

## **P5117 REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT**

### **BOARD POLICY:**

**All school employees will take appropriate action in reporting suspected abuse and/or neglect cases (physical and/or mental) to the proper authorities in accordance with State statutes. See K.S.A. 38-2223.**

Administrative Implemental Procedures:

1. The procedures under this policy apply to pupils under 18 years of age; any pupil 18 or older, reporting or claiming abuse, should be advised to contact either the Police Department or Kansas Protection Reporting Center (KPRC) at 1-800-922-5330 or [www.dcf.ks.gov](http://www.dcf.ks.gov).
2. Any employee who suspects that a child has had an injury inflicted upon him or her as a result of physical, mental, emotional, or sexual abuse or neglect has the legal responsibility and the right to report the suspicion. K.S.A. 38-2202 gives the following definitions:
  - "Neglect" means acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian.
  - "Physical, mental or emotional abuse" means the infliction of physical, mental, or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.
  - "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child, or another person. Sexual abuse shall include allowing, permitting, or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.
3. As soon as suspicion arises, the employee, with only minimal questions to determine the nature of the incident, shall contact KPRC by phone or their web-based system. The KPRC report shall be followed with documentation of the incident using the District Child Abuse/Neglect Reporting Form, which shall be sent via-interschool mail to the Division of Student Support Services, Social Work Services, Alvin E. Morris Administration Center within 48 hours. This confidential report must not be duplicated. No copies are to be kept in the building. If an employee has questions, call Social Work Services at 973-4470. When KPRC is not open for business, reports shall be made to the appropriate law enforcement agency, i.e., when normal reporting procedures (telephone and/or web-based reporting) are not available.
4. The lawful custodian shall *not* be notified. See BOE Policy 2361 - Law Enforcement Contact with Pupils, AIP 3d.
5. The first duty of an employee is to contact KPRC. After notifying KPRC, the employee will notify the building principal or designee promptly of his/her suspicion unless the suspicion involves the principal, in which case the building principal's supervisor will be notified. See K.S.A. 38-2223(a)(1)(C), (e).
  - a. Any employee participating without malice in the making of an oral or written report pursuant to the Revised Kansas Code for Care of Children or in any activity or investigation related to such a report shall have immunity from any civil liability that

- might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. *See* K.S.A. 38-2223(f).
- b. No employee shall be terminated or subjected to any other sanction because the employee made a written or oral report of abuse or neglect or cooperated with the investigation of a report of abuse or neglect. *See* K.S.A. 38-2224.
  - c. Any employee who knowingly and willfully fails to make a report required by the Revised Kansas Code for Care of Children may be charged with a misdemeanor. *See* K.S.A. 38-2223(e)(1).
  - d. Any employee who intentionally prevents or interferes with the making of a report required by the Revised Kansas Code for Care of Children may be charged with a misdemeanor. *See* K.S.A. 38-2223(e)(2).
  - e. Any employee who willfully and knowingly makes a false report or makes a report that the employee knows lacks factual foundation may be charged with a misdemeanor. *See* K.S.A. 38-2223(e)(3).
7. All reports are construed to be confidential.
  8. Personnel from the Exploited and Missing Children Unit, from the Juvenile Department of the District Court or other appropriate law enforcement officials shall be provided access to the child in a setting on school premises as determined by school personnel for the purpose of the investigation of a report of suspected child abuse or neglect. A school employee will not be present at the interview unless requested by the investigators. The lawful custodian will not be notified of the interview by the school. Any attempt to do so may greatly hinder the investigation and place school personnel in a position of considerable risk.
  9. If the employee suspects the situation indicates imminent harm, e.g., the child will or could be exposed to further abuse due to the possible perpetrator's access or proximity to the student or the student expresses a fear of going home, the employee shall call Security at 973-2100 to request law enforcement assistance, and then inform the building administrator. If an employee witnesses a situation involving suspected physical, mental, emotional or sexual abuse, or neglect that may constitute criminal activity, that employee shall immediately call 911 to report the incident. The employee will call 973-2100 after calling 911 in order that the call to 911 can be documented. Employees should continue to follow proper protocol in filing a report with the KPRC.
  10. Photographic evidence may be obtained only by law enforcement personnel when they deem it appropriate.
  11. Nothing in this policy shall be construed to prohibit employees from the professional sharing of observations and information about a child or requesting same from other employees. However, once the observation and information causes any employee to have suspicion of abuse and/or neglect, the obligation to report the suspicion becomes legally mandatory.

Administrative Responsibility: Student Support Services

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