

REPORTING OF CHILD ABUSE/NEGLECT

Sample Policy 1

Policy 454

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{This sample policy requires child abuse and neglect reporting by state mandated reporters only. The sample includes general expectations for staff when making such reports and addresses actions that will be taken if the expectations are not met. This policy would be in line with child abuse and neglect reporting language included in the WASB Model Employee Handbook.}

The School Board is concerned with the health, safety and welfare of all children and recognizes the legal and ethical obligations that school employees have to report suspected or threatened child abuse or neglect. State law expressly designates **all school employees** as mandatory reporters of child abuse and neglect, and some District employees serve in specific roles (e.g., as a teacher, school administrator, school counselor, social worker, or nurse) that are likewise expressly deemed mandatory reporters by statute. Therefore, the Board expects school employees to carry out their reporting obligations with due diligence in accordance with state law requirements.

In all circumstances required by state law (including allowing for the limited health care services exception to reporting that is permitted under subsection 48.981(2m) of the state statutes), any school employee having reasonable cause to suspect that a child seen in the course of their professional duties has been abused or neglected **or having reason to believe that a child has been threatened with abuse or neglect** and that abuse or neglect will occur, shall report that suspicion or belief to the appropriate authorities. At all times it shall be the aim of the school employee to make the report to county child protective services or law enforcement personnel as quickly as possible, **in accordance with the statutory standard that such reports shall be made "immediately."** Any delay would not be in the best interests of the child and is not the policy of the District.

A school employee **making** who has made a child abuse or neglect report **to child protective services or to law enforcement** shall inform the **relevant** building principal(s) or his or her **designee** or the District Administrator(s) of the report so **they** **that the administration is** **are** aware of the situation. School employees may also consult with student services staff (e.g., the school **guidance counselor** **social worker**) or with a supervising administrator on the reporting process and any necessary follow-up activities. No building principal or other District employee may attempt to delay, modify or prevent any report of suspected or threatened child abuse or neglect. It is not the responsibility of school personnel to investigate child abuse or neglect reports or to prove that abuse or neglect has occurred or will occur. Investigation of child abuse and neglect reports is the legal responsibility of trained county child protective services and/or law enforcement personnel.

All information pertaining to a child abuse or neglect report shall be kept confidential, including the identity of the reporter, and shall only be shared with those individuals specifically authorized by law to have access to that information.

The District shall not take any disciplinary action against a school employee, discriminate against an employee in regard to employment, or threaten an employee with any such treatment for making a child abuse or neglect report in good faith under this policy. School employees may be subject to school disciplinary action, as well as penalties under state law, for failure to report (or for a failure to promptly report) suspected or threatened child abuse or neglect of which

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they have knowledge or for divulging confidential child abuse and neglect report information to an unauthorized person.

If a school employee or student is suspected of misconduct under this policy, the District shall conduct its own internal investigation to determine appropriate school disciplinary and other actions.

The District Administrator shall establish any necessary procedures to implement this policy and to comply with state law requirements. To maintain awareness on the part of school employees of their child abuse and neglect reporting responsibilities under this policy and state law, each school employee shall participate in required training in identifying and reporting child abuse and neglect. [Insert if desired and if consistent with intended practice: "In addition, school employees shall be informed of this policy and its implementing procedures annually through the employee handbook and through any other means that may be deemed appropriate by the District Administrator."]

{Editor's Note: The WASB recommends that districts include the remainder of this sample (below), which serves to clarify how the district approaches abuse and neglect reporting issues with respect to certain non-employees. However, the two paragraphs are not strictly essential and could be omitted from this employee-focused policy.}

As clarifications regarding the scope and application of this policy:

1. Non-employees who are mandatory reporters under section 48.981 in some other capacity.

In addressing the mandatory obligations of District employees to promptly and appropriately report matters related to child abuse and neglect, this policy in no way affects the obligations of other individuals who are designated as mandatory reporters under state law and who may at times be present in District programs or facilities or working with District students.

2. Individuals who are not mandatory reporters under section 48.981.

State law provides that **any person** who is **not** designated as a mandatory reporter by state statute **may** make a report of suspected or threatened child abuse or neglect **directly** to the applicable county child protective service agency or to an applicable law enforcement authority (i.e., in the same manner that a District employee would make a mandatory report to such authorities). To the extent any person who is **not** a mandatory reporter is serving in a District-authorized role (e.g., certain non-employee school volunteers) and the person encounters a concern regarding possible child abuse or neglect in connection with their District role, the District strongly encourages the individual to promptly discuss the concern with the applicable school principal or with another administrator employed by the District. If the District establishes any more-specific directives or procedures for any such individuals who are not mandatory reporters under state law, those expectations will be established and communicated separately from this employee-focused policy.

Legal References:

Wisconsin Statutes

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[Section 48.02](#)

[definitions of child abuse, neglect, and other relevant terms]

[Section 48.981](#)

[child abuse and neglect reporting requirements, including confidentiality]

[Section 115.31](#)

[reporting certain types of staff misconduct to state superintendent of public instruction]

[Section 115.368](#)

[assistance in the development and implementation of protective behavior and anti-offender programs for minor children and parents and guardians, and staff training]

[Section 118.01\(2\)\(d\)8](#)

[protective behavior instruction]

[Section 118.07\(5\)](#)

[school employee training related to child abuse and neglect reporting]

[Section 118.125](#)

[confidentiality of student records]

[Section 118.126\(1\)](#)

[privileged communication regarding student alcohol and drug use and related problems; exception for required child abuse/neglect reporting purposes]

[Section 165.68](#)

[address confidentiality program]

Federal Laws

[20 U.S.C. §1232\(g\)](#)

[Family Educational Rights and Privacy Act; the federal student records law]

[34 C.F.R. part 99](#)

[U.S. Department of Education FERPA regulations]

Cross References:

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454-Rule, Child Abuse/Neglect Reporting Procedures

882, Relations with Police Authorities

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