

## **8462 CHILD ABUSE AND/OR NEGLECT**

The Board of Education is concerned with the physical and mental well-being of the children of this district and recognizes the importance of early identification in halting child abuse and/or neglect. The Board will cooperate with state government and child welfare authorities in the identification and reporting of cases of child abuse and/or neglect in accordance with law.

School personnel, compensated and uncompensated (volunteer) having reasonable cause to believe that a child has been subjected to child abuse and/or neglect or acts of child abuse and/or neglect shall immediately notify child welfare authorities. School personnel reporting such abuse and/or neglect shall inform the school Principal or his/her designee of the report after the child welfare authorities' referral has been made. However, notice to the Principal or designee need not be given when the person believes that such notice would likely endanger the referrer or child(ren) involved or when the person believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

The Superintendent or designee will notify local law enforcement officials of a potential missing or abused or neglected student in accordance with N.J.S.A. 18A:36-25 and N.J.A.C. 6A:16-11.1(a)3. The Superintendent or designee will be the primary contact person between the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.29(b)1, consistent with the Memorandum of Understanding pursuant to N.J.A.C. 6A:16-6.2(b)13.

The school district shall prominently display information about the Department of Children and Families' State Central Registry, a toll-free hotline for reporting child abuse, in each school of the district. The information shall give instructions to call 911 for emergencies and shall include directions for accessing the Department of Children and Families' website or social media platforms for more information on reporting abuse, neglect, and exploitation.

The information shall be in a format and language that is clear, simple, and understandable. The information shall be on a poster and displayed at each school in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students, pursuant to N.J.S.A. 18A:33.28.

The Board of Education and administration assure all school personnel there will be no employment discrimination in regards to compensation, hire, tenure or terms, conditions or privileges of employment upon making a good faith report or causing such report.

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The Superintendent shall establish a child welfare authorities' liaison to facilitate communications and cooperation. The Superintendent or designee will provide for the annual delivery of information and in-service training of school personnel regarding child abuse and/or neglect occurrences. The Board and administration will cooperate with child welfare authorities to investigate reports and provide staff to comfort and support the child(ren) during interviews and investigations with child welfare authorities. The Superintendent or designee will ensure that information regarding child abuse and/or neglect and its prevention is incorporated into the district's health education program in accordance with the consultation procedures set forth in Policy No. 2422. The Board and administration will permit child welfare authorities to remove pupils from school during the course of the day to protect the child(ren) and cooperate to relocate child(ren) to another school if necessary.

The Superintendent or designee will release, in accordance with N.J.S.A. 18A:36-19, all pupil records of the child(ren) under investigation that are deemed to be relevant to the assessment or treatment of child abuse and/or neglect. School district records of child abuse and/or neglect shall be kept confidential and disclosed only as prescribed by law.

Any employee's act of unbecoming conduct in the treatment of children, including alleged acts of child abuse and/or neglect reported to child welfare authorities, shall be promptly reported to the Principal who shall immediately inform the Superintendent and institute an investigation. The Superintendent may temporarily reassign or, with the concurrence of the Board President, suspend the employee without loss of pay pending investigation.

Information regarding allegations of child abuse and/or neglect reported to, investigated and reported upon by child welfare authorities about a school employee shall be confidential and may be disclosed only as required in order to cooperate with child welfare authorities' investigations or by court order. These records shall be maintained in a secure place and be accessible to the Superintendent and/or his/her designee.

The Board will provide due process rights to school personnel who have been reassigned or suspended in accordance with statutes. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse and/or neglect shall occur if there is reasonable cause to believe the life or health of the alleged victim or other children is in imminent danger due to continued contact between the personnel and the child(ren). All records shall be removed from the school staff's personnel file if the school district receives official notice from child welfare authorities that the allegation was unfounded. An unfounded allegation shall not be used against the employee for any purpose relating to employment.

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School personnel, compensated and uncompensated (volunteer) with reasonable cause to suspect or believe a student has attempted or completed suicide shall report the information to the Department of Human Services, Division of Mental Health and Addiction Services, in a form and manner prescribed by the Division of Mental Health and Addiction Services pursuant to N.J.S.A 30:9A-24.a.

The Superintendent shall develop regulations for the reporting of child abuse and/or neglect and for cooperation with child welfare authorities in child abuse and/or neglect investigations.

N.J.S.A. 18A:33-28; 18A:36-24; 18A36-25 et seq.

N.J.A.C. 6A:16-11.1.

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## **R 8462 Child Abuse and/or Neglect**

### A. Definition

“Child abuse” means the infliction of harm, physical, mental, or emotional, on a child under the age of eighteen by a person who has control over the child, even temporarily, and an opportunity to repeat the abusive acts. Neglect includes negligence and the failure to respond to a child’s basic needs as well as deliberate, willfully abusive acts N.J.S.A. 18A:36-24 and 18A:36-25. An abused and/or neglected child as defined by law is a child under the age of eighteen years whose parent(s) or legal guardian(s), or other person having his/her custody or control:

1. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
2. Creates or allows to be created a substantial or ongoing risk of physical injury to the child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or
3. Commits or allows to be committed an act of sexual abuse against the child;
4. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent/legal guardian, or such other person having his custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child’s behavior is harmful to himself, others or property; or by any other act of similarly serious nature requiring the aid of the court;
5. Or a child who has been willfully abandoned by his parent/legal guardian, or such other person having his/her custody and control.

**B. Indications of Child Abuse and/or Neglect**

1. All school district compensated and uncompensated (volunteer) personnel, including teaching staff members, support staff members, and unpaid volunteers, are charged by law with the responsibility for reporting suspected cases of child abuse and/or neglect. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
  - a. There is evidence of physical injury to a pupil not likely to have been caused by an accident, regardless of the pupil's explanation of the injury;
  - b. A pupil complains of having been injured or having been sexually molested, with or without external signs of physical injury;
  - c. A pupil appears to be malnourished;
  - d. A pupil's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;
  - e. A pupil complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
  - f. A pupil is excessively apprehensive, fearful, withdrawn, or aggressive;
  - g. A pupil is afraid to go home after school or arrives to school unreasonably early;
  - h. A parent or the caretaker of a child admits having abused the child;
  - i. The removal from school by the parent(s) or legal guardian(s), or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
  - j. School district personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.
2. The employee should not wait to assemble corroborating evidence of child abuse and/or neglect. The observations and/or complaints of the pupil that gave rise to the reasonable belief that child abuse and/or neglect may have occurred are sufficient to warrant reporting the incident or incidents to child welfare authorities for investigation and remediation by that agency.

C. Reporting Child Abuse and/or Neglect

1. Whenever an employee has reason to believe that a pupil of this district has been subjected to child abuse and/or neglect or acts of child abuse and/or neglect, regardless of the identity of the suspected abuser, the employee shall immediately report that information to the New Jersey State Central Registry at (1-877-NJABUSE (652-2873) or to any other telephone number designed by the appropriate child welfare authorities. If the child is in immediate danger the employee shall call 911.

Whenever referring a case to child welfare authorities, the school referrer shall provide, whenever possible, the following information:

- a. The child's name, age, grade, and gender;
  - b. The name and address of the child's parent(s) or legal guardian(s) or other person having custody and control (such as a foster parent);
  - c. A description of the child's condition, including any available information concerning current or previous injuries, abuse, or maltreatment and including evidence of previous injuries;
  - d. The nature and extent of the child's injuries, abuse, or maltreatment; and
  - e. Any other pertinent information that the employee believes may be relevant with respect to the child abuse and/or neglect and to the identity of the alleged perpetrator.
2. The person who has reported a case of possible child abuse and/or neglect to child welfare authorities shall promptly inform the Principal of the school in which the child is enrolled, unless the employee has reason to believe that such disclosure to the Principal would be likely to:
    - a. Endanger the employee or the child;
    - b. Result in retaliation against the child; or
    - c. Result in discrimination against the referrer with respect to his/her employment.
  3. A pupil whose injuries or physical condition require immediate medical attention shall be reported promptly to the school nurse, in accordance with Policy No. 8441 (Care of Injured and Ill Persons).

D. Notification to Law Enforcement

1. The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
2. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities.

E. Cooperation with the Department of Children and Families, Division of Child Protection and Permanency (CP&P) and Law Enforcement Authorities

1. The Board of Education and all district personnel will fully cooperate with agents of child welfare authorities and law enforcement authorities in an investigation of child abuse and/or neglect that has occurred at any time outside or within the confines of the school or during school-related functions.
2. The child welfare authorities and law enforcement investigators will be permitted to interview the child in the presence of the Principal or a person designated by the Principal. If the child is intimidated by the Principal or his/her designee, the child may be accompanied during the interview by a staff member whom he/she feels will be supportive. The accompanying staff member will give comfort to the child but will not participate in the investigation.
3. School administrators will cooperate with child welfare authorities and law enforcement in scheduling interviews with school personnel who may have information relevant to the investigation.
4. The custodian of school records shall release, in accordance with law, all pupil records of the child(ren) under investigation that are deemed to be relevant to the assessment or treatment of child abuse and/or neglect.
5. The Superintendent or designee shall maintain, secure, and release all confidential information about child abuse and/or neglect only cases in accordance with N.J.S.A. 18A:36-19.
  - a. Information regarding child abuse and/or neglect reported to, investigated and reported upon by child welfare authorities about a school employee shall be considered confidential and may be disclosed only as required in order to cooperate with child welfare authorities' investigations or by court order.

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- b. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the district chief school administrator or his/her designee.
6. School employees shall regard as confidential all information about a child abuse and/or neglect investigation remediation.
7. School Principals will permit agents of child welfare authorities to remove pupils from school during the school day when removal is necessary to protect the child or to take the child to a service provider, on presentation of appropriate authorization.
8. School Principals will cooperate with child welfare authorities when that agency deems that it is necessary to remove the child from his/her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he/she was enrolled.
9. The Superintendent will provide for a district liaison with child welfare authorities who will facilitate communication and cooperation between the district and child welfare authorities and act as primary contact person between the schools and child welfare authorities with regard to general information sharing and development of mutual training and other cooperative efforts. The district liaison will assist the administration in developing employee orientation programs and annual in-service programs to all school staff concerning child abuse and/or neglect. The district liaison will receive child welfare authorities' findings at each stage of the investigation and will recommend to the Superintendent such action that may be necessary and appropriate.
10. The Superintendent or designee will provide due process rights to school personnel who have been reassigned or suspended in accordance with law. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse and/or neglect shall occur if there is reasonable cause to believe that the life or the health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child.

The Superintendent or designee will remove from the employee's personnel records all references to a report to child welfare authorities and/or official notice from child welfare authorities of child abuse and/or neglect regarding a school district employee, immediately following the receipt of notice from child welfare authorities that the allegation was unfounded. Such unfounded report by child welfare authorities shall not be used against the employee for any purpose relating to their employment.

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