CHILD ABUSE AND NEGLECT

Duty to Report

Teachers, school administrators, and paid athletic coaches 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 someone else.

Reporting Procedures

1. Any employee 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. 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 to a peace officer.

3. In addition to reporting to child protective services, employees 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 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.

4. School employees 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.

5. School district employees should not contact suspects, nor should the victim be interviewed beyond the initial information disclosed.

Legal Responsibility and Liability

1. School employees 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 investigative or 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.

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.

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 a good faith report shall be subject to any sanction.

(cf. 5145.11 - Questioning and Apprehension)

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. The principal/site administrator shall make provisions to protect and to maintain as confidential, the identity of the employee or employees making the report.

Because of their sustained contact with school-aged children, school employees are in an excellent position to identify abused or neglected children and report this abuse or neglect for the child's proper treatment and/or protection.

In compliance with federal and state statutes (AS 47.17.030), any school employee who is required by law to report suspected child abuse and/or neglect and/or has reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect will make the required report immediately. All other school employees who have reason to suspect that a child has suffered harm as a result of child abuse or neglect will report their suspicions to the principal or designee.

"Child abuse or neglect" shall have the meaning contained in AS 47.17.290(2), and shall include any child sexual abuse or exploitation, physical abuse, injury or maltreatment, or neglect.

Child Sexual Abuse: means any sexual assault, sexual contact, or sexual exploitation of a person under the age of 18 which appears to be a violation of Alaska's criminal laws, whether the offense occurred within or outside of a family relationship.

Physical Abuse: means any physical assault or physical maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child’s health or welfare is threatened.

Neglect: means the failure to provide the child with adequate food, care, supervision, clothing, shelter, education, or medical attention or other care and control necessary
for the child's physical, and mental health and development though financially able to
do so or offered financial or other reasonable means to do so.

**Mental Injury:** means injury to the emotional well-being or intellectual or
psychological capacity of a child, as evidenced by an observable and substantial
impairment of the child's ability to function, with due regard to the child's culture.

An employee who has a duty under the law to make a report and who has reasonable
cause to suspect that abuse or neglect has occurred shall immediately report this
abuse to the Department of Social Services. "Immediately" means as soon as is
reasonably possible, but no later than 24 hours. If the employee cannot contact the
Department of Social Services personnel and immediate action is necessary to protect
the child, the employee shall make a report to a peace officer.

The following information will be given in the report to the Department:

1. **Name of the student**
2. **Address of the student**
3. **Age of the student**
4. **Name of parent/guardian**
5. **Address of parent/guardian**
6. **Telephone number at home and work**
7. **Description of abuse and/or neglect**
8. **Any other information that might help the investigation.**

School employees shall not investigate cases of suspected child abuse or neglect before
making their reports. It is not the responsibility of the school employee to prove that
the child has experienced abuse and/or neglect. It is not the employee's responsibility
to determine whether the child is in need of protection.

School employees and officials will not contact the child's family or any other person
associated with the child other than the agency charged with the responsibility of the
investigation.

A school employee shall not conduct a formal interview of a child disclosing child
abuse and/or neglect or require that a child discuss the incident of abuse before a
report is made to the Department. If a victim of child abuse and/or neglect initiates
discussion of the abuse prior to a formal interview, the school employee present shall
permit the victim to discuss the abuse to the extent the victim desires.

The initial report regarding abuse and/or neglect of a child will in most cases be
conducted orally. It is required that any report of child abuse by a school employee
shall be made within 24 hours.