

1 **Browning Public Schools**

2
3 Policy # 5232

4 Policy Name: *Abused and Neglected Child Reporting*

5 Regulation: -----

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7 **Child Abuse, Neglect, and Sex Trafficking Reporting**

8 A District employee who has reasonable cause to suspect, as a result of information they receive in their
9 professional or official capacity, that a child is abused, neglected, or subjected to sex trafficking by
10 anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a parent
11 or other person responsible for the child's welfare, shall report the matter promptly to the Department of
12 Public Health and Human Services and local law enforcement.

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14 Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical
15 or psychological harm to a child, exposure to or involvement with sex trafficking, and abandonment. This
16 definition includes sexual abuse and sexual contact by or with a student. The obligation to report
17 suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a
18 student and a staff member.

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20 The District administration is authorized to provide access to educational resources for interested parents,
21 teachers, and students on how to prevent and report child abuse, neglect and sex trafficking; identify the
22 warning signs of child abuse, neglect and sex trafficking; recognize predatory behaviors; and coordinate
23 efforts with law enforcement, the Department of Public Health and Human Services, and local
24 organizations on these topics.

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26 A District employee who makes a report of child abuse, neglect, or sex trafficking is encouraged to notify
27 the building administrator of the report. An employee does not discharge the obligation to personally
28 report by notifying the Superintendent or principal.

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30 Any District employee who fails to report a suspected case of abuse, neglect, or sex trafficking to law
31 enforcement or the Department of Public Health and Human Services, or who prevents another person
32 from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is
33 guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including
34 termination.

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36 When a District employee makes a report, the Department of Public Health and Human Services may
37 share information with that individual or others as permitted by law. Individuals in the District who
38 receive information related to a report of child abuse, neglect, or sex trafficking shall maintain the
39 confidentiality of the information.

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42 **Cross Reference:** 5223 Personal Conduct
43 3225 Sexual Harassment of Students

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45 **Legal Reference:** § 41-3-201 MCA, Reports
46 § 41-3-202, MCA, Action on reporting
47 § 41-3-203 MCA, Immunity from liability
48 § 41-3-205 MCA, Confidentiality – disclosure exceptions
49 § 41-3-207 MCA, Penalty for failure to report
50 § 45-5-501 MCA, Definitions

1 § 45-5-502 MCA, Sexual Assault
2 § 20-7-1316 MCA, Child Sex Trafficking Prevention
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4 **Policy History:**

5 Adopted on:

6 Reviewed on: 4/13/21

7 Revised on: