

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

Purpose

The purpose of this policy is to make clear the statutory and District policy requirements of District employees to report suspected child abuse or neglect. District personnel are in a position to identify children who potentially have been abused or neglected or threatened with abuse or neglect and to refer them for treatment and protection.

Statement of Policy

It is the policy of the District to fully comply with Wisconsin State Statute 48.981. In addition, this policy also outlines responsibilities of District employees who are not mandatory reporters of suspected child abuse or neglect under Wisconsin State Statute 48.981.

Cross References: Student Sexual Harassment Policy, 411.1, 411.1-Rule
Bullying Policy 443.71, 443.71-Rule

Legal References: Wisconsin State Statutes 48.981, 118.31, 940.225, 948.02,
948.025, and 948.085

Adoption Date: January 23, 1989

Amended Date: October 10, 2011

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Procedures

Purpose

The purpose of this policy is to make clear the statutory and District policy requirements of District employees to report suspected child abuse or neglect. District personnel are in a position to identify children who potentially have been abused or neglected or threatened with abuse or neglect and to refer them for treatment and protection.

Statement of Policy

It is the policy of the District to fully comply with Wisconsin State Statute 48.981. In addition, this policy creates a duty for District employees who are not mandatory reporters of suspected child abuse or neglect under Wisconsin State Statute 48.981 to report suspected child abuse or neglect under this policy. The reporting procedures for District employees required to report under this policy, as well as the reporting procedures for “mandatory reporters,” are explained below.

Legal Definitions Under Wis. Stat. § 48.981

“**Neglect**” means failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

“**Abuse**” includes, but is not limited to, emotional or physical injury inflicted on a child by other than accidental means, sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085, and emotional damage for which the child’s parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

“**Child**” means a person who is less than 18 years of age, or a student who is between the ages of 18 and 21 and who is a “vulnerable adult.”

“**Mandatory Reporters**” Under Wis. Stat. § 48.981, mandatory reporters include but are not limited to, the following: nurse, social worker, counselor, teacher, administrator, alcohol or other abuse counselor, physical therapist, physical therapist assistant, occupational therapist, audiologist, dietician, speech and language pathologist and any other medical or mental health professionals.

“Ombudsman for Reporting Policy Compliance and Implementation”

The District will identify annually a District designated ombudsman to assist District staff, both “mandatory reporters ” and employees required by this policy to report, to make reports to county department of Child Protective Services (CPS) or the police, and to receive the reports of employees required by this policy to report. The ombudsman will have the following authority: to assist all staff in the reporting process and fulfilling obligations; to provide an alternative source for staff inquiries; to assist in the review of the effective implementation of this policy; and to serve as the link between the school district and outside agencies under this policy.

The ombudsman shall have no authority to impose discipline or evaluate the performance of employees who may report to them under this paragraph of the policy. The ombudsman shall not be subject to any discipline or retaliatory action as a result of fulfilling the duties and obligations under this policy.

REPORTING PROCEDURES

Reporting Requirements for Employees Who Are Not “Mandatory Reporters.”

Every District employee not identified as a mandatory reporter under Wis. Stat. § 48.981 who has reasonable cause to suspect that a child the District employee has contact with at school or in school sponsored or funded activities has been abused or neglected or who has reason to believe that a child the District employee has contact with at school or in school sponsored or funded activities has been threatened with abuse or neglect and that abuse or neglect of the child will occur is strongly encouraged to immediately inform, by telephone or personally, county CPS or the police of the facts and circumstances contributing to that suspicion or to a belief that abuse or neglect will occur. However, if the District employee does not make a direct report to county CPS or the police, the District employee, **must** immediately inform his/her building principal, other District administrator or person designated by the District as the ombudsman of the facts and circumstances contributing to the suspicion of child abuse or neglect or to a belief that abuse or neglect will occur. The ombudsman shall have no authority to impose discipline or evaluate the performance of employees who may report to them under this paragraph of the policy.

The building principal, other District administrator or individual designated by the District receiving such a report shall fulfill his/her obligation as a mandatory reporter and make an immediate report to county CPS or the police with or without the collaboration of the staff member who is not a mandatory reporter.

Reporting Procedures for “Mandatory Reporters.”

Any mandatory reporter who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall immediately inform, by telephone or personally, the county CPS or the police of the facts and circumstances contributing to that suspicion. Staff making a report to county CPS or the police are to notify the building principal or direct administrative supervisor unless otherwise directed not to do so by county CPS or the police.

Information to be Provided in Report

Information provided when reporting, if known, shall include:

- Demographic information for the child, parent, caregiver and alleged maltreater such as dates of birth, names, current addresses, phone numbers, and school information
- Specifics of incident (time, place, details of injury if observed)
- Specifics of any statements from caretaker or child
- Prior concerns or observations
- Access to alleged maltreater
- Concerns for child’s immediate safety

Immunity and Non-Retaliation Provisions

Any person or institution participating in good faith in the making of a report under Wis. Stat. § 48.981 shall have immunity from liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under Wis. Stat. § 48.981 shall be presumed. The immunity provided does not apply to liability for abusing or neglecting a child. Any employee who is not a mandatory reporter and who participates in good faith in the making of a report to a District administrator or designee under this policy shall not be disciplined or retaliated against as a result of making the report. The good faith of any District employee reporting under this policy shall be presumed.

No individual making a child abuse or neglect report in good faith may be discharged from employment, disciplined or suffer adverse action in regard to employment, or threatened with any such treatment for so doing.

Investigation

The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county CPS and/or police. The investigating agency may interview the child at school. The investigating agency, not the District, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care.

Except where the alleged perpetrator is believed to be a District official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

Where the alleged perpetrator is a District official or employee, in addition to making the mandatory report to county CPS or police, the District shall conduct its own investigation and take appropriate disciplinary action. Any District employee who is found to have abused or neglected a student is subject to discipline, up to and including termination of employment.

Policy Implementation

Any District employee who violates this policy is subject to discipline, up to and including termination of employment.

A summary or reference to this policy shall appear in school handbooks.

The District will discuss this policy with all school employees annually and provide regular training in identifying children who have been abused or neglected and in the laws and procedures governing the reporting of child abuse and neglect. The training will assist District personnel in recognizing the signs of abuse, neglect and trauma for all students ages 3 through 21, including those with cognitive, developmental and communication disabilities. The training shall also establish for employees who are not mandatory reporters the identity of the individuals who have been designated by the District as the individuals to whom reports can be made and who do not have the authority to discipline or evaluate the employees.

454-Rule (cont.)

Cross References: Student Sexual Harassment Policy, 411.1, 411.1-Rule
Bullying Policy 443.71, 443.71-Rule

Legal References: Wisconsin State Statute 48.981, 118.31, 940.225, 948.02, 948.025,
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