

Board File: JLF-R

REPORTING CHILD ABUSE

As defined by the Child Protection Act of 1987, "child abuse or neglect" means an act or omission in one of the following categories which threatens the health or welfare of a child:

1. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, or soft tissue swelling, and such condition is not justifiably explained, or where the history given concerning such condition is at variance with the degree or type of such condition, or circumstances indicate that such condition may not be the product of an accidental occurrence.
2. Any case in which a child is subjected to unlawful sexual behavior, which includes but is not limited to unlawful sexual contact, sexual assault or molestation, enticement, sexual exploitation, luring, child prostitution, pandering, procurement, indecent exposure, and the exposure of a minor to pornographic material (this includes electronic or cyber based incidents and cases of sexting or the possession/dissemination of pornographic images of anyone under the age of 18). This also includes minor-on-minor based incidents.
3. Any case in which the child's parents, legal guardians, or custodians fail to take the same action to provide adequate food, clothing, shelter, or supervision that a prudent parent would take.
4. Any case in which the child is subjected to emotional abuse that creates an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.
5. Any case in which a parent, guardian, or legal custodian has abandoned the child or has subjected him to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
6. Any case in which the child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
7. Any case in which the child's environment is injurious to his welfare.

8. Any case in which a parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for the health, guidance, or well- being of the child.
9. Any case in which the child is homeless, without proper care or not domiciled with his parent, guardian or legal custodian through no fault of such parent guardian or legal custodian; and
10. The child has run away from home or is otherwise beyond the control of his parent, guardian or legal custodian.

An act of a teacher or other school official or employee is not considered child abuse if (1) the act was performed in good faith and in compliance with the District's discipline code; or (2) the act was an appropriate expression of affection or emotional support.

Procedures for Reporting of Child Abuse and Neglect

Upon having reasonable cause to know or suspect that a child has been subjected to abuse or neglect, any school employee or official with such knowledge or suspicion must report such information immediately to Health and Human Services of Douglas County or to law enforcement.

The school official or employee should notify the mental health staff and principal as soon as available. When reporting suspected child abuse or neglect, the reporting person should include, to the extent possible, the following information:

1. Name, address, age, sex, and race of the child;
2. Name and address of the person responsible for the suspected abuse or neglect, if known;
3. Nature and extent of the child's injuries;
4. Any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings;
5. Family composition;
6. Source of the report and name, school address, and occupation of the person making the report;

7. Any action taken by the reporting source;
8. Any other information that the person making the report believes may be helpful.

Any incident that is sexually based, involves a district employee, and/or places the child in imminent harm shall be reported immediately to the local law enforcement agency. A law enforcement officer may take a child into temporary custody without a court order.

Incidents of suspected neglect in which there is no indication of imminent danger or that do not fall within the above listed parameters shall require a telephoned report with a written report to Health and Human Services or to law enforcement, by use of the Douglas County School District Child Abuse/Neglect Report Form, available in each school. A copy of the written report should immediately be forwarded to the District Safety and Security Office.

The name of any individual giving a report will not be released by school personnel to parents or others; provided, however, that the identity of the reporter shall be released upon request to authorized representatives of Health and Human Services or law enforcement agencies.

School personnel will cooperate with Health and Human Services and law enforcement in the investigation of alleged abuse or neglect. Health and Human Services/law enforcement will direct the course of the investigation, including where the interview will be conducted, whether or not the parents will be informed (in the case of suspected intrafamilial abuse), and whether school personnel may be present at the interview. Law enforcement may remove the child from the school for the interview and may take custody.

School personnel must require identification from individuals conducting the investigation.

Any information received by District personnel pertaining to the investigation or services being provided to the child, should only be shared with those school personnel directly involved with the child's educational program. School personnel receiving such information shall treat it as confidential.

Any school employee who fails to report, or cause a report to be made, of suspected cases of child abuse or neglect commits a Class 3 misdemeanor as defined by Colorado law, and may be subject to criminal proceedings. There may also be civil liabilities for damages caused by failure to report.

The obligation to report, or cause a report to be made, is that of the person who has reason to know or suspect that child abuse or neglect has occurred. This includes all incidents outside of the scope and the duties of district employment, and the mandate to report is expected at all times.

Employees who fail to fulfill their duties under this regulation may be subject to disciplinary action.

Current practice codified 1978

Issued: November 21, 1978

Revised: August 15, 1995

Revised: April 7, 1998, to conform with current law

Revised: October 15, 2002

Revised: November 6, 2007

Revised: April 17, 2012