

AR 5141.4 CHILD ABUSE AND NEGLECT

Duty to Report

Teachers, school administrators, and paid athletic coaches and volunteers who work with children at school more than 4 hours a week who have reasonable cause to suspect child abuse or neglect have a legal duty to report to the nearest office of the Department of Health and Social Services immediately. The reporting duties are individual and cannot be delegated to another individual.

Reporting Procedures

Note: AASB recommends that your administrative regulation include the name, address and phone number of the specific child protective agencies and law enforcement to whom reports must be made.

1. Any employee or volunteer may report known or suspected child abuse or neglect, by telephone to the nearest office of the Department of Health and Social Services. This phoned report must be followed by a faxed or electronically submitted written report of harm.
2. Any employee or volunteer who submits a report to DHSS of known or suspected child abuse or neglect must also submit the report via fax or electronically to Metlakatla Social Services per the Metlakatla Juvenile Code.
3. If the report filed by the employee or volunteer to DHSS and Metlakatla Social Services involves known or suspected child sexual abuse the employee or volunteer must also submit the report to the Metlakatla Police Department.
4. If contact cannot reasonably be made with child protective services and immediate action is needed to protect the child, the employee shall make the report of abuse to a peace officer.
5. ~~In addition to reporting to child protective services, employees or volunteers may report harm from known or suspected child abuse or neglect to local law enforcement if the harm is believed to have been caused by a person not responsible for the child's welfare or if the employee or volunteer is unable to determine who caused the harm or whether the person believed to have caused the harm has responsibility for the child's welfare.~~
6. School employees and volunteers are required to cooperate and collaborate with child welfare agencies and law enforcement to provide the pertinent information needed to protect the health and safety of children.
7. School district employees and volunteers should not contact suspects, nor should the victim be interviewed beyond the initial information disclosed.

Legal Responsibility and Liability

1. Mandatory reporters are not civilly or criminally liable for filing in good faith, a required or authorized report of known or suspected child abuse or neglect, or for participating in related judicial proceedings.

2. A mandatory reporter who fails or refuses to report an instance of child abuse or neglect, and knew or should have known that the circumstances gave rise to the need for a report, is guilty of a misdemeanor. The mandated reporter may also be held civilly liable for damages for any injury to the child after a failure to report.
3. When two or more mandatory reporters have reasonable cause to suspect child abuse or neglect, and when there is agreement among them, the report may be made by any one of them who is selected by mutual agreement, and a single report may be made and signed by the person selected. ~~However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.~~ The person who is not designated to file the report should be aware failure to file the report by the designated party could result in possible criminal or civil damages against both parties, for this reason both parties should work together and hold one another accountable to assure a report is filed in a legal and timely manner. When ambiguity or uncertainty exists both parties should file their own reports to appropriate agencies.
4. The duty to report child abuse and neglect is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a good faith report shall be subject to any sanction.

(cf. 5145.11 - Questioning and Apprehension)

(cf. 5141.42 - Professional Boundaries for staff and students)

Confidentiality

All school district employees are required to protect students' rights to privacy and confidentiality. As such, all information and reports regarding child abuse or neglect shall be treated as confidential and shall be maintained in a safe place. No employee shall make available, or allow access to the written information to other students, staff or members of the public, except as required by school rule, Board Policy or law.

~~The principal/site administrator shall maintain the confidentiality of all reports of child abuse and neglect received, other than making the reports available to the appropriate agencies to which the reports were initially made.~~ Employees and Volunteers shall maintain the confidentiality of all reports of child abuse and neglect received, other than making reports available to the appropriate agencies to which the report was initially made. The principal/site administrator shall make provisions to protect and to maintain as confidential, the identity of the employee, employees or volunteers making the report.

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ANNETTE ISLANDS SCHOOL DISTRICT

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