



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5141.40 - Suspected Abuse/Neglect of Students

Approved on October 7, 2002

It is the public policy of the State of Connecticut to protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children where necessary; and for these purposes to require the reporting of suspected child I. abuse, investigation of such reports by a social agency/local police, and the provision of services, where needed, to such child and family.

In order to assure that the above policy of the State of Connecticut is fully implemented, the Consolidated School District of the City of New Britain does hereby establish the following policies with respect to suspected abuse and neglect of students:

- A. All personnel of the Consolidated School District shall fully comply with all the requirements of the General Statutes and with regulations promulgated by the Commissioner of Children and Families and/or the Commissioner of Education with respect to the reporting of suspected abuse or neglect of a child in accordance with the administrative procedures of the Consolidated School District.
- B. All personnel of the Consolidated School District shall fully comply with all the requirements of the General Statutes and Regulations promulgated by the Director of the Office of Protection and Advocacy for persons with disabilities with respect to the reporting of suspected abuse or neglect of mentally retarded students between the ages of 18 and 21 in accordance with the administrative procedures of the Consolidated School District.
- C. All personnel shall cooperate fully with the investigation of suspected abuse and/or neglect by the Department of Children and Families (DCF) and by the local police, by the Office of Protection and Advocacy for persons with disabilities, and with all court proceedings involving suspected abuse and/or neglect.
- D. Such mandated reporting requirements of the general statutes and regulations and the administrative procedures regarding reporting shall be reviewed with all professional personnel and paraprofessionals at periodic intervals not less frequently than once each school year.

- E. Any student suspected of having been abused or neglected and who is in need of medical attention shall be provided such medical attention to the same extent it would be provided to any other child in need of medical attention.
- F. All personnel of the Consolidated School District shall treat all cases of suspected abuse or neglect with the highest degree of confidentiality and with full consideration of the privacy of the student concerned.

The purpose of this Board Policy is to inform all employees in the school system of the statutory requirements to report suspected child physical abuse, sexual abuse, or neglect, and to inform such employees of their immunity from civil liability or criminal penalty for reporting.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5141.40 - Suspected Abuse/Neglect of Students

Approved on October 7, 2002

I. Legal Requirements

A. Mandated Reporting

Connecticut laws require professionals and paraprofessionals to report suspected child abuse/neglect, when in the ordinary course of business, they have cause to suspect or believe that a child has been abused or neglected or when a child is in imminent danger of serious harm. In the Consolidated School District of New Britain this includes physicians, registered nurses, licensed practical nurses, teachers and substitute teachers, principals, guidance counselors, paraprofessionals, school psychologists, school social workers, speech clinicians, mental health professionals and coaches of intramural or interscholastic athletics who have reason to believe that a child (a) has been subjected to physical or sexual abuse, or neglect, or (b) is in imminent danger of serious harm. These individuals shall immediately report to the Department of Children and Families (DCF) (1-800-842-2288) or to the local police (826-3091). When an individual reports orally to the police, a written report to DCF must be completed within 48 hours of contacting the police.

Where school personnel are unsure whether abuse or neglect has taken place, the situation should be discussed with the Department of Children and Families Child Protection CARELINE personnel (1-800-842-2288).

B. Sanctions for Failure to Report

Employees who are mandated reporters and who fail to comply with their reporting obligations may be subject to disciplinary action up to and including termination of employment. In addition, Connecticut law provides that:

Any mandated reporter required to make a report who willfully fails to do so:

- May be civilly liable for the damages caused by such failure.
- Shall be fined between five hundred and twenty-five hundred dollars (\$500 - \$2,500).
- Will be required to participate in an educational and training program.

II. Definitions

- **Mandated Reporter:** For purposes of this policy, the following employees of the Board of Education are mandated reporters: Any educator, physician, registered nurse, licensed practical nurse, dentist, dental hygienist, physician assistant, psychologist, teacher, principal, guidance counselor, paraprofessional, social worker, school psychologist, speech clinician, mental health professional, or coach of intramural or interscholastic athletics
- **Child** means any person under the age of eighteen (18) years. Persons eighteen (18) years of age or older who are believed to lack the capacity to care for their daily needs are protected through the Office of Protection/Advocacy for Persons with Disabilities (1-800-842-7303).
- **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 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.
- **Sexual Abuse** means any act or acts involving sexual molestation or exploitation, including but is not limited to incest, rape, or sexual offense in any degree, sodomy, or unnatural or perverted sexual practices, on a child by any parent or by any other person who has the permanent or temporary care or custody or responsibility for supervision of a minor child or by a person given access to such child by such responsible person. Sexual abuse would also include, but is not limited to, contact or conduct with a child for the purpose of sexual gratification and may range from sexual advances, kissing, or fondling, to sexual crime in any degree; rape, sodomy, prostitution, or allowing, permitting, encouraging, or engaging in the obscene or pornographic display, photographing, filming or depiction of a child as prohibited by law.
- **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.

III. Immunity

Any persons, officials, or institutions that in good faith make a report, have immunity from any liability, civil or criminal, that might be a result of such actions provided that such persons did not themselves perpetrate or cause such abuse or neglect. All persons, officials, or institutions who are required to report suspected child abuse or neglect are presumed to have done so in good faith as long as they were acting in the discharge of their official duties and within the scope of their employment and so long as their actions did not result from willful misconduct or gross negligence. The New Britain Board of Education shall not discharge, or in any manner discriminate or retaliate against any employee who in good faith makes a report pursuant to Connecticut General Statutes, testifies or is about to testify in any proceeding involving child abuse or neglect.

Any person who knowingly makes a false report of child abuse or neglect shall be fined not more than two thousand dollars (\$2,000) or imprisoned not more than one year or both.

IV. Possible Perpetrator

Any parent, legal guardian, or person who has the permanent or temporary care or custody or responsibility for the supervision of a child, or any person who has been given access to such child by the responsible person, or a school teacher/employee during the school day, may also be deemed abusers under the statute.

When a school employee is suspected of child physical or sexual abuse or neglect, action must be taken by any mandated reporter to report such suspicion immediately to the DCF Child Protection CARELINE (1-800-842-2288) or to the local police (826-3092) and to make an oral and a written report to the Superintendent of Schools. The Superintendent or designee will notify the State Commissioner of Education and the appropriate law enforcement agency, orally and in writing as prescribed by law.

V. Reporting Procedures

A. Oral Report

Any employee of the New Britain School System who suspects that a child has been subjected to physical or sexual abuse or neglect, or is in imminent danger of serious harm, shall make an oral report to DCF Child Protection CARELINE (1-800-842-2288) or to the appropriate law enforcement agency (826-3092) and to the building principal. The employee should call DCF first; if he/she is unable to make contact with DCF, he/she should then contact the local police (826-3091). The responsibility of an employee of the local school system to report suspected cases of child abuse or neglect is mandatory. The oral report must be made immediately (within 12 hours) notwithstanding any provision of law, including any law on privileged communications. In addition to making an oral report, the school employee shall also inform the local school principal, the Director of Pupil Services, and the DCF Child Protection - CARELINE in writing (Form 136 Report of Suspected Child Abuse/Neglect) that a case of suspected child abuse, neglect, or imminent danger of serious harm has been reported to DCF or the local police. It is the obligation of the principal to ensure that such cases brought to his/her attention by any school employee are duly reported by the employee if this has not already been done.

Note: To expedite investigations by DCF, the following additional steps are recommended: The employee should call the CARELINE as early as possible during the school day; immediately after calling the CARELINE, call the DCF Supervisor of Investigations for New Britain (Tel: 418-8156). The employee should notify the supervisor's office that a report has been made to central intake and furnish the child's name, nature of referral, parent(s) name, school name and address, and the school contact person and phone number. The investigation's supervisor will tell the employee whether or not the child needs to remain in school for the investigation.

B. Written Report

- The New Britain Board of Education requires that every oral report be followed by a written report. The person making the oral report to state or local police is also responsible for submitting the written report (Form 136 Report of Suspected Child Abuse/Neglect). The written report must follow the oral report and be made within forty-eight (48) hours of the oral report. Such report is to be mailed to:

Original to: DCF Child Protection-CARELINE, P.O. Box 882, Middletown, CT 06457
Copies to: DCF Program Supervisor of Investigation, 250 Hamilton Street, Hartford, CT 06106
Director of Pupil Services
Building Principal

- The following information, if known, is required when filing a report of suspected child abuse or neglect. This information is included on Form 136 Report of Suspected Child Abuse/Neglect.

- The names and addresses of the child and his/her parents or other legally responsible person providing care;
- The child's age;
- The child's gender;
- The nature and extent of the child's injuries, maltreatment or neglect;
- The approximate date and time the injury, injuries, or neglect occurred;
- Information concerning any previous injuries, abuse or neglect to the child or his/her siblings;
- The circumstances in which the injury or neglect came to be known by the reporter;
- The name/relationship of the person or persons responsible for causing the injury, abuse, or neglect;
- Actions taken, if any, to treat, provide shelter or otherwise to assist the child.
- Any additional information that may be helpful.

Note: The lack of complete information does not prohibit a person from making a report.

- Access to written reports of suspected child abuse/neglect and related information shall be limited to persons who have a true need-to-know and shall not violate the confidentiality requirements of federal or state law or local policy. The school system shall maintain copies of reports of suspected child abuse or neglect in a locked and secure file cabinet with restricted access. A copy of every written report must be distributed internally to the Director of Pupil Services and to the building principal. This report should not be filed in the student's cumulative folder or in the PPT folder.

C. Confidentiality of Reporter

Department of Children and Families regulations require that the identity of the person reporting a case of suspected child abuse and/or neglect shall not be revealed unless consent is provided. DCF staff must protect the identity of the reporter unless a criminal investigation is also conducted as a result of the report or as required by court order to reveal the identity of the reporter. Educators are encouraged to share information about the reported family, but DCF staff may not identify any reporting source to a reported family unless the educator has given consent to DCF to reveal his/her identity or unless the case goes to court.

VI. Confidentiality of Records

All records and reports concerning DCF investigations of suspected child abuse and/or neglect and their outcome are protected by the Federal Educational Rights and Privacy Act of 1974 (FERPA) and Connecticut General Statutes. Unauthorized disclosure of such records is a criminal offense subject to fines or imprisonment or both. By law, information contained in reports or records concerning child abuse and/or neglect may be disclosed only:

- Under a court order
- To personnel of DCF, law enforcement, and members of multidisciplinary case consultation teams who are assisting in the investigation, evaluation, or treatment of a report of known or suspected child abuse or neglect or who are providing treatment services to a child or family that is the subject of the report
- To DCF officials responsible for the administration of the child protective service program as necessary to carry out their official functions
- To a person who is the alleged perpetrator of suspected child abuse/neglect if that person is responsible for the child's welfare and provisions are made for the protection of the identity of the reporter or any other person whose life or safety is likely to be endangered by disclosing the information
- To a licensed practitioner who, or an agency, institution or program which, is providing treatment services to a child who is the subject of a report of child abuse or neglect
- To a parent or other person who has permanent or temporary care and custody of a child, if provisions are made for the protection of the identity of the reporter to be endangered by disclosing the information
- Other individuals involved in the investigation/treatment of a child as provided for by Connecticut Statutes.

VII. Investigative Procedure

A. Responsibility for Investigation

Validation of suspected child abuse/neglect allegations is the responsibility of DCF and/or the police when the alleged perpetrator is not a school employee. In such cases, school personnel shall not attempt to conduct any internal investigation or any independent review of the facts.

In cases where the alleged perpetrator is a school employee, the mandated reporter will immediately notify DCF, which will commence an investigation in conjunction with local police, if required by law. The mandated reporter must also notify the Superintendent. The Superintendent/designee or the Board of Education may authorize other individuals/agencies to conduct an internal investigation of the allegations but the lead investigative agency will be DCF or local police.

An employee may briefly question a child to determine if there is reason to believe that the child's caretaker and/or household member has committed the suspected child abuse/neglect, (e.g., What happened to you? Where did this happen? How did this happen?). However, in no case should the child be subjected to undue pressure in order to validate the suspicion of abuse and/or neglect. Any doubt about reporting a suspected situation is to be resolved in favor of protecting the child and the report made immediately.

B. Third Party Presence During Investigative Questioning

In the event that a child is to be questioned during the school day on school premises in an investigation of either child abuse or neglect, it is the responsibility of DCF to obtain the consent of the parents or guardians except when DCF has reason to believe that such parent or guardian is the alleged abuser. In such circumstances, whether the child is the alleged victim or a non-victim witness, DCF or the police shall determine after consultation with the principal or designee whether a disinterested adult shall be present during the questioning of a pupil. The disinterested adult should be selected on a case basis for the purpose of providing support and comfort to the student who will be questioned. When the parent or guardian is the alleged perpetrator, the statutes require having a disinterested adult present during questioning, except in circumstances when a disinterested adult is not available and DCF determines that immediate access is necessary to protect the child.

DCF and the police shall attempt to give advance notification to school authorities of the need to interview children on school property during school hours. School authorities are required to cooperate with DCF personnel and the police in the investigation of reports of suspected child abuse/neglect of children within the school system. This can include the calling of a multidisciplinary/ student assistance team meeting to share information and concerns to the extent permitted by the confidentiality statute and to coordinate planning for services to the child. Appropriate school personnel are expected to participate in the team meetings in accordance with procedure established by the Consolidated School District of New Britain.

C. Parental Notification of Investigation

DCF is responsible for the decision of whether or not the parents should be informed of the investigative questioning.

In the event that the alleged perpetrator is a school employee, the Superintendent or designee is to notify the parents, legal guardians, or person responsible for the child's care who may have been victimized by the alleged perpetrator that such an allegation is being investigated by DCF with police or school assistance as required.

VIII. Emergency Medical Treatment

In the event that a child is in need of emergency medical treatment as a result of suspected abuse or neglect, the school principal, in collaboration with the school nurse or other health professional when available, shall arrange for the child to be taken immediately to the nearest hospital. DCF and the parent or guardian should be notified that the child is to be transported to the hospital when feasible; in cases where the emergency conditions prevent such notification, DCF and the parent or guardian should be notified as soon thereafter as possible. In all other instances, it is the role of DCF and/or police officer to seek medical treatment for the child.

The transport or arrangement for transportation by public school personnel for a child to a hospital or other similar health care facility in an emergency situation that may be a result of abuse or neglect should be provided to the same extent as it would be provided to any other child in need of emergency service. The responsibility of costs for such transportation and hospital costs would be the same as it is for other children in need of emergency services.

If a school nurse or school medical adviser is not readily available and the rendering of emergency first aid is necessary, other public school personnel who have completed a course in first aid offered by the American Red Cross, the American Heart Association, or the Department of Health Services may render such emergency first aid to a child. A person providing such aid shall not be liable for civil damages for any personal injuries, which

result from acts or omissions by such person in rendering the emergency first aid, which constitutes ordinary negligence. The immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

Removal of Clothing: Public school personnel, except for a school nurse or a school medical adviser, may not remove or insist that a child remove clothing to confirm suspected abuse or neglect, except in those circumstances where immediate action is required or in the case of apparent need for emergency medical treatment as defined above. A school medical adviser or school nurse may request that a child remove clothing when the following conditions exist:

- A child has, by word or action, identified a particular injury, the extent of which can only be determined by removing the child's clothing, and
- The examination is necessary to determine whether medical attention is required and not merely to confirm suspected abuse, and
- The request is made in such a manner that the child clearly understands that compliance with the request is optional and that no adverse consequences will result from a refusal to comply.

Any examination of a child which necessitates the removal of clothing performed by a nurse or medical advisor of a New Britain public school shall be made in the presence of the student's parent or another school employee.

IX. Access to Medical Records

Information contained in school health records needed during the existence of a health and safety emergency may be disclosed without parental consent and without violating the provisions of Federal Educational Rights and Privacy Act (FERPA) of 1974.

Educators are required to provide copies of a child's medical/health records upon request to DCF as needed as part of child abuse/neglect investigation or to provide appropriate services in the best interest of a child who is the subject of a report of child abuse or neglect.

X. Removal of Child from School Premises

The child may be removed from the school premises by DCF or a police officer only if:

1. DCF has guardianship of the child **or**
2. DCF has a 96-Hour Hold or a Court Order to remove the child. (A copy of the Order should be shown to school personnel if removal is to occur by DCF or police). DCF shall notify the parents of the action to remove the child from school. Usually this notification will occur as part of the social worker's initial family visit, or as part of the contact during the initial family visit or interview.

XI. Information Dissemination

Information contained in this policy and procedure will be disseminated as follows:

- Administration will provide orientation and training to all new employees on this policy and procedure. All employees will be made aware of their obligations under this policy and procedure each year.

- Parents will be advised of the legal responsibility of school district employees mandated by law to report suspected cases of abuse/neglect, or whenever there is reason to believe that a child is in imminent danger of serious harm. A notice (sample attached) will be included in the school handbook that is given to all parents every year.
- The school district will include in its public service announcements information about the obligation of school district employees mandated by law to report suspected cases of child abuse or neglect, or they believe a child is in imminent danger of serious harm.