

REPORTING CHILD ABUSE AND NEGLECT

I. DEFINITIONS

- A. **Child abuse or neglect.** Child abuse or neglect is defined by Maine law as:
- i. “a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation or deprivation of essential needs or lack of protection from these by a person responsible for the child;
 - ii. Truancy (for a child who is either 1) age 5 and under age 6 and who has been voluntarily enrolled in school; or 2) six years of age and has not completed grade six, if a child described in 1) or 2) has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year) when the absence is the result of the neglect by a person responsible for the child.
 - iii. “a threat to a child’s health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.”
- B. **Person responsible for the child.** A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.
- C. **Child Sex Trafficking.** Child sex trafficking means the recruitment, harboring, transportation, provision or obtaining of a child for the purposes of a commercial sex act.

II. EMPLOYEES’ DUTY TO REPORT

- A. Any employee of the school unit who has reason to suspect that a child has been or is likely to be abused or neglected must immediately notify the building principal.
- B. In addition to notifying the building principal, the employee may also make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).

- C. If the reporting employee does not receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report that a report has been made to DHHS and/or District Attorney, the employee shall make an immediate report directly to DHHS and, if the person suspected is not a person responsible for the child, to the District Attorney. In such cases, the employee shall then complete a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), in consultation with the building administrator or Superintendent.
- D. If the reporting employees does receive written confirmation from the building administrator/Superintendent within 24 hours of his/her report (which is a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E), he/she shall sign the form as acknowledgement that the report was made and return it to the building administrator/Superintendent
- E. Any volunteer who has reason to suspect that a child has been or is likely to be abused or neglected is also expected to make a report to the building administrator, and may also make a report directly to DHHS, and the District Attorney if required (see Section III.B).
- F. Electronic reporting of suspected child abuse or neglect through the DHHS-approved reporting portal is permitted.

III. ADMINISTRATORS' DUTIES

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

- A. If a building administrator receives the report, he/she shall notify the Superintendent immediately.
- B. The Superintendent or building administrator shall then make a verbal and written report(s) of suspected abuse or neglect to DHHS within 48 hours. In addition, if the person suspected is not the parent, guardian or other custodian of the child, the Superintendent/building administrator shall also make a report to the District Attorney.
- C. The law requires the reporting employee to make his/her own report to DHHS and/or the District Attorney if he/she has not received confirmation within 24 hours that such a report has been made by the Superintendent/building administrator.

- D. The person making the report to DHHS and/or the District Attorney shall complete the Suspected Child Abuse or Neglect Form in consultation with the notifying employee (see JLF-E).
- E. The Superintendent/building administrator shall provide a copy of the Suspected Child Abuse or Neglect Form to the reporting employee within 24 hours of the employee's initial report. The reporting employee shall sign the report and return it to the Superintendent/building administrator.
- F. The form will be forwarded to DHHS and/or the District Attorney, and shall be retained by the school unit for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. **Employees.** If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable School Committee 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 shall investigate and take appropriate action, in accordance with applicable School Committee 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.

V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel shall 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 building administrator or designee shall:

- 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.

VI. CONFIDENTIALITY OF INFORMATION AND RECORDS

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

The building principal/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 under federal law.

VI. GOOD FAITH IMMUNITY FROM LIABILITY; RETALIATION PROHIBITED

Any person who in good faith reports, 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.

The school unit prohibits any retaliation against an employee who makes a good faith report of child abuse and neglect in accordance with this policy.

VII. CHILD ABUSE AWARENESS AND PREVENTION TRAINING FOR SCHOOL EMPLOYEES

- A. All school employees shall receive training on child abuse/neglect and reporting procedures every four years as required by law.
NOTE: This requirement is contained in 22 MRSA § 4011-A(9).
- B. All school employees 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 about child sexual abuse awareness and prevention shall be delivered by a qualified instructor(s) and be “evidence-informed.”
- D. The training about sexual abuse awareness and prevention is intended to:
 - i. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children;
 - ii. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);
 - iii. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and
 - iv. Include local child sexual abuse and sexual assault resources.

VIII. CHILD SEXUAL ABUSE PREVENTION EDUCATION FOR STUDENTS

- D. All school employees shall receive training on child abuse/neglect and reporting procedures every four years as required by law.
- E. All school employees will receive a minimum of one hour of child sexual abuse awareness and prevention training within six months of hire and every four years.
- F. The training about child sexual abuse awareness and prevention shall be delivered by a qualified instructor(s) and be “evidence-informed.”

- D. The training about sexual abuse awareness and prevention is intended to:
- v. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children;
 - vi. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);
 - vii. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and
 - viii. Include local child sexual abuse and sexual assault resources.

IX. CHILD SEXUAL ABUSE PREVENTION EDUCATION FOR STUDENTS

Students in public pre-school through grade 5 will receive child sexual abuse prevention education curriculum programs delivered by qualified instructors as part of the health education curriculum aligned with the Learning Results Health Education Standards 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 MRSA Ch. 1071, Child and Family Services and Child Protection Act

20 USC § 1232g, Family Educational Rights and Privacy Act 20-A
MRSA §§ 5001-A(3); 5051-A(1-D)

Cross Reference:

ACAA — Harassment and Sexual Harassment of Students

GBEB — Staff Conduct with Students

JEA — Compulsory Student Attendance

JHB — Truancy

JLF-E — Suspected Child Abuse and Neglect Form
JRA — Student Education Records and Information

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