

**STUDENTS AND INSTRUCTION** **5000**

**HEALTH AND SAFETY** **5700**

**CHILD ABUSE AND NEGLECT** **5705**

### **I. Background of Policy**

The Salem Public Schools (SPS) is dedicated to the goal of protecting our students from child abuse and neglect and to responding effectively to incidents of child abuse and neglect. SPS recognizes local, state, and national efforts to address problems associated with child abuse and neglect and will work cooperatively with all agencies with responsibility for addressing such concerns.

Massachusetts General Laws (M.G.L.) c. 119, § 51A, requires that certain persons in their professional capacity are mandated to report child abuse and neglect when they have reasonable cause or suspicion to believe that a child under the age of 18 years is suffering physical or emotional injury resulting from abuse that causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse, or from neglect, including malnutrition. All employees of the SPS are mandated reporters.

This policy serves to assist all SPS employees to carry out their responsibilities effectively under M.G.L. as well as to establish responsibilities and roles for SPS SCANS. It also establishes expectations for SPS employees to receive training in both identifying and reporting child abuse and neglect.

### **II. Purpose and Scope**

All employees of the SPS are mandated reporters under this policy.

SPS employees, like employees in other school departments, are in a unique position to identify potential cases of abuse and neglect of children, because of their sustained contact with school-age children. Responsible action by employees can be achieved through recognition and understanding of potential incidents of abuse, knowing and following established reporting procedures, and participating in available child abuse and neglect information/training programs.

#### **Definition of Terms:**

- Neglect is the failure either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care. It is understood that such inability is not solely due to inadequate economic resources or solely due to the existence of a disabling condition. Neglect can occur while the child is in an out-of-home or in-home setting. Permitting a child to be truant or failing to enroll a child in school without providing an alternative program can constitute neglect.
- Physical abuse means infliction by other than accidental means of physical harm upon the body of a child.
- Emotional abuse refers to excessive, aggressive, or unreasonable behavior by an adult

**STUDENTS AND INSTRUCTION** **5000**

**HEALTH AND SAFETY** **5700**

**CHILD ABUSE AND NEGLECT** **5705**

- that places demands on a child that are above his/her capabilities. This may include verbal attacks, humiliation, degradation, and chronic rejection of the child, close confinement of the child or the permitting or abetting of delinquent behavior
- Sexual abuse refers to any sexual contact between a caretaker and a child or the commission of a sexual offense against a child as defined by the criminal laws of the Commonwealth.
- Verbal sexual harassment of a child by anyone including school district employees/volunteers is recognized as a form of child abuse and a warning sign of actual physical or sexual abuse.

All SPS employees who have reasonable cause or suspicion to believe that a child is suffering physical or emotional injury resulting from abuse or neglect shall report such a belief to the appropriate authority, according to the SPS Child Abuse and Neglect Reporting Procedures. When physical abuse is suspected, the teacher or other reporter will refer the child to the school nurse who will evaluate and record the nature of the injury. It is not the responsibility of the person reporting child abuse/neglect or of the SCAN (Salem Child Abuse and Neglect Team) Team to prove that the child has been abused/neglected, only that there is "reasonable cause" for concern. The SCAN Team is responsible for insuring confidentiality to the extent possible.

Confidentiality must be exercised throughout this procedure. Copies of the 51A are not a part of the child's educational record and are kept separately in a secure file in the principal's office.

### **III. Application**

The Superintendent of Schools has the responsibility to ensure that the SPS Child Abuse and Neglect Policy and the SPS Child Abuse and Neglect Reporting Procedures are implemented in the school system. The organizational structure to implement this policy will be through the establishment and support of School-based Child Abuse and Neglect (SCAN) Teams

School-based Child Abuse and Neglect Teams (SCAN)

SPS will establish and support building-based SCAN Teams in each school. This team will consist minimally of the principal, the counselor, and the school nurse. The names of the members of the building-based team will be made known to all employees working in the building.

**STUDENTS AND INSTRUCTION** **5000**

**HEALTH AND SAFETY** **5700**

**CHILD ABUSE AND NEGLECT** **5705**

Each team will:

- meet at the beginning of each school year to review the SPS Child Abuse and Neglect Policy and the SPS Child Abuse and Reporting Procedures,
- Conduct one child abuse and neglect information/training workshop for the school's employees in the first month of the school year.
- collaborate with the system wide SCAN and community agencies regarding programs to raise awareness of issues of child abuse and neglect, and
- coordinate mental health services to children deemed to be suffering from child abuse and neglect and to their families, whenever they are requested or considered to be necessary.

System wide

SPS will have a system-wide SCAN. This team will consist minimally of a representative from each building-based team.

The Superintendent of Schools or designee will be responsible for overseeing the operation of the system-wide team. The Superintendent or designee will be responsible for maintaining data that result from reports to the Department of Social Services.

The team will:

- provide consultation and supports to individual team members and to the school-based teams,
- monitor cases reported to the Department of Children And Families
- review and evaluate annually the continued efficacy of the SPS Child Abuse and Neglect Policy and the SPS Child Abuse and Neglect Reporting Procedures, and
- develop on an annual basis a curriculum for one child abuse and neglect information/training workshop for all school-system employees to be conducted in the first month of each school year. The curriculum will be developed with input from each of the building-based SCAN Teams and with the advice of one or more consultants who are experts in the field of child abuse and neglect.

### **Implementation**

The procedures for implementing the Child Abuse and Neglect Policy will include information about training all SPS employees on information about child abuse and neglect and mandated reporting procedures, and maintaining documentation and record keeping resulting from reports of suspected abuse and neglect to the Department of

**STUDENTS AND INSTRUCTION** **5000**

**HEALTH AND SAFETY** **5700**

**CHILD ABUSE AND NEGLECT** **5705**

Children and Families (DCF). Nothing in this policy, however, prohibits any professional from notifying the DCF directly when such professional has reasonable cause to believe abuse or neglect occurred. In such a case, the Building Principal and Superintendent or designee must be informed that the suspected abuse or neglect was reported.

#### Training

##### New Employees

Prior to the start of employment or within the first months of employment, every new employee will be required to attend training on mandated reporting requirements pursuant to M.G.L. c. 119, § 51A.

##### Current Employees

Every employee will be required on an annual basis to attend training on mandated reporting requirements pursuant to M.G.L c. 119, § 51A.

Every employee will be required on an annual basis to attend a workshop that includes information on the legal and psychological aspects of child sexual and physical abuse, the impact such abuse has on children, and the appropriate response to a child who has made an allegation of abuse.

#### **Documentation and Record Keeping**

Superintendent of Schools will:

- develop a procedure for building based and system-wide documentation and record keeping of complaints relating to the conduct of school personnel and students regarding child abuse and neglect,
- in cases involving school personnel, develop a procedure for communicating in writing to the complainants of the status and disposition of the case, to the extent possible, without compromising the investigation or confidentiality rights of involved persons, and
- notify school administration on an annual basis of their obligation to advise and inform the superintendent of allegations and complaints that involve suspected criminal activity as it relates to issues of child abuse and neglect.

#### **Complaints**

A person who believes this policy and/or procedure have not been correctly observed should contact:

**STUDENTS AND INSTRUCTION** **5000**

**HEALTH AND SAFETY** **5700**

**CHILD ABUSE AND NEGLECT** **5705**

Assistant Superintendent for Pupil Services  
29 Highland Ave  
Salem MA 01970  
978-740-1245

**Penalties**

According to M.G.L. c. 119, § 51A, mandated reporters are immune from civil or criminal liability when they file a report pursuant to their duties. Mandated reporters cannot be discharged, discriminated against or retaliated against by their employers if they, in good faith, make a report or testify in any proceeding involving child abuse or neglect. If any of these things happen, the employer shall be liable.

The statute also states that any person who is legally required to report suspected child abuse, i.e., is a mandated reporter, who fails to do so is subject to a criminal fine. In addition, school employees will be subject to disciplinary action by the school department up to and including dismissal.

IV. References  
MGL c 119 § 51A:290A:39E

**Approved by School Committee: October 7, 2014**

**Reviewed: October 2015**