorized disclosure of a report or record of a report made may be subject to disciplinary action (up to and including discharge) in addition to civil and criminal penalties.

d. Inspection of a Child

Inspection of a child suspected of being physically abused or neglected may be conducted by the school nurse or paraprofessional health aide or a school counselor. The person inspecting the child will make every effort to take or cause to be taken a color photograph of the area of trauma visible on the child (Chapter 350, HRS).

4. Submission of Oral and Written Reports

a. The employee and the Principal or Vice Principal shall jointly submit an oral report of the suspected abuse or neglect to the proper law enforcement agency or Child Protective Service and shall follow-up with a written report within five (5) workdays. Copies of the form shall be distributed to the proper law enforcement agency with a copy to be filed in the principal's or associate principal's office. The Principal or Vice Principal shall verbally notify the corporate office of the incident.

b. The report shall contain the following information:

- i. Name, address, and age of the child.
- ii. The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child.
- iii. The nature and extent of the child's injury or injuries.
- iv. The nature and extent of the neglect of the child.
- v. The nature and extent of the abuse.
- vi. Any evidence of previous injuries, including their nature and extent.

5. If the alleged abuser is a school employee, the Principal or Vice Principal shall immediately notify the Corporation who shall collaborate in notification of the parent or guardian.

6. If a law enforcement or child protective agency investigator requests to interview the suspected abused or neglected child at school, the Principal or Vice Principal shall obtain the child's consent before making the student available for an interview. The principal shall ask the child if he or she has a school person who he or she would like to be present during the interview. The Principal or designee shall document the questions asked and the student's answers regarding consent. The Principal or Vice Principal shall notify the parent unless (1) the investigator directs the school not to do so, or (2) there is a

reasonable possibility that the suspected abuse may involve the parent.

7. If the investigating law enforcement official or child protective investigator requests to interview a student or students at school as witness(es) to verify that a child is being abused or neglected, the Principal or designee will make a reasonable effort to notify the parent prior to the interview providing the law enforcement official or investigator concurs in notification of the parent(s).
8. Time Requirements of Reporting

All reporting requirements set forth in this regulation must be jointly completed by the employee and the Principal or Vice Principal at the building after there is reasonable cause to believe that the child or dependent adult has suffered abuse or neglect. Such report shall be made immediately upon determination that reasonable cause exist. If it appears the Principal or Vice Principal, will not be available within a reasonable time, the report shall be made by the employee who shall document the notification and provide the information to the principal or associate principal at the first opportunity.

9. Request for Records

Upon a request by an investigating law enforcement official or child protective service investigator for education records of a child who is the subject of a child abuse investigation, school personnel shall provide copies of any education records requested.