

## Students

### Reporting Child Abuse or Neglect

In compliance with state law, any District, employee having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall immediately contact the building principal and/or school social worker (social worker/counselor), and the County Human Services Department, and inform them of the facts and circumstances contributing to suspicion of child abuse and neglect.

It is not the responsibility of school personnel to interview the child, prove that the child has been abused or neglected, nor to determine whether the child is in need of protection. School personnel shall not contact the child's family or any other person to determine the cause of any suspected abuse or neglect. Those contacts are the responsibility of the agency receiving and/or investigating the report.

No District employee shall be discharged from employment for making such a good faith report. State law states that any person participating in good faith in the making of a report under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. State law also provides for the protection of the identity of any individual who makes such a report.

The District shall establish any necessary procedures to implement this Administrative Regulation and to comply with state law. The individual staff member shall be responsible and will be held accountable for taking the required training on the Reporting of Child Abuse or Neglect Administrative Regulation as offered by the District.

State law also provides that intentional failure to report suspected child abuse or neglect as required is punishable by a fine and/or jail sentence.

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### Administrative Regulations/Procedures for Reporting Suspected Child Abuse or Neglect

1. Wisconsin Statutes § 48.981 creates a mandatory duty on the part of all District employees to notify either the City Police, County Sheriff or the County Human Services Department in the event they have reasonable cause to suspect a child seen in the course of professional duties has been abused or neglected or has reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.
2. The purpose of this Administrative Regulation is to delineate the procedures staff should follow when reporting child abuse or neglect. As questions or problems with the procedure arise, please contact the Director of Support Services about questions or problems so they can be resolved and this procedure amended as necessary.
3. How is "abuse" or "neglect" defined? What is a "child"?

Child abuse and child neglect are different concepts. They are defined by statute as:

- a. "Abuse" means
  - 1) Any physical injury inflicted on a child by other than accidental means. In this Administrative Regulation, "physical injury" includes but is not limited to severe bruising, lacerations, fractured bones, burns, internal injuries or any injury constituting great bodily harm under Wisconsin Statutes § 939.22(14).
  - 2) Sexual intercourse or sexual contact under Wisconsin Statutes § 940.225, 948.025, or 948.085.
  - 3) Sexual exploitation of children under Wisconsin Statutes § 948.05.
  - 4) Permitting, allowing or encouraging a child to prostitute under Wisconsin Statutes § 944.30.
  - 5) Manufacturing methamphetamine in violation of Wisconsin Statutes § 961.41(1)(e) under the circumstances listed in Wisconsin Statutes § 48.02(1)(g).
  - 6) Emotional damage for which the child's parent, guardian, or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms. In this Administrative Regulation, "Emotional

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Damage" means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior or a combination of these behaviors. "Emotional Damage" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

- b. "Neglect" means failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.
  - c. "Child" means any person under 18 years of age.
4. To whom does the statute apply?

All District employees must report suspected child abuse or neglect. (Any District volunteer may report suspected child abuse or neglect to a District employee.

- a. They must have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected, or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.
  - b. Any person who reports suspected child abuse in good faith "shall have immunity from any liability, civil or criminal, that results by reason of the action." Good faith is presumed.
5. What is the school's or a staff member's role in investigating child abuse or neglect?

Investigation of alleged child abuse or neglect is the function of either Law Enforcement and/or Human Services personnel, not the school. The school's or staff member's only function is to report suspected abuse or neglect, or that there is reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the

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child will occur. The school or staff member should inform the County Human Services Department of the reason for the suspicion.

### 6. Reporting procedures

- a. The staff member has the responsibility to refer a suspected case of child abuse or neglect as soon as possible on the same day the information becomes available. Assistance can be sought from the principal and school social worker prior to making the referral.

This Administrative Regulation recognizes that a staff member might want to talk over his or her suspicions before a report is made. The internal procedure within the school attempts to facilitate this. Its use by a reporter is voluntary. If a reporter would rather not share his or her suspicions with anyone else and instead call the Human Services Department directly, that is proper and permissible. Reports of suspected abuse should be made immediately, as early in the day as possible, in the interest of the child.

The child is **not** to be interviewed about the suspicions by other school staff members prior to or following a report of suspected abuse.

A school staff member who chooses to report suspected abuse or neglect without involving the building principal and/or social worker (social worker/counselor) shall inform the building principal of the action taken within twenty-four hours of reporting.

- b. Suggested internal reporting procedure within the school:
  - 1) Any staff member who suspects abuse or neglect or who has reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur may notify the principal.
  - 2) The principal or reporting staff member will:
    - a) contact the school social worker,
    - b) discuss the staff member's suspicion with the staff member and the social worker,

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- c) The principal may call with the reporting staff member for support, however, no reports can be made by proxy, or in place of the reporting staff member. Only the individual with first-hand knowledge of the abuse/neglect can make the actual report to authorities. If there is more than one staff member with first-hand knowledge, only one staff member may make the report. If more than one staff member has different information, then all staff members should make the report.

3) The social worker (social worker/counselor) will:

- a) **Not** prepare the student for the intake process nor inform the student what will take place and why. The agency conducting the interview will do this. (School staff preparing the child can compromise the integrity of the interview and ultimately prevent the case from being prosecuted, which can place the child in further danger.) The employee involved in the reporting process must make the procedure as efficient as possible. Be prepared to share specific information (such as names, addresses, date(s) of birth) which will help the other agencies carry out their responsibilities.

7. Who should be called?

For all abuse or neglect, regardless of the severity of the case, call the Racine County Human Services Department: 638-7720. This is the "crisis number." It is staffed 24 hours a day, seven days a week.

8. Custody of student and notifying parents

After suspected child abuse is reported and a Human Services investigator comes to the school to interview the students:

- a. Law enforcement or Human Services Department personnel may take the student into custody under Wisconsin Statutes §48.981(3).
- b. The principal is not to notify the student's parents that their child has been taken by Human Services into custody. It is the responsibility of law enforcement or Human Services personnel to notify the parents.

(The reason for this is that the area of suspected abuse involves a lot of stress and emotion. The law enforcement and Human Services personnel

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are trained to handle what we can anticipate are difficult, conflict situations. The school should not interfere so as to give them the best possibility of dealing well with a difficult human situation.)

### 9. Confidentiality of reporter

- a. Under no circumstances is the school to reveal to anyone (parents, staff other than those immediately involved in this regulation, news media, etc.) who made the report.
- b. If the parent asks who made the report, the proper response to make is, "I am sorry, but state law and District regulations prohibit me from releasing that information."

### 10. Follow-up by Human Services

The Human Services Department is supposed to inform the reporter of the outcome of the report, in a manner that protects the reporter's anonymity.

Legal Reference: Wisconsin Statutes § 48.981(2), (3), (4), (6), (7) and (8)

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