

Utah Schools for the Deaf and the Blind CHILD/STUDENT ABUSE AND NEGLECT POLICY

Utah law requires that whenever any person, including any school employee, volunteer, contracted or temporary employee, who has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he/she shall immediately notify the nearest peace officer, law enforcement agency, office of the Division of Child Family Service, (DCFS) or Adult Protective Services (APS). Serious penalties for failure to fulfill ones "duty to report" is described in the law (R277-401-3, 62A-4a-412).

STATUTORY REFERENCE The Utah Child Abuse and Neglect reporting requirements as found in Utah State Code: 53A-6-502, 53A-6-103/502, 53A-13-302, 62A-3-302/305/306, 62A-4a-403/410/411/412, and Utah State Board of Education Rules, R277-401.

USDB Reporting Procedures:

1. If there is reason to believe that a child may have been subjected to abuse and or neglect, an oral report shall be made immediately by the school employee to the nearest peace officer, law enforcement agency or the Division of Child and Family Services, or Adult Protective Services and to their immediate supervisor.
 - a. The oral report may be made with the supervisor present, but the person making the report must be present.
 - b. It is the responsibility of the employee making the report to record the name of the individual and the name of the agency contacted.
 - c. The reporting party shall notify the investigational agency of communication needs that will be required for the student interview.
 - d. A copy of the USDB Child / Student Abuse-Neglect Report Form shall be given to the Director within twenty-four (24) hours. The

director will keep the form in a separate file and it shall not be placed in the student's permanent file.

- e. The Director shall inform the Superintendent's office immediately.
2. To determine whether or not there is reason to believe that abuse or neglect has occurred, school employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.
 - a. Investigations by staff prior to submitting a report shall not go beyond what is minimally necessary to support a reasonable belief that a reportable problem exists.
 - b. It is not the responsibility of the Director or other school employees to prove who the abuser is or that the child has been abused or neglected, or to determine whether the child is in need of protection.
 - c. Interviews with the child or suspected abuser shall not be conducted by any school employee.
 - d. Notes of voluntary or spontaneous statements by the child shall be given to the investigational agency.
 3. Investigations are the responsibility of the Division of Child Family Services for children seventeen (17) years of age and younger, Adult Protective Services for students eighteen (18) years and older.
 - a. The Director or other school employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect. The Superintendent may make exception on a case by case basis. When such an exception is granted, the director, or designee, may provide the parents with a basic notification of the alleged incident and that a report has been made to DCFS/law enforcement. The parents should then be told that they will receive any/all additional information about the investigation from the DCFS office.

- b. If school officials are contacted by parents about child abuse reports, school personnel shall not confirm or deny that a contact or investigation is taking place. A school employee should refer the caller to law enforcement or the Division of Child and Family Services.
 - c. School officials shall cooperate with the Division of Child Protective Services, Adult Protective Services and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect.
4. If the suspected perpetrator of child abuse or neglect is an employee of USDB, under section 62A-4-403, a report shall immediately be made to the division director and/or the superintendent. The superintendent shall immediately make a report of the allegation to the Utah State Office of Education. (53A-6-502). Steps shall be taken to assure that further abuse or neglect is prevented by the suspected perpetrator. Until results of an investigation are reported to USDB by the Division of Child and Family Services, internal investigation, independent investigation, or law enforcement agencies, preventive actions may be one or more of the following:
 - a. The employee may be suspended with pay.
 - b. The employee may be given administrative leave WITH pay.
 - c. The employee may be placed on administrative leave without pay.
 - d. The employee may be temporarily reassigned to other duties.
 - e. Employee may be terminated immediately based upon compelling circumstances.
 - f. Employee discipline, up to and including termination, may result if abuse is substantiated. USDB Article V, Human Resource Management Rules 2003, R477-11 Discipline
 - g. Principals/supervisory personnel in satellite classrooms or schools should be informed of any personnel changes due to allegations. Details of the allegations shall not be shared.

5. If the matter has been reported to the Division of Child and Family Services (DCFS) within the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school (DCFS may be exempted from the notification if it determines that the student would be endangered by notification of his parent or guardian). (53A-13-302)
6. Persons making reports or participating in good faith in an investigation of Alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions. (Utah Code 62A-4a-410).
7. The Administration shall provide each employee with annual in-service training and/or the written USDB Abuse and Reporting Policy including a copy of Child / Student Abuse-Neglect Report Form. The Human Resource Department shall provide newly hired staff with the same training and/or written policy at the beginning of their employment. The training and/or distribution of materials will be documented.

5/17/2005

Attachments:

- #1 Utah State Board of Education Rules relating to Abuse / Neglect.
- #2 Utah State Code relating to Child / Student Abuse and Neglect.
- #3 USDB Child / Student Abuse-Neglect Report Form.
- #4 Summary of rules and code citation found in this policy.
- #5 Addresses and phone numbers for DCFS by county and APS region.

Attachment #1

References to Utah State Code and State Board of Education Rules

The Utah State Board of Education Rules, R277-401, states “any school employee who knows or reasonably believes that a child has been neglected, or physically or sexually abused, shall immediately notify the nearest peace officer, law enforcement agency, or office of the State Division of Child and

Family Services (DCFS)". In the case of students eighteen years and older contact Adult Protective Services (APS) 62A-3-305

State code further defines the responsibility in the Nurse Practice Act Title 58, Chapter 31b, and Title 58, Chapter 67, Utah Medical Practice Act for persons licensed under these Acts. These Acts expand the definition by stating "has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the division." Division is defined as the Division of Child and Family Services for children ages 0-18 or students beyond eighteen years of age contact Adult Protective Services.

Mandatory reporting of physical or sexual abuse of students defines "educators" along with 53A-6-502, and 53A-6-103 as volunteers, temporary employees, teachers, counselors, administrators, librarians, or other persons required under rules of the State Board of Education, to hold a license, student teachers, persons on letters of authorization, etc. These individuals fall under the "duty to report" in Section 62A-4a-403.

A special emphasis in 53A-6-502 states "an educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report the belief and all other relevant information to the school principal, superintendent..." The school administrator who receives the report or "who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by an educators shall immediately report the information to the office. (Office is defined as the Utah State Office of Education.)

R277-401-3. Procedure F, states that reporting to the "principal" or "supervisor" "does not satisfy the employee's personal" duty to report" to law enforcement, DCFS or DAAS. Failure to complete one's "duty", 62A-4a-411, is class B misdemeanor punishable by up to \$1, 000 fine and six months in jail." Compliance with reporting, 62A-4a-410 states "any person making a report in good faith is immune from liability, civil or criminal."

62A-4a-412 lists those parties and agencies that may receive reports and confidential information related to the case. The penalty for providing this information to unauthorized individuals is a class C misdemeanor.

53A-13-302 states that an employee who believes that a serious threat to the well being of the student exists that they shall notify the parent or guardian

without delay. If, however, it has been report to DCFS then DCFS will notify parent of the investigation.

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Authority: Administrative Staff	Effective Date: 05/12/92 Revision: 02/01/96 Revision: 04/10/07
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