

## **Reporting Child Abuse or Neglect**

### **Definitions**

- A. Child abuse or neglect means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A section 3272, subsection 2, paragraph B or section 5051-A, subsection 1, paragraph C, by a person responsible for the child.
- B. Child "sexual abuse" means all sexual engagement, either hands-on or hands-off activities, between an adult and a child. Sexual engagement between children can also be sexual abuse when there is a significant age difference between the children or if the children are very different in development, size, or other power differential.

### **Employees' Duty to Notify/Report**

- A. Any employee of RSU 40 hereinafter referred to as the "notifying employee" who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the Superintendent/designee.
  - 1. In addition to notifying the Superintendent/designee the notifying employee may also make a report directly to the Department of Health and Human Services (DHHS 1-800-452-1999), and the District Attorney if required (Section III.B provides further information about reporting to DHHS and the District Attorney).
- B. If the notifying employee does not receive written confirmation within 24 hours from the Superintendent/designee that a report has been made to DHHS (and the District Attorney if required), the employee must make an immediate report directly to DHHS (-1-800-452-1999), and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee must then complete a copy of the Suspected Child Abuse and Neglect Form supplied by the Superintendent/designee.
- C. If the notifying employee does receive, written confirmation from the Superintendent/designee within 24 hours of their notification they must sign the form as acknowledgement that the report was made and return it to the Superintendent/designee.

**Administrator Reporting and Confirmation Duties**

All building administrators and the Superintendent are designated agents to make child abuse and neglect reports.

- A. If a building administrator suspects abuse or neglect, or receives such a report from an employee, they must notify the Superintendent/designee immediately.
- B. The Superintendent/designee must then make an immediate report by telephone (1-800-452-1999) of suspected abuse or neglect to DHHS. In addition, if the person suspected is not the parent, guardian, or other custodian of the child, the Superintendent/designee must also make a verbal report to the District Attorney.
  1. The law requires the original notifying employees make their own report to DHHS, and the District Attorney if required, if they have not received confirmation within 24 hours that a report has been made by the Superintendent/designee.
  2. The person making the report to DHHS and/or the District Attorney must complete a Suspected Child Abuse or Neglect Form in consultation with the notifying employee.
- C. The Superintendent/designee must provide the Suspected Child Abuse or Neglect Form to the notifying employee within 24 hours of the employee's initial report. The notifying employee must sign the report and return it to the Superintendent/designee.
- D. Copies of the completed Child Abuse and Neglect Form will be forwarded to DHHS, and to the District Attorney if required. The original Child Abuse and Neglect Form must be retained by RSU 40 for ten years, along with any other information relevant to the case.

**Internal Investigations and Discipline**

- A. **Employees:** If the person suspected of abuse or neglect is an employee, the Superintendent/designee must investigate and take appropriate action, in accordance with applicable Board policies, collective bargaining contracts, and federal and state laws.
- B. **Students:** If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee must investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

- C. **School officials** should attempt to coordinate investigations with DHHS and law enforcement to the extent possible, in light of the school's obligation to protect the safety and security of the school environment. When reasonably possible, any internal interviews of a child who may have been abused or neglected will be conducted by a person who has knowledge of appropriate techniques for interviewing alleged victims of abuse or neglect.

### **Interview of Child and School Personnel**

DHHS personnel must be permitted to meet with and interview the child named in the report when the child is present at school as provided in this section. The Superintendent/designee must:

- A. Require the DHHS employee requesting to interview the child to provide written certification that in the Department's judgment, the interview is necessary to carry out its duties.
- B. Require the DHHS caseworker to discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance, school nurse, social worker or building administrator as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
- C. Not place conditions on how the interview is conducted, including, but not necessarily limited to, requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;
- D. Provide an appropriate, quiet and private place for the interview; and
- E. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

### **Confidentiality of Information and Records**

All records, reports, and information concerning alleged cases of child abuse and neglect must be kept confidential to the extent required by Board policies and applicable law.

Under federal law, the Superintendent/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals.

**Good Faith Immunity from Liability: Retaliation Prohibited**

Any person who in good faith reports or assists DHHS in making the child available for an interview, or participates in the investigation or proceedings of a child protection investigation 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.

**Child Abuse Awareness and Prevention Training for School Employees**

- A. All persons required to make a report under this policy must complete mandated reporter training at least once every 4 years.
- B. All school employees working with students in public pre-school programs through grade 5 will receive a minimum of one hour of child sexual abuse awareness and prevention training within six months of hire and every four years.
- C. The training for employees working with children through grade 5 must be delivered by a qualified instructor(s) and be “evidence-informed.”
- D. “Qualified instructor” is defined as “an individual who has the knowledge, skills, and comfort level necessary to professionally address child sexual abuse prevention education, aligned to research and best practices. A qualified instructor may be school personnel or from a community-based organization.”

“Evidence-informed” is defined as “programs that use the best available knowledge and research to guide program design and implementation; the program has clearly identified intended outcomes and conducts evaluations to measure those outcomes.”

This training is intended to:

- A. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children;
- B. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);
- C. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and
- D. Include local child sexual abuse and sexual assault resources.

Resource providers include, but are not limited to, the Maine Department of Health and Human Services; The Maine Coalition against Sexual Assault ([www.mecasa.org](http://www.mecasa.org)); statewide sexual assault support line: 1-800-871-7741); The Maine DOE Health Education website ([www.maine.gov/doe/healthed/areas/index.html](http://www.maine.gov/doe/healthed/areas/index.html)) and The Maine Coalition against Sexual Assault (see website above).]

### **Child Sexual Abuse Prevention Education for Students**

As part of the health education curriculum aligned with the Learning Results Health Education standards, students in public pre-school through grade 5 will receive child sexual abuse prevention education curriculum programs delivered by qualified instructors and follow an appropriate scope and sequence. The curriculum will be consistent with evidence-informed, age-appropriate child sexual abuse prevention education for students, and include:

- A. Age-appropriate education regarding physical and personal boundaries, including biologically accurate body terminology;
- B. Help children identify unsafe or uncomfortable situations including a range of feelings, touches, or violations of physical boundaries;
- C. Help children identify safe adults with whom they could discuss unsafe or uncomfortable situations; and
- D. Helps children identify and develop skills to support a friend who may be experiencing unsafe or uncomfortable situations.

Legal Reference: 22 M.R.S. §2011-A  
22 M.R.S. Ch. 1071, Child and Family Services and Child Protection Act  
20 U.S.C. §1232g, Family Educational Rights and Privacy Act  
20-A M.R.S. §§254(18); 4502(5-C); 5051-A(1)(C); 5051-A(2)(C)  
20- A M.R.S. §§5051-A(1)(C); 5051-A(2)(C)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students  
GBEB – Staff Conduct with Students  
JRA – Student Records

*This is a required policy.*

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