

Policy

CHILD ABUSE AND NEGLECT

The Passaic Board of Education believes that a child's physical and mental well-being must be maintained as a prerequisite to achievement through the formal educational process. The board therefore believes that it is important to identify and investigate suspected child abuse or neglect immediately. The school district will cooperate with the New Jersey Division of Child Protection and Permanency (DCP&P)* in identifying and reporting all such cases, whether institutional or noninstitutional. The superintendent or his/her designee shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and DCP&P and act as primary contact between the schools and DCP&P.

The board directs the Superintendent or his/her designee to gather, maintain, secure and make available to DCP&P the relevant confidential district records of any student alleged either by school personnel or DCP&P to be the victim of abuse or neglect as defined by law. The board also directs the superintendent or his/her designee to cooperate with DCP&P in scheduling interviews with any employee, volunteer or student who may have information relevant to an investigation of child abuse.

In order to increase school employees' and volunteers' awareness of the symptoms of child abuse and neglect and cause them to be better informed on all aspects of abuse and neglect, the board directs the superintendent to provide information and inservice training on the subject to all school employees and volunteers.

Reporting Procedures

In accordance with law (N.J.S.A. 9:6-8.10; P.L. 2019, c. 40), any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency (DCP&P) by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his/her parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

The Superintendent is directed to develop procedures for compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. The following procedures shall apply:

- A. All staff members, volunteers, and interns having contact with students are required to report

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directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or other designated school officials prior to notifying DCP&P if the action will not delay immediate notification. Employees, volunteers, and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;

- B. The person notifying DCP&P shall inform the principal or other designated school officials of the notification, if this was not done prior to notifying DCP&P. The principal or other designated school officials should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment;
- C. The principal shall notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Law enforcement authorities shall be notified about all reports by employees, volunteers, or interns working in the school district. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- D. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:
 - 1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
 - 2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
 - 3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
 - 4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
 - 5. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
 - 6. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability).

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Any person who knowingly violates the reporting requirements and fails to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

Any person who knowingly fails to report an act of sexual abuse against a child and who has reasonable cause to believe that an act of sexual abuse has been committed is guilty of a crime of the fourth degree which carries a term of imprisonment for up to 6 months, a fine of up to \$1,000, or both (N.J.S.A. 9:6-8.14; P.L. 2019, c. 40).

Due Process

Due process rights will be provided to school personnel, volunteers or interns who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of an employee, with pay, volunteer or intern named as a suspect in an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer or intern and a student. Due process rights shall include notice of the proposed suspension and a pre-suspension opportunity to respond.

If abuse is found, resulting from a single incident occurring in the school district, the Superintendent shall be available to meet with the Department of Children and Families, which may request that the Superintendent create a corrective action plan. The plan may include, but shall not be limited to, action to be taken with respect to a teacher, intern, employee, volunteer or other staff member to assure the health and safety of the alleged victim and other children and to prevent future acts of abuse or neglect. Within 30 days of the date the Department requested the remedial plan, the Superintendent shall notify the Department in writing of the progress in preparing the plan. The Superintendent shall complete the plan within 90 days of the date the Department requested the plan.

If the child abuse or neglect is the result of several incidents occurring in the school district, within 30 days of receipt of the report of child abuse or neglect, the Department of Children and Families may request that the Superintendent make administrative, personnel or structural changes within the district.

Records

All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required to cooperate in investigations. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district Superintendent or his or her designee

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All references to a notification to the designated DCP&P caseworker of a potential missing, abused, or neglected child situation involving a school district employee shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

Suicide Reporting

The board is committed to supporting State efforts to improve the information available to both professionals, who are in contact with youth at risk of suicide, and families at risk; identify and provide suitable intervention services to reduce the incidence of suicide; and educate youths and families at risk about the resources available for suicide prevention and intervention about youths who attempt suicide.

Therefore, in compliance with law (N.J.S.A. 30:9A-24 and N.J.A.C. 6A:16-11.1) school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department of Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families.

The information contained in the report to Department of Children and Families shall not be considered a public record, but the division may aggregate the data for the purpose of preparing an annual report. The reporter shall not be required to identify the student or youth by name or other unique identifier, but may be required to supply non-identifying demographic information about the student or youth, other attempts made by the student or youth and the response or referral made to deal with the incident.

Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Protection from Reprisal or Retaliation

The board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect. Reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing, abused or neglected child situation is prohibited.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

*NOTE: as of January 2013 the Division of Youth and Family Services (DYFS) changed its name to Division of Child Protection and Permanency (DCP&P).

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Key Words

Student Safety, Child Abuse, Child Neglect, Student Safety

Legal References:

<u>Legal References:</u> <u>N.J.S.A. 2A:4A-60.2</u>	Disclosure, use of juvenile's statement made in course of screening
<u>N.J.S.A. 2A:84A-18 through -23</u>	Self-incrimination
<u>N.J.S.A. 2C:11-6.</u>	Aiding suicide
<u>N.J.S.A. 2C:58-8.</u>	Certain wounds and injuries to be reported
<u>N.J.S.A. 9:6-1 et seq.</u>	Abuse, abandonment, cruelty and neglect of child; what constitutes
<u>See particularly:</u>	
<u>N.J.S.A. 9:6-3.1; -8.9 through -8.14; -8.21; -8.27 through -8.30; -8.34 through -8.36; -8.40; -8.46; -8.56</u>	
<u>N.J.S.A. 9:6-8.10</u>	Report of child abuse
<u>N.J.S.A. 9:6-8.14</u>	Violations including failure to make report
<u>N.J.S.A. 18A:6-7a, -10, -11, -13, -14, -18.1, -30, -30.1</u>	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
<u>N.J.S.A. 18A:6-111</u>	Findings, declarations relative to instruction in suicide prevention in public schools
<u>N.J.S.A. 18A:6-112</u>	Instruction in suicide prevention for public school teaching staff.
<u>N.J.S.A. 18A:6-113</u>	Provision for instruction in suicide prevention in school curriculum
<u>N.J.S.A. 18A:36-19</u>	Pupil records; creation; maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:36-24 et seq.</u>	Missing children; legislative findings and declarations
<u>N.J.S.A. 30:9A-22</u>	Findings, declarations relative to youth suicide

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<u>N.J.S.A.</u> 30:9A-23	Definitions relative to youth suicide
<u>N.J.S.A.</u> 30:9A-24	Report by teacher of attempted, completed suicide by student
<u>N.J.S.A.</u> 52:17B-9.8a et seq.	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:16-11.1	District policies and procedures; reporting potentially missing or abused children
<u>N.J.A.C.</u> 6A:32-7.1	Student records

Possible

Cross References:

*5113	Absences and excuses
*5125	Student records
*5141.1	Accidents
*5142	Student safety

*Indicates policy is included in the Critical Policy Reference Manual.