



Book	Administrative Guideline Manual
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Title	Revised Guideline - Vol. 33, No. 1 - November 2020 - CHILD ABUSE OR NEGLECT
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8462 - **CHILD ABUSE OR NEGLECT**

In compliance with School Board policy and State statute, professional staff members are required to report to the proper legal authorities any sign of child abuse or neglect. The child may suffer from physical abuse and neglect, sexual abuse, and/or emotional maltreatment. Basically, physical abuse is the non-accidental, physical injury of a child; physical neglect is the failure to provide proper parental care, support, medical attention, and education for a child; sexual abuse is any indecent sexual activity; and emotional maltreatment is failure to provide warmth, attention, supervision, and/or normal living experiences for a child.

A child who is being abused also may:

- A. be hyperactive;
- B. act fearful of adults;
- C. cling to adults;
- D. be anxious, tense, and nervous.

Suspected Abuse/Neglect by Parents

Parents who are abusing their child may:

- A. be reluctant to give information;
- B. describe a story that doesn't fit the injury;
- C. have an inappropriate reaction to the severity of injury;
- D. express unreasonable expectations for the child's performance;

E. claim conditions that do not exist, e.g.,

"S/He bruises easily."

"S/He moves constantly." (Child sits quietly.)

F. indicate family problems such as marital discord, crowding, financial stress, psychological disorders, retardation, alcohol or drug addiction, etc.

Children in Need of Services

In accordance with law (I.C.31-34-1 et seq.), a child is in need of services if, before s/he is eighteen (18) years of age, one of the following conditions exists and the child needs care, treatment, or rehabilitation that:

-- the child is not receiving and

-- is unlikely to be provided or accepted without the coercive intervention of the court.

- A. The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parents, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.
- B. The child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian:
- C. The child is the victim of a sex offense under:

- 1. I.C. 35-42-4-1 - Rape
- 2. I.C. 35-42-4-3 - Child molesting
- 3. I.C. 35-42-4-4 - Child exploitation; possession of child pornography
- 4. I.C. 35-42-4-5 - Vicarious sexual gratification; sexual conduct in presence of a minor
- 5. I.C. 35-42-4-6 - Child solicitation
- 6. I.C. 35-42-4-7 - Child seduction
- 7. I.C. 35-42-4-8 - Sexual battery
- 8. I.C. 35-42-4-9 - Sexual misconduct with a minor
- 9. I.C. 35-45-4-1 - Public indecency
- 10. I.C. 35-45-4-2 - Prostitution
- 11. I.C. 35-45-4-3 - Making an unlawful proposition
- 12. I.C. 35-45-4-4 - Promoting prostitution
- 13. I.C. 35-46-1-3 - Incest, or
- 14. the law of another jurisdiction, including a military court that is substantially equivalent to any of the offenses listed in 1-13 above.

- D. The child lives in the same household as an adult who committed an offense listed in C above that resulted in a conviction or judgment under I.C. 31-34-11-2 or has been charged with an offense listed in C above and is awaiting trial.
- E. The child lives in the same household as another child who is the victim of an offense listed in C above, and a caseworker assigned to provide services to the child places the child in a program of informal adjustment or other family or rehabilitative services and the caseworker subsequently determines further intervention is necessary or that a program of informal adjustment or other family or rehabilitative services is inappropriate.
- F. The child lives in the same household as an adult who committed a human or sexual trafficking offense under I.C. 35-42-3.5-1 or the law of another jurisdiction, including Federal law, that resulted in a conviction or judgment under I.C. 31-34-11-2 or has been charged with a human or sexual trafficking offense under I.C. 35-42-3.5-1 or the law of another jurisdiction, including Federal law, and is awaiting trial.
- G. The child is the victim of human or sexual trafficking as defined in I.C. 31-9-2-133.1 or a human or sexual trafficking offense under the law of another jurisdiction, including Federal law, that is substantially equivalent to I.C. 31-9-2-133.1.
- H. The child's parent, guardian, or custodian allows the child to participate in an obscene performance (as defined by I.C. 35-49-2-2 or I.C. 35-49-3-2).
- I. The child's parent, guardian, or custodian allows the child to commit a sex offense prohibited by I.C. 35-45-4.
- J. The child substantially endangers the child's own health or the health of another individual.
- K. The child's parent, guardian, or custodian fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by I.C. 20-33-8-26, if the behavior of the student has been repeatedly disruptive in the school.
- L. The child is a missing child (as defined in I.C.10-13-5-4).
- M. The child is a child with a disability who is deprived of nutrition that is necessary to sustain life or is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.
- N. The child is born with fetal alcohol syndrome, neonatal abstinence syndrome, or any amount, including a trace amount, of a controlled substance, a legend drug, or a metabolite of a controlled substance or legend drug in the child's body, including the child's blood, urine, umbilical cord tissue, or meconium. Provided, however, that the child will not be considered a child in need of services if the drug detected was a: (1) legend drug and during the pregnancy, the child's mother possessed a valid prescription for the legend drug, was not in violation of I.C. 16-42-19 (the Indiana legend drug act), and made a good faith attempt to use the legend drug according to the prescription instructions; or (2) controlled substance and during the pregnancy, the child's mother possessed a valid prescription for the controlled substance and made a good faith attempt to use the controlled substance according to the prescription instructions.
- O. The child has an injury, abnormal physical or psychological development, or symptoms of neonatal intoxication or withdrawal or is at a substantial risk of a life threatening condition that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy. Provided, however, that the child will not be considered a child in need of services if the drug detected was a: 1) legend drug and during the pregnancy, the child's mother possessed a valid prescription for the legend drug, was not in violation of I.C. 16-42-19 (the Indiana legend drug act), and made a good faith attempt to use the legend drug according to the prescription instructions; or 2) controlled substance and during the pregnancy, the child's mother possessed a valid prescription for the controlled substance and made a good faith attempt to use the controlled substance according to the prescription instructions.

Procedure for Reporting

If a staff member employed by the School Corporation has reason to believe a child is a victim of abuse or neglect, s/he shall immediately make a report to the Department of Child Services ("DCS") by calling the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556 [] and the ~~_____ [local law enforcement agency]~~ **[END OF OPTION]** **[select this option if it was selected in Policy 8462]**. After making the report, the staff member shall notify the appropriate building administrator of the circumstances that led to the report that s/he made to DCS [] and the police **[END OF OPTION]**. The building administrator shall document the report and, if unable to confirm the date and time it was made and/or the identity of the person to whom the report was made, shall contact DCS ~~[] and the police~~ **[END OF OPTION]** to ensure that they have received the report and an investigation has begun.

A Corporation employee is not relieved of the obligation to report to one of the above agencies unless a report already has been filed to the best of the individual's belief (I.C. 31-33-5).

It is the responsibility of DCS to investigate possible abuse and/or neglect and prepare a written report within forty-eight (48) hours. School personnel should not pressure the child to divulge information regarding any injury or other circumstances surrounding the abuse and/or neglect. The Corporation need not prove that abuse and/or neglect exists before reporting. They need only suspect that abuse and/or neglect has occurred or currently is occurring.

Investigation of Child Abuse or Neglect

Investigators who seek to interview a student who is a suspected victim of abuse or neglect must make the request to the principal, who shall determine from the investigator whether or not it is appropriate to notify the student's parents. If the parent or a member of the household is not the subject of the investigation, the Corporation may notify the parents that a report was made. If it is appropriate, the principal should notify the parents of the time and place of the impending interview.

Suspected Abuse by Staff Members

Building administrators and other Corporation staff members should be mindful of the possibility of physical or mental abuse inflicted by another Corporation staff member. If a Corporation staff member is suspected of abuse, his/her supervisor should be notified immediately. The supervisor shall follow the Corporation's due process procedures for addressing an employee's alleged violation of law or Corporation policy. This procedure does not negate the duty of the reporting person to also report the suspected abuse to DCS ~~[] and the police~~ **[END OF OPTION]**.

Confidentiality of Information Regarding Child Abuse or Neglect

Information concerning the alleged abuse or neglect of a student is confidential information and is not to be shared with anyone other than the administration, DCS, ~~[] and the police~~ **[END OF OPTION]** and, whenever abuse by someone other than the parents is suspected, the parent(s).

Consequences for Violation of Policy 8462

Failing to report suspected child abuse or neglect is a Class B misdemeanor, which is punishable by up to 180 days in jail and a \$1,000 fine. A staff member who violates this policy also may be subject to disciplinary action.

Staff Training on Child Abuse and Neglect

The Superintendent shall ensure that each Corporation employee who is likely to have direct, ongoing contact with children within the scope of his/her employment attend or participate in training on child abuse and neglect, including

- A. training on the duty to report suspected child abuse or neglect under I.C. 31-33-5; and

B. training on recognizing possible signs of child abuse or neglect

at least once every two (2) years. This training shall include:

[Select one or more of the options listed below, consistent with the options selected in Policy 8462.]

- A. ~~()~~ an in-person presentation;
- B. **(X)** an electronic or technology based medium, including self-review modules available on an online system;
- C. ~~()~~ an individual program of study of designated materials.
- D. ~~()~~ _____ **[insert training format]**

[END OF OPTIONS]

The required training shall count toward the Board's requirements for professional development and shall be provided during the Corporation employee's contracted day or at a time chosen by the employee.

The Superintendent shall require the Administrative Assistant to the Board. _____ **[insert position, office or department]** to maintain a record of all existing employees stating the school year in which required training was completed and when the next training is due.

The Superintendent shall make certain that each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment to attend or participate in at least one (1) hour of training at least every two (2) years on the identification and reporting of human trafficking. The format of this training may include:

- A. ~~()~~ an in-person presentation;
- B. **(X)** an electronic or technology based medium, including self-review modules available on an online system;
- C. ~~()~~ an individual program of study of designated materials.
- D. ~~()~~ _____ **[insert other format]**

This training shall count toward the requirements for professional development required by the Board.

The Superintendent shall require the Administrative Assistant to the Board _____ **[insert position, office or department]** to maintain a record of all employees, who are required to participate in this training program, stating the school year in which required training was completed and when the next training is due.

Student Training on Child Abuse and Child Sexual Abuse

~~The Annually, the~~ Superintendent ~~shall ensure shall require~~ that age-appropriate and research and evidence-based instruction on child abuse and child sexual abuse is provided to students in Kindergarten through Grade 12 ~~not later than December 15, 2018, and annually thereafter~~. The Superintendent shall require this instruction be delivered by a school safety specialist, school counselor, school social worker, school psychologist, or any person with training and expertise in the area of child abuse and child sexual abuse.

