



Policy Number: 2010

Dated: 05/16/2023

POLICY CHILD ABUSE OR NEGLECT

PURPOSE

School administrators, teachers, and other school employees have an important role to play in the elimination of child abuse, and have a responsibility to report suspected abuse or neglect of a child. American Leadership Academy Board of Trustees believe children deserve to be safe and have adopted this policy to provide clear understanding and direction to school personnel regarding universal, effective, and sensitive handling of child abuse referrals.

POLICY

Utah law requires that whenever any person, including any school employee, has reason to believe that a child is, or has been, the subject of incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services (DCFS).

CHILD ABUSE REPORTING PROTOCOL

Mandatory Reporting

1. Verbal Report: Whenever any school employee has reason to suspect that a child may have been subjected to abuse or neglect, a report will be made immediately by the employee to a law enforcement officer or the Division of Child and Family Services (DCFS). An employee reporting abuse or neglect shall complete the following procedures.
 - a. The principal should be notified of any child abuse report made to law enforcement or to DCFS.
 - b. A report to a principal or any other ALA staff does not satisfy the employee's personal duty to report to law enforcement or DCFS.
 - c. When making the verbal report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.
2. Written Report:
 - a. A written report shall be completed by the reporting employee within 24 hours of the verbal report.
 - b. One copy shall be placed in a Child Abuse or Neglect file with the Executive Director.
 - c. One copy shall be placed in a separate file to be maintained by the school principal for all reported cases of suspected child abuse or neglect. The Child Abuse or Neglect Reporting Form shall not be placed in the child's educational file.

3. Additional Duty:
- a. In addition to the duty to report, outlined above, an employee who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee, volunteer, or contractor, shall immediately report the belief and all other relevant information to the principal.
 - b. A principal who has received a report, or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school employee, volunteer, or contractor, shall immediately report that information to the Executive Director and to Human Resources.
 - c. If the individual suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education (USBE), the Executive Director or his/her designee shall immediately report that information to the Utah Professional Practices Advisory Commission (UPPAC).
 - d. Any employee who has reason to believe a student may be subject to educational neglect due to compulsory education violation shall report to DCFS.
 - e. Failure to comply with the requirements of this policy shall be considered unprofessional conduct by ALA and may lead to disciplinary action. Moreover, an employee who willfully fails to report suspected child abuse or neglect may be guilty of a class B misdemeanor under UTAH CODE ANN 62A-4a-411.
 - f. Under both UTAH CODE ANN 62A-4a-410 and UTAH CODE ANN R277-401-3, persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions.
 - g. Reports are confidential. Under UTAH CODE ANN 62A-4a-412, DCFS and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in its subsequent investigation. In accordance with UTAH CODE ANN R277-401-3, ALA and its employees shall preserve the anonymity of those reporting or investigating child abuse or neglect.

INVESTIGATIONS

1. In cases of suspected abuse or neglect that do not occur on school property or involve school personnel, it is not the responsibility of school administrators, educators, or other employees to investigate or prove that a child has been abused or neglected, or to determine whether the child is in need of protection. Investigations in those cases are the responsibility of DCFS or law enforcement, and investigation by school personnel prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.
2. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional school employees may (but are not required to) gather information only to the extent necessary to support a reasonable belief that a reportable problem exists.
3. Except as may be required by law or another school policy, employees may not engage in the following conduct:
 - a. Interview the child or have contact with the suspected abuser;

- b. Contact the child's parents, relatives, friends, neighbors, or others for the purpose of discussing suspected abuse or neglect or to attempt to determine circumstances or causes of apparent abuse or neglect; or
 - c. Contact parents or otherwise give them notice of an investigation, since parent notification of an investigation is the responsibility of law enforcement or DCFS.
- 4. Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.
- 5. Parents who make inquiries to school personnel about a report or an investigation should be directed to DCFS.

COOPERATION WITH LAW ENFORCEMENT AND DCFS

- 1. Employees shall cooperate with social service and law enforcement agency employees authorized to investigate charges of child abuse and neglect.
- 2. Requests for student records beyond the initial report should be directed to an administrator or his/her designee. When a request is made, the school official responding to the request shall verify the requesting party's credentials and authorization to access a student or student's records by viewing the person's agency-issued identification badge and other documentation, such as the agency's Child Abuse Neglect Report (CANR), that identifies both the party and the student by name and shows that the person is authorized to access the particular student's records.
- 3. Once identification and authorization are established, school employees will cooperate with DCFS and law enforcement agencies by:
 - a. Allowing appropriate access to students;
 - b. Allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;
 - c. Making no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities; and
 - d. Complying with the confidentiality provisions outlined in this policy.
- 4. If an investigator comes to the school to investigate allegations of child abuse and neglect administration must do the following:
 - a. Make no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities or inform them of any investigations. R277-401-3(1).
 - b. Refrain from contacting parents asking to participate in the interview, or any other action unless directed by the investigator. R277-401-3(1)(A).
 - c. If a parent calls about the interview, advise the parent that under the law the school may neither confirm nor deny that an interview has taken place, that all such investigations are the responsibility of DCFS and law enforcement, and that those agencies should be contacted if there are any questions. UTAH CODE ANN 80-2-704(4).
 - d. If the investigator asks for the administrator to be present, they should do so, but must not influence the child through statements or reactions. UTAH CODE ANN 80-2-704(3)(b).
- 5. School administration should document DCFS and law enforcement school visits.

PROTECTION OF SCHOOL RECORDS

Federal Family Educational Rights and Privacy Act ("FERPA") generally prohibits the disclosure of student records without the prior written consent of the child's parent, or child, if they are over the age of 18. 34 C.F.R. § 99.30. However, FERPA allows for release of student information without parental consent to appropriate officials in cases of health and safety emergencies. 34 C.F.R. § 99.31(10). FERPA permits additional exceptions to the parent consent requirement, particularly in the case of "directory information." A school may release directory information without the prior written consent of parents if the school or district has satisfied required FERPA notification requirements. 34 C.F.R. § 99.31(11) and 39 C.F.R. § 99.37.

TRAINING

1. Utah law requires the school to use instructional materials approved by the Utah State Board of Education in providing all training described in this policy.
2. Every other year the school will provide training and instruction on child sexual abuse and human trafficking prevention and awareness to all school personnel. The training will include:
 - a. How to respond to a disclosure of child sexual abuse in a supportive appropriate manner.
 - b. How to identify children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and
 - c. How to comply with the mandatory reporting requirements described in this policy.
3. In addition to the training described above, each year, administration must notify their employees of each employee's legal responsibility to report suspected child abuse or neglect to appropriate authorities, as described in this policy.

REFERENCES

UTAH CODE ANN 53E-6-701

UTAH CODE ANN 53E-9-203

UTAH CODE ANN 53G-9-207

UTAH CODE ANN 62A-4a-401

UTAH CODE ANN 78A-6-105

UTAH CODE ANN 80-2-704

UTAH ADMIN CODE R277-401

FERPA