

ABUSED AND NEGLECTED CHILDREN

POLICY AND DEFINITION

- I. The Chariho Regional School District recognizes the problem of child abuse and neglect and its duty to establish policies advancing its responsibility to protect children whose health and welfare may be adversely affected through abuse and/or neglect, and who have been a victim of sexual abuse by another child or by an employee, agent, contractor, or volunteer of an educational program.

To this end, the District's policy is to require mandatory reporting by all employees within 24 hours to the Department of Children, Youth and Families (DCYF) of known or suspected instances of child abuse and neglect, and of children who have been a victim of sexual abuse by another child or by an employee, agent, contractor, or volunteer of an educational program. Any employee with knowledge or reasonable suspicion of child abuse and neglect shall report same to the building leader. It shall be the responsibility of the building leader (principal, assistant principal or director) to make the report, in the presence of other employees who are aware of the abuse or neglect. (This does not relieve the responsibility of employees knowledgeable of child abuse and neglect to report to DCYF if they are unwilling or unable to join the building leader.)

Further, for its employees and/or agents, the District supports training concerning the risk factors and indicators of child abuse and neglect, the district's policy and reporting procedures relative to child abuse and neglect, and community resources available to help children and families.

The District recognizes conditions leading to child abuse and neglect are many and complex and require community-wide efforts to eliminate or ameliorate; to this end, it supports and encourages the involvement of its employees in organized efforts to combat child abuse and neglect, including community child abuse teams, primary prevention programs and parent education.

- II. Definitions used in this policy unless the specific context indicates otherwise:
- A. "Child" means a person under the age of 18 years of age.
 - B. "Abused and/or neglected child" means a child whose physical or mental health or welfare is harmed or threatened with harm when a parent or other person responsible for his welfare:
 - 1. inflicts, or allows to be inflicted upon the child, physical or mental injury, including excessive corporal punishment; or
 - 2. creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or

3. commits or allows to be committed against the child an act of sexual abuse; or
4. fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so; or
5. fails to provide the child with a minimum degree of care or proper supervision or guardianship because of unwillingness or inability to do so by situations or conditions such as, but not limited to, social or psychiatric problems or disorders, mental incompetence, the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses the ability or is unwilling to properly care for the child; or
6. abandons or deserts the child; or
7. sexually exploits the child in that the person allows, permits, or encourages the child to engage in prostitution as defined by the provisions in § 11-34.1-1 et seq., entitled "Commercial Sexual Activity"; or
8. sexually exploits the child in that the person allows, permits, encourages, or engages in the obscene or pornographic photographing, filming, or depiction of the child in a setting that, taken as a whole, suggests to the average person that the child is about to engage in, or has engaged in, any sexual act, or that depicts any such child under eighteen (18) years of age performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or
9. commits or allows to be committed any sexual offense against the child as defined by the provisions of RI law Chapter 37, Title II of the General Laws entitled "Sexual Assault", as amended; or
10. commits, or allows to be committed, against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows, or has reason to know, that the victim is a severely impaired person as defined by the provisions of § 11-5-11, or physically helpless as defined by the provisions of § 11-37-1.

III. Immunity from Liability - Any person participating in good faith in making a report pursuant to Chapter 40 of the RI General Laws shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from such report. (40-11-4)

IV. Internal Reporting Procedures

- A. The District shall make available a form to document all instances of child abuse and neglect and a release form to be used in the event that DCYF takes custody of a child during the school day. The forms shall be completed and filed by the building leader in a manner so directed by the Superintendent of Schools.
- B. School personnel shall maintain confidentiality as to any suspected case of child abuse and neglect and will share information concerning such cases with others on a "need to know" basis. In any case, the identity of the reporter is not to be disclosed

to any family member or other person who is not specifically required to know by this reporting procedure or RI General Laws.

- C. The building leader may notify the child's parents or guardian that a suspected incident of child abuse or neglect has been reported to DCYF. In no case will such a disclosure be made to the parents or guardian when it is determined this would create a threat to the well being of the student or other members of the family, or when DCYF directs school personnel not to communicate this information to the family.
- D. When called upon, school personnel are legally obligated to cooperate fully with DCYF in their investigation of any case of suspected child abuse or neglect.

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