

Abuse/Neglect Policy

Policy

The Torrington Board of Education recognizes that the school provides a unique setting in which professional staff may be aware of possible injury and neglect of children. Therefore, the Torrington Public School system is committed to assisting maltreated children and families and accordingly will institute the required practices and policies to implement the maximum protection of all children and to ensure legal compliance. Administration is charged with developing and implementing regulations that conform to Connecticut Law and support this policy.

Administrative Regulations

I. What Must Be Reported

Mandated reporters are required to report to the Department of Children and Families, or cause a report to be made, when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child under the age of eighteen has been abused, neglected or is placed in imminent risk of serious harm by a person responsible for the child's health, welfare or care, or by a person given access to the child by the responsible person, or by a person entrusted with the care of a child, such as a school employee.

- A. Child Abuse is defined as occurring when a child has had non-accidental physical injury(ies) inflicted upon him, or has injuries which are in variance with the history given of them, or is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.
- B. Child Neglect is defined as occurring when a child has been abandoned, is being denied proper care and attention physically, educationally, emotionally, or morally, or is being permitted to live under conditions, circumstances or associations injurious to his well being.
- C. Mandated Reporters - The State of Connecticut, under Connecticut General Statutes, §17a-101b, has designated all professional school employees as mandated reporters, as follows: any principal, assistant principal or supervisor, registered nurse, licensed practical nurse, social worker, psychologist, school teacher, guidance counselor, library/media specialists, speech/language specialists, occupational therapists, physical therapists, school coaches of intramural or interscholastic athletics, school resource officers, and school paraprofessionals.

- D. Other Reporters - Other reporters, that is, school employees who are not individually mandated by law to report abuse and neglect (secretaries, custodians and cafeteria workers), still have an obligation to report or cause a report to be made if they have reasonable cause to suspect or believe that a student has been abused, neglected or is in imminent risk of physical harm.
- E. Immunity and Penalty - Any person who in good faith makes the report required by law shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report.

Any person required to report who fails to make such report may be fined in accordance with state law, and must participate in an educational training program. Immunity is also granted to people who in good faith have not reported. Nevertheless, mandated reporters who have not reported could be sued for damages if further injury is caused to the child because they did not act. Anyone who knowingly makes a false report of child abuse or neglect may be fined up to \$2000 or imprisoned or both in accordance with state law. The identity of any such person shall be disclosed to the appropriate law enforcement agency and to the perpetrator of the alleged abuse. Employers are not allowed to discharge, discriminate or retaliate against an employee for making a good faith report or testifying in an abuse or neglect proceeding.

- F. School Abuse by a School Employee - When DCF notifies the Superintendent of Schools that there is a reasonable cause to believe that a Torrington Public School employee has violated the Abuse/Neglect Policy, that employee will be immediately suspended pending the result of the DCF investigation. The Superintendent will notify the Torrington Board of Education of the reasons and conditions for the suspension. If the contract of employment of a certified employee is terminated as a result of the investigation of the abuse, the Superintendent will notify the Commissioner of Education within seventy-two hours of such termination. The Superintendent of Schools shall file a *Request to Revoke* the terminated employee's certificate.

II. Reporting Procedure

- A. Any school employee who becomes aware of suspected abuse/neglect or imminent risk of physical injury must immediately bring the matter to the attention of the school principal/designee and school social worker.
- B. Each school shall activate a team consisting of but not limited to, principal/ designee, school social worker, school nurse, and initiating party. If the school social worker is not available, another student services staff member may assist the team. The matter may also be referred for consultation to another school social worker. Other school personnel may be included in the team as appropriate. The team has the responsibility to determine reasonable suspicion, to carry out

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reporting requirements, to monitor affected students and to collaborate with families, DCF, and other community service providers.

- C. When the team determines that reasonable suspicion of suspected abuse, neglect, or imminent risk of serious harm exists, a team member will give an oral report immediately or within twelve hours (as appropriate to the situation) to the Department of Children and Families at 1-800-842-2288. If there is any doubt about making a report, such doubt will be resolved in favor of the child and a report be made. If the team consensus is that reasonable grounds for suspicion do not exist, and the initiating party is in disagreement, that person has the right and responsibility to make the referral. The DCF Form 136 must be sent to DCF within 48 hours. A copy of Form 136 must be placed in the child's school health record.
- D. Any school employee who makes a referral to DCF independent of the school team must notify the principal of having taken that step and of the details of their report. The principal will consult with the team to ensure that the student is provided with the necessary support and monitoring in school, as described below. No person at any level of authority or from any agency has the legal right to prohibit or interfere with a referral or report to DCF.
- E. Suspected Abuse, Neglect or Risk of Imminent Harm by a School Employee
 - a. When the alleged perpetrator is a school employee, the team must notify the superintendent and the principal of the school (or designee), who shall immediately notify the parent or guardian, and make an oral report to DCF. Within 48 hours the written report (Form 136) must be sent to DCF.
 - b. Investigations of suspected child abuse/neglect or imminent risk of serious harm by a school employee are conducted by DCF.
 - c. If, after such investigation, DCF has reasonable cause to believe that a child has been abused, neglected or placed at risk of imminent harm by a certified public school employee (in a position requiring a certificate), DCF shall notify the superintendent and provide records concerning such investigation.
 - d. The superintendent must suspend such employee. The suspension will be with pay, and will not diminish or terminate the employee's benefits.
 - e. Within 72 hours after such a suspension, the superintendent shall notify the Board of Education and the Commissioner of Education of the reasons for and conditions of the suspension.
 - f. The superintendent shall disclose the DCF records to the Commissioner of Education and Board of Education or their attorney for purposes of review of employment status or certification.
 - g. The suspension will remain in effect until the Board of Education takes action.
 - h. If the employee's contract is terminated, the superintendent shall notify the Commissioner of Education or his representative

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within 72 hours. The Commissioner of Education may then commence certification revocation proceedings.

- i. The state's attorney must notify the superintendent and the Commissioner of Education when a certified school employee or any person holding a certificate issued by the State Board of Education is convicted of a crime involving an act of child abuse or neglect.
- j. The superintendent may suspend any non-certified school staff member in similar circumstances.
- k. The personnel records of misconduct of any professional school employee are considered to be public records and will be subject to disclosure in accordance with the statutes.

III. Physical Examination of Student

- A. All students referred for suspected child abuse will be seen by the school nurse or the school medical advisor, who will assess the injury, determine whether medical attention is required, and document any findings and action taken.
- B. If it is necessary to remove or adjust any article of the child's clothing, the nurse will first ensure that the child understands that compliance with the examination is voluntary and have another adult staff member in the immediate vicinity.
- C. The nurse will document the findings of the assessment in the child's school health record and will reference the examination and findings to the suspected abuse and to the DCF referral. When assessment of the examination is so noted, the final disposition of the DCF referral should be added to the school health record following DCF investigation.

IV. Monitoring

Designated members of the team, in conjunction with other appropriate school personnel, should continue to monitor the student. Whenever there is further suspicion that the child is abused, neglected or at imminent risk of abuse, another report should be made to DCF regardless of the outcome of any previous report.

V. Education

A manual including pertinent data such as, but not limited to, physical and behavioral indicators, definitions, and reporting procedures and rights shall be issued to all school employees. In-service training in this area, including information regarding personal safety programs, will be provided for all professional staff. Other school employees who are not individually mandated as reporters (e.g., secretaries, custodians, cafeteria staff) will also receive in-service training to assist them in recognition of possible abuse and neglect, reporting procedures, and their rights and responsibilities in this process.

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VI. Questioning of Students

A report of suspected child abuse or imminent risk of physical harm from any source when the alleged perpetrator is a family member may require questioning of the student at the school by a DCF social worker. The school social worker or designee must be present at all such interviews. The DCF worker will notify the parent that the interview with the child has taken place. If the DCF representative decides to detain the child and remove the child from school, DCF must provide the school with documentation of custody.

Legal References:

PA 02-106 and PA 02-138

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