

REPORTING CHILD SEXUAL ABUSE, CHILD ABUSE AND NEGLECT

The Board of RSU 26 is committed to implementing best practices to prevent and respond to child sexual abuse, and to ensure that all children attend a school which is a safe and secure learning environment.

I. DEFINITIONS

- A. **Child sexual abuse** – All sexual engagement either through hands-on or hands-off activities between an adult and a child is sexual abuse. Sexual engagement between children can also be sexual abuse when there is a significant age difference between the children or if the children are very different in development, size, or other power differential.
- B. **Child abuse or neglect** - Child abuse or neglect is defined by Maine law as “threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, or failure to ensure compliance with school attendance requirements under Title 20-A” (specifically when a child who is at least seven years of age and has not completed grade six, has the equivalent of seven full days of unexcused absences or five consecutive school days of unexcused absences during a school year).
- C. **Abuse** - For the purposes of this policy the words abuse, abusing and abused, unless further qualified, will be used to include both child sexual abuse as defined I.A and child abuse and neglect as defined in I.B.
- D. **Person responsible for the child** - A “person responsible for the child” means a person with responsibility for a child’s health or welfare, whether in the child’s home or another home or a facility which, as part of its function, provides for the care of the child. It includes the child’s parent, guardian or other custodian.
- E. **Evidence-informed practice or program** - Programs that use the best available knowledge and research to guide program design and implementation; the program has clearly identified intended outcomes and conducts evaluations to measure those outcomes.
- F. **Qualified instructor** – An individual who has the knowledge, skills and comfort level necessary to professionally address child sexual abuse prevention education, aligned to research and best practices. A qualified instructor may be school personnel or from a community-based organization.
- G. **School personnel** – Any individual required to be certified, authorized, or approved by the Department of Education under Chapter 501 or 502 of Title 20-A.

II. EMPLOYEES’ DUTY TO REPORT

- A. School personnel including but not limited to school faculty, staff, coaches and advisors for extracurricular and co-curricular activities who has reason to suspect that a child has been or

is likely to be abused or neglected must immediately make a report directly to the Department of Health and Human Services (DHHS) or the District Attorney (see also Section III.B which provides further information about reporting to DHHS and/or the District Attorney).

- B. All personnel mentioned in II.A who have made a report to the Department of Health and Human Services or the District Attorney must then immediately notify the building administrator. If a principal is suspected of abusing a child, the employee must report this immediately to the superintendent. If the superintendent is suspected of abusing a child, the employee must report this immediately to the chair of the school board.
- C. All personnel mentioned in II.A who have made a report to the Department of Health and Human Services or the District Attorney after verbally notifying the appropriate administrative authority per clause II.B should then submit a copy of the Suspected Child Abuse and Neglect Reporting Form (JLF-E) to the same administrative authority.
- D. School volunteers who are aware of incidents or suspect abuse must immediately report their concerns to the school principal or superintendent, or in the case of suspecting the superintendent the chair of the school board.
- E. Any individuals associated with the school who are not mandated reporters, but who know of or suspect abuse are encouraged to make a report directly to DHHS.
- F. Individuals suspecting or knowing of l abuse should not ask additional questions or engage in interviewing techniques with the child and should limit written documentation to the information required by 22 MRS §4012. Training for unbiased documentation methods is recommended.
- G. Acts of reprisal or retaliation against any person who reports an incident of child sexual abuse are prohibited.

III. ADMINISTRATOR REPORTING AND CONFIRMATION DUTIES

- A. Building Administrator must confirm with school personnel through verbal confirmation and receipt/review of completed Child Abuse Reporting Form (JLF-E) that the mandated report to DHHS and/or District Attorney was filed by employee.
- B. Building Administration will retain a copy of completed JLF-E forms in school files and submit a copy of all completed JLF-E forms to the Superintendent. Completed JLF-E forms will be retained by the school district central office for ten years, as specified in the Maine Archives Rules, along with any other information relevant to the case.

IV. INTERNAL INVESTIGATIONS AND DISCIPLINE

- A. **Employees.** If the person suspected of abuse or neglect is an employee, the Superintendent/designee shall investigate and take appropriate action, in accordance

with applicable Board policies, collective bargaining contracts, and federal and state laws.

- B. **Students.** If the person suspected of abuse or neglect is a student, and the abuse or neglect occurred on school premises, during a school activity, or is otherwise related to the school, the Superintendent/designee shall investigate and take appropriate action, in accordance with applicable Board policies and federal and state laws.

V. INTERVIEWS OF CHILD AND SCHOOL PERSONNEL

DHHS personnel shall be permitted to meet with and interview the child named in the report when the child is present at school as provided in this section. The building administrator or designee shall:

- A. Request that the DHHS caseworker discuss the circumstances of the interview and any relevant information regarding the alleged abuse or neglect with the child's teacher, guidance, school nurse, social worker or building administrator as the caseworker deems is necessary to provide needed emotional support to the child prior to and following the interview;
- B. Not place conditions on how the interview is conducted, including, but not necessarily limited to requiring that certain persons be present during the interview; prohibiting certain persons from being present during the interview; and requiring notice to or consent from a parent or guardian;
- C. Provide an appropriate, quiet and private place for the interview; and
- D. Not disclose any information about DHHS's intention to interview the child except to school officials or the school's attorney who need the information to comply with the interview request.

VI. CONFIDENTIALITY OF INFORMATION AND RECORDS

All records, reports and information concerning alleged cases of child abuse and neglect shall be kept confidential to the extent required by Board policies and applicable law.

The building principal/designee is permitted to release a child's school records without prior consent of the parent/guardian to DHHS or law enforcement officials as necessary to protect the health or safety of the child or other individuals under federal law.

VII. GOOD FAITH IMMUNITY FROM LIABILITY

State law (22 MSRA § 4014) provides that any person who in good faith reports or participates in the investigation or proceedings of a child protection investigation is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false.

VIII. Abuse Awareness and Prevention Education for School Personnel

Abuse awareness and prevention education for all RSU 26 personnel shall be:

1. Required for all school personnel;
2. Delivered by a qualified instructor(s);
3. A minimum of one hour;
4. Evidence-informed;
5. Completed within 6 months of hire; and
6. Updated every four years pursuant to 22 MRS §4011-A, sub-§9.
7. Cover both child sexual abuse (per I.A) and child abuse and neglect (per I.B)

The Superintendent/designee will be responsible for documenting employee training. The training will:

1. Increase awareness of developmentally appropriate and inappropriate sexual behaviors in children, and
2. Increase ability to identify indicators of sexual abuse, including physical and psychosocial indicators on a spectrum (including lower to higher probability);
3. Increase ability to effectively respond to sexual behavior or disclosures or suspicions of child sexual abuse; and
4. Includes [Insert local child sexual abuse and sexual assault resources.]

IX. Child Sexual Abuse Prevention Education Pre-K through Grade 5 Curriculum Programs

Age-appropriate child sexual abuse prevention education curriculum programs shall be:

1. Delivered by qualified instructors;
2. Part of the written comprehensive school health education curriculum;
3. Aligned to the Maine Learning Results Health Education Standards for grades Pre-K through 5 (pursuant to 20-A MRS §6209); and
4. Follow an appropriate scope and sequence.

The classroom curriculum will be consistent with evidence-informed, age-appropriate child sexual abuse prevention education for students, and include:

1. Age-appropriate education regarding physical and personal boundaries, including biologically accurate body terminology;
2. Helps children identify unsafe or uncomfortable situations including a range of feelings, touches or violations of physical boundaries;
3. Helps children identify safe adults with whom they could discuss unsafe or uncomfortable situations; and
4. Helps children identify and develop skills to support a friend who may be experiencing unsafe or uncomfortable situations.

X. Resources and Services

Service providers related to local and statewide child sexual abuse and sexual assault can be found at:

1. The Maine Department of Health and Human Services;
2. The Maine Coalition Against Sexual Assault (www.mecasa.org; statewide sexual assault support line: 1-800-871-7741); and

Prevention education resources related to child sexual abuse can be found at:

1. The Maine Department of Education Health Education website (www.maine.gov/doe/healthed/areas/index.html);
2. The Maine Coalition Against Sexual Assault (www.mecasa.org); and

Resources related to mandatory reporting of child sexual abuse can be found at the Maine Department of Health and Human Services Office of Child and Family Services (<http://www.maine.gov/dhhs/ocfs/mandated-reporters.shtml>).

Legal Reference: 22 MRSA Chap. 1071, Child and Family Services and Child Protection Act
Me. P.L. Ch. 407 (2016)
22 MSRA §4011-A
22 MSRA § 4014
20 USC § 1232g, Family Educational Rights and Privacy Act
20-A M.R.S.A. §§ 5051-A(1)(C); 5051-A(2)(C)

Cross Reference: ACAA – Harassment and Sexual Harassment of Students
JLF-E – Suspected Child Abuse and Neglect Report Form
JRA – Student Records

Adopted: March 27, 2018

Revised: _____