PROCEDURE 414 – MANDATED REPORTING OF MALTREATMENT OF CHILDREN OR VULNERABLE ADULTS

I. Purpose

The purpose of this regulation is to establish the procedures employees must follow in making reports required under law of suspected maltreatment of children or vulnerable adults who are students in the school district; to give guidance on the procedures involved in investigation of allegations; the records maintenance requirements for allegations of abuse or potential abuse; and define the terms used in Policy and Procedure 414.

II. Responsibilities of Employees – Physical Injury

A. If physical injury to the child or vulnerable adult is apparent, the employee shall follow general procedures to protect the child or vulnerable adult, depending on the circumstances and severity of the injury, including but not limited to:

1. Obtaining the assistance of school health staff;
2. Calling, or ordering a call to 911 emergency services;
3. Providing immediate first aid until other responders arrive and the employee is released from further assistance.

B. An employee should make a report if circumstances or information received leads the employee in good faith to suspect or believe that maltreatment has occurred.

III. Procedure for Reporting

A. Suspected abuse or neglect outside of the school by someone other than an employee or other personnel of the school district.

1. Employees who suspect or who have reason to believe that maltreatment of children or vulnerable adults who are students in the school district has taken place should immediately notify the Hennepin County Child Protection Intake division if a child ~~(612-348-3552 Fax: 612-466-9581)~~, or Hennepin County Adult Protection Intake if over eighteen (18) and a vulnerable adult ~~(612-348-8526)~~, and relay the following information:
   a. The identity of the child or vulnerable adult;
   b. The identity of any person believed to be responsible for the maltreatment if known;
   c. The nature and extent of the maltreatment;
   d. The reporter's name and address;
   e. The reporter's affiliation with the school district, including position title and school or other location.
2. If report concerns a child, as soon as possible but no later than ~~within~~ 72 hours the reporter shall transmit a written report of the suspected maltreatment to Hennepin County Child Protection.
3. If the suspected or known behavior is a crime, the reporter may make the initial and written reports to the local Police Department (e.g. Brooklyn Park Police Department, Osseo Police Department or Maple Grove Police Department). If the initial report is made to Hennepin County Child Protection Department, that department may direct the reporter to call the appropriate law enforcement agency.

B. Suspected abuse or neglect has occurred due to the actions or inaction of an employee or other personnel of the school district.

1. The employee completes the legal reporting process. Employees who suspect or who have reason to believe that maltreatment of children who are students in the school district has occurred and was caused by an employee or other personnel of the school district should

a. In the event that the student is younger than eighteen years of age, the reporter should immediately:

i. make a telephone report to the Minnesota Department of Education ~~(651-582-8200)~~; and/or

ii. transmit a written report to the Minnesota Department of Education ~~(Fax: 651-582-8809)~~ on the department's prescribed form ~~within~~ as soon as possible but no later than 72 hours (exclusive of weekends and holidays);

iii. inform the school principal or site administrator that the employee has made such a report; and

iv. ~~within 72 hours (exclusive of weekends and holidays) of making a report transmit~~ Provide a copy of the report form to the school district Human Resources department

b. In the event that the student is eighteen years of age or older, the reporter should immediately:

i. make a telephone report to the Hennepin County Adult Protection Intake ~~(telephone 612-348-8526)~~;

ii. follow any instructions from Hennepin County Adult Protection Intake;

iii. inform the school principal or site administrator that the employee has made such a report;

iv. ~~within 72 hours (exclusive of weekends and holidays) of making a report transmit~~Provide a copy of the report form to the school district Human Resources Department.

2. In the event that the suspected perpetrator of the alleged maltreatment is the school principal, site administrator, or department head, the reporter shall inform the school principal's or site administrator's supervisor that such a report has been made.

C. Employees who know or who have reason to believe that a kidnapping of a child or a deprivation of parental rights has occurred with the regard to a child shall report that information to the local police department and to the school's resource officer immediately.

IV. Responsibilities of Principals, Site Administrators and Department Heads, or Other Supervisors

A. When a principal, site administrator, department head, or other supervisor receives information that a report of suspected maltreatment of a child or a vulnerable adult by an employee under their supervision has been made, she/he shall:

1. Establish that all reporting requirements of Section III. have been completed, or direct that they be completed;
2. Assure that the child or vulnerable adult is not in the care of the employee or other personnel of the school district suspected of maltreatment;

3. Notify the parent or legal guardian of the child or vulnerable adult that an incident has occurred;
4. Notify the appropriate Assistant Superintendent that such a report has been made, and what actions have been taken;
5. Consult with the school district's Human Resources department regarding actions, if any, to take with respect to the suspected perpetrator; and
6. Determine whether or not the alleged act constitutes a violation of the Policy 413 prohibiting Harassment and Violence, and if found that it does also follow the procedures required by that policy.

B. Under no circumstances shall a principal, site administrator, department head or other supervisor dissuade or attempt to dissuade a person required to make a report from doing so.

C. Unless the principal, site administrator, department head or other supervisor is absent from the premises, the duties above shall not be relegated to another.

V. Investigation

A. Suspected maltreatment outside of the school due to the actions or inaction of someone other than an employee or other personnel of the school district.

1. The responsibility for investigating reports of suspected neglect, grooming or physical or sexual abuse of a child or maltreatment of a vulnerable adult rests with Hennepin County and Vulnerable Adult Protection Services and/or the respective police departments. The investigating authority may:
   a. Interview the child or vulnerable adult at school or elsewhere, at their discretion as to location and permissible presence of any district representative at the interview.
      i. If the interview is to take place at a district school, the interviewer should provide the written notice of the intent to interview to the principal, site administrator or her/his designee prior to the interview.
      ii. The principal, site administrator or her/his designee may determine the following with regard to the interview taking place at a district site:
         (1) The time, as long as the interview may be conducted as soon as practicable but in no cases longer than 24 hours (excluding weekends and holidays) after the notification of the intent to interview, unless a later time is deemed necessary by agreement between the principal, site administrator, her/his designee and the agency conducting the interview;
         (2) The place within the school or site for the interview; and
         (3) What manner, time, and place for the interview will cause the least disruption of the educational program of the child, vulnerable adult, other students or school employees.
   b. Interview any person responsible for the care of the child or the vulnerable adult;
   c. Interview the alleged perpetrator; and
   d. Interview any person believed to have knowledge of the maltreatment.
2. The principal, site administrator or her/his designee, or any employee or other personnel of the school district, will not inform the parent or guardian of the child or vulnerable adult of any notification that an interview of the child or vulnerable adult

will be conducted at the school unless or until the investigating authority has notified the school district in writing that the investigation or assessment has been concluded.

3. The principal, site administrator, designee, or any employee or other personnel of the school district will cooperate with the investigation and abide by the determinations of the investigating agency.

B. Suspected maltreatment has occurred due to the actions or inactions of an employee or other personnel of the school district.

1. The school district will conduct its own investigation, in addition to any investigation of the report by the local welfare offices, or local police department responsible, or the Minnesota Department of Education.
    a. Initial investigation of reports will be conducted by the principal or site administrator working in consultation with the school district's Human Resources Department.
    b. In the event that the principal or site administrator is absent from the site, the supervising assistant superintendent, ~~Department of Leadership Teaching and Learning (DLTL),~~ or ~~her/his~~ designee will conduct the investigation.
    c. In the event the principal or site administrator is the alleged perpetrator of the maltreatment, the school district's Human Resources Department will conduct all investigations related to the report.
2. Investigation may include interviewing the alleged victim of maltreatment, or any student, employee or other personnel of the school district that the investigator believes may have information regarding the suspected maltreatment.

VI. Maintenance of School Records Concerning Abuse or Potential Abuse

Principals will annually review Policy 414 – Mandatory Reporting of Maltreatment of Children or Vulnerable Adults with their licensed and support staff. Policy 414 – Mandatory Reporting of Maltreatment of Children or Vulnerable Adults will be referenced in building staff handbooks.

A. Any notification that a potentially abused or maltreated child or vulnerable adult will be interviewed on school district property is confidential data, and may not be divulged by the school district unless and until notified in writing by the investigating authority that the investigation has been concluded.

B. The notification identified in ~~Paragraphs V.A.1.a.(1) and VI.A above~~this Procedure, shall be kept and maintained by the school district unless and until destruction is ordered in writing by the investigating agency or by a court of competent jurisdiction.

VII. Definitions Regarding Maltreatment of a Minor

The alphabetic listing of definitions of terms used in Policy and Procedure 414 related to maltreatment of a minor or vulnerable adult.

A. "Child" means one under age eighteen (18) and an individual under age twenty-one (21), who is in foster care receiving foster care benefits past age 18 or in voluntary foster care for treatment.

B. "Other personnel of the school" means any delegate of the school district, including independent contractors, volunteers and visitors, who provides any of the following services to the child:
   1. Health services
   2. Education
   3. Social services
   4. Psychological services
   5. Law enforcement
   6. Child care services

C. "Immediately" means as soon as possible, but in no event longer than twenty-four (24) hours.

D. "Maltreatment" means any of the following alone, or together:
   1. Neglect;
   2. Abuse of a physical or sexual nature;
   3. Mental injury;
   4. Threatened injury;
   ~~4.~~5. Grooming.

E. "Mandated Reporter" means any employee or other personnel of the school who knows or has reason to believe a child is being neglected, physically or sexually abused or physically or sexually abused within the preceding three years.

F. "Mental Injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

G. "Neglect"
   1. Means:
      a. Failure by a person responsible for a child's care to supply a child with the necessary items that follow when reasonably able to do so:
         i. Food
         ii. Clothing
         iii. Shelter
         iv. Health services
         v. Medical care
         vi. Other care required for the child's physical or mental health including growth delay, or a failure to thrive that has been diagnosed by a physician and is due to parental neglect.
      b. Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
      c. Failure to provide for the appropriate supervision or child care arrangements when reasonably able to do so taking into consideration the child's:
         i. Age
         ii. Mental ability
         iii. Physical condition
         iv. Length of absence of the person responsible for the child

v. Environment
vi. Ability of the child to care for his or her own basic needs or safety
vii. Ability of the child to care for the basic needs and safety of another child in her or his care.

d. Failure to ensure that a child is educated in accordance with state law, but not including the parent's refusal to provide the child with sympathomimetic medications;
e. Prenatal exposure to a controlled substance used by the mother for nonmedical purpose, when exposure is evidenced by
i. Withdrawal symptoms in the child at birth;
ii. Results of a toxicology test performed on the mother at delivery or the child's birth;
iii. Medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder
f. Medical neglect as defined by Minnesota Statutes.
g. Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs or safety; or
h. Emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by:
i. A substantial and observable effect in the child's behavior;
ii. Emotional response
iii. Cognition that is not within the normal range for the child's age and stage of development, with due regard for the child's culture.

2. Does not mean:
a. Using spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where lack of medical care may cause serious danger to the child's health.
b. Refusing to provide a child with sympathomimetic medications.

H. "Person responsible for the child's care" means:
1. An individual functioning within the family unit and having responsibilities for the care of the child such as parent, guardian, or other person having similar care responsibilities; or
2. An individual functioning outside the family unit and having responsibilities for the care of child, including but not limited to:
a. Teacher
b. School administrator
c. School employees or agents
d. Day care provider
e. Babysitter, whether paid or unpaid
f. Counselor
g. Coach

I. "Physical Abuse"
1. Means

a. Any of the injuries listed in Paragraph VII.I.1.b upon a child by person responsible for a child's care where
   i. the means are other than accidental, or
   ii. cannot be explained by the child's history of injuries, or
   iii. the means are any aversive or deprivation procedures or regulated interventions that have not been authorized by Minnesota statutes relating to permissible aversion and deprivation procedures in schools.

b. Injuries that are
   i. Physical, including but not limited to the following actions done anger or without regard to the safety of the child;
      (1) Throwing, kicking, burning, biting, or cutting;
      (2) Striking with a closed fist;
      (3) Shaking a child under age three;
      (4) Causing a non-accidental injury to a child under 18 months of age;
      (5) Unreasonable interference with a child's breathing
      (6) Threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd., 6;
      (7) Striking a child under age one (1) on the face or head;
      (8) Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that are not prescribed for the child by a health practitioner, in order to punish or control the child;
      (9) Giving the child substances that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substance(s)
      (10) Unreasonable physical confinement or restraint not permitted by Minn. Stat. § 609.379, including, but not limited to:
         (a) Tying
         (b) Caging
         (c) Chaining
      (11) While in a school or in a school zone, using corporal punishment as defined by Minn. Stat. § 121A.58,
   ii. Does not mean
      (1) Reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury, or
      (2) Reasonable force by a teacher, principal, or school employee as allowed in Minnesota Statutes related to correcting or restraining a student, and to use reasonable force to prevent bodily harm of another.

J. "Sexual Abuse" means
   1. The subjection of a child to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct by
      a. A person responsible for the child's care
      b. A person who has a significant relationship to the child (as defined by Minnesota Statutes § 609.341, Subd. 15)
      c. A person in a position of authority (as defined by Minn. Stat. § 609.341, Subd. 10)
   2. Sexual contact;
   3. Sexual penetration;

4. Any act involving a minor in prostitution;
5. Use of a child in a sexual performance;
6. Threatened sexual abuse; including the status of a parent or household member who has committed a violation that requires registration under Minn. Stat. § 243.166, Subd. 1(a) or (b) (Registration of Predatory Offenders).

K. "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. It includes, but is not limited to:
1. Exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from egregious harm;
2. Exposing a child to a person whose parental rights were involuntarily terminated
3. Exposing a child to a person from whom legal and physical custody has been involuntarily transferred to another.

L. "Grooming" occurs when a person 18 years of age or older that "expresses the desire or intent to engage in sexual conduct with a child; and engages in a deliberate pattern of conduct to methodically develop a false trusting relationship with the child that is intended to strategically manipulate the child to engage in sexual conduct with anythe person at a future time, regardless of whether any sexual conduct occurs

VIII. Definitions Regarding Maltreatment of a Vulnerable Adult

The alphabetic listing of definitions of terms used in Policy 414 related to maltreatment of a vulnerable adult.

A. "Abuse" means
1. An act against a vulnerable adult that constitutes a violation of, or an attempt to violate, or aiding and abetting a violation of any of the following whether or not there are criminal proceedings or convictions stemming from the act:
a. Criminal assault
b. The use of drugs to injure
c. The use of drugs to facilitate crime
d. The solicitation, inducement or promotion of prostitution
e. Criminal sexual conduct.
2. Conduct which is not an accident or therapeutic conduct as defined in this section which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to:
a. Hitting, slapping, kicking, pinching, biting or corporal punishment;
b. Use of repeated or malicious oral, written or gestured language toward a vulnerable adult that a reasonable person would consider
i. Disparaging
ii. Derogatory
iii. Humiliating
iv. Harassing
v. Threatening.
c. Use of any aversive or deprivation procedure against the will of the vulnerable adult or the legal representative of the vulnerable adult;
d. Use of any confinement or involuntary seclusion against the will of the vulnerable adult or the legal representative of the vulnerable adult;

e. Forced separation from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult;
f. Use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota law;
g. Sexual contact or penetration between a facility staff person or a person providing services in the facility and the vulnerable adult;
h. The act of forcing, compelling or enticing, which includes grooming, a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

B. "Caregiver" means an individual or facility who has the responsibility for the care of a vulnerable adult due to
1. Family relationship, or
2. Contract or agreement to provide for the vulnerable adult.

C. "Employee" means any professional employee or employee's designate who provides any of the following services to the vulnerable adult on behalf of the school district:
1. Health services
2. Education
3. Social services
4. Psychological services
5. Law enforcement
6. Child care services

D. "Financial Exploitation" means
1. A breach of fiduciary duty in making un-authorization expenditures of funds entrusted to the individual for the benefit of the vulnerable adult;
2. Failure to provide the services identified in Paragraph VIII.H.1.b when such failure results in, or is likely to result in, detriment to the vulnerable adult;
3. Willful use, withholding or disposal of funds or property of a vulnerable adult;
4. Acquisitions of the funds or property of a vulnerable adult through
a. Undue influence
b. Duress
c. Harassment
d. Deception
e. Fraud
5. Causing a vulnerable adult to perform services against the adult's will for the profit or advantage of another by the use of
a. Force,
b. Coercion or
c. Enticement

E. "Immediately" means as soon as possible, but no longer than 24 hours from the time of initial knowledge that an incident occurred has been received.

F. "Mandated Reporter" means any employee or other personnel of the school district who has reason to believe that a vulnerable adult is being or has been maltreated.

G. "Maltreatment" means the following behaviors toward a vulnerable adult:
    1. Neglect;
    2. Abuse;
    3. Financial exploitation.

H. "Neglect"
    1. Means
        a. A failure or omission by a caregiver to provide any of the care or services identified in Paragraph VIII.H.1.b, which is or are
            i. Reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
            ii. Not the result of an accident or therapeutic conduct.
        b. Services or care
            i. Food
            ii. Clothing
            iii. Shelter
            iv. Health care
            v. Supervision
        c. The absence or likelihood of absence of the care and services described in Paragraph VIII.H.1.b which are
            i. Necessary to maintain the physical and mental health of the vulnerable adult,
            ii. Essential given a reasonable person's estimation considering the physical or mental capacity or dysfunction of the vulnerable adult.
        d. Does not mean actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17 related to certain health care and lifestyle decisions.

I. "Other personnel of the school district" means any person, including independent contractors, volunteers and visitors who provides any of the following services to the child on behalf of the school district:
    1. Health services
    2. Education
    3. Social services
    4. Psychological services
    5. Law enforcement
    6. Child care services

J. "Vulnerable Adult" means any person 18 years of age or older who
    1. Is a resident or inpatient of a facility;
    2. Receives services at or from a licensed facility which serves adults;
    3. Receives services at or from a licensed home care provider or
    4. Regardless of residence or type of service received due to impairment of the person's mental or physical function or emotional status:
        a. Is unable to adequately provide the person's own care
        b. Is unable to adequately provide the person's own protection from maltreatment.

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Policy Dated: 11/18/80

Legal References:
M.S. 13.01, et seq.
M.S. 626.556
M.S. 626.557
M.S. 245.825
M.S. 609.321 – 609.324
M.S. 609.341 – 609.345
M.S. 609.379
M.S. 1301, et seq.
M.S. 609.379
M.S. 617.246
M.S. 122A.20, Subd. 2

Cross References:
Policy 507 - Corporal Punishment
Policy 515 – Protection and Privacy of Education Records