

REGULATIONS FOR REPORTING SUSPECTED CHILD ABUSE

Reporting of Child Abuse and Neglect

****These regulations pertain to reporting to DCF, Protection & Advocacy and law enforcement agencies.**

All staff members of LEARN, who have reasonable cause to suspect or believe a child has been the victim of child abuse, neglect, sexual assault, or placed in imminent risk of serious harm, are required to report such abuse and/or neglect or risk and/or sexual assault of a child under eighteen (18) years of age by telephone or in person to the Department of Children and Families or a law enforcement agency, within twelve (12) hours of such suspicion. A staff member who fails to report such abuse and/or neglect may be fined in accordance with state law. A staff member who knowingly makes a false report of child abuse and/or neglect may be fined or imprisoned in accordance with state law. Such staff member shall indemnify and hold harmless LEARN from all types of suits, litigation and other claims arising from the failure to report abuse and/or neglect, or the false report of abuse and/or neglect.

Reporting Regulations for Statutory Mandated Reporters

The following regulations apply only to statutory mandated reporters, as defined above.

1. When an employee of LEARN suspects or believes that a child has been abused, neglected, has been placed in imminent risk of serious harm, the following steps shall be taken:
 - a) The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent danger of serious harm, or has had non-accidental physical injury or injury which is at variance with the history or such injury, or sexually assaulted by a school employee and in no case later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24-hour Child Abuse and Neglect Hotline at 1-800842-2288 for the purpose of making such oral reports.
 - b) The employee shall also immediately make an oral report to the building Principal or designee and/or the Executive Director or designee. If the building Principal is the alleged perpetrator of the abuse/neglect, then the employee shall notify the Executive Director or designee directly.
 - c) If a report prepared in accordance with Section (a) above concerns suspected abuse or neglect or sexual assault by a school employee, the Executive Director or designee, shall immediately notify the child's parent or guardian that such a report has been made.

- d) Not later than 48 hours of making an oral report, the employe shall submit a written report to the Commissioner of Children and Families, or their representative, containing all of the required information. The written reports should be submitted on the DCF-136 form or any other form designated for that purpose.
- e) The employee shall immediately, submit a copy of the written report to the Principal and/or Executive Director or designee.
- f) If a report prepared in accordance with Section (d) above, concerns suspected abuse or neglect or sexual assault by a school employee who possesses a certificate, permit, or authorization issued by the State Board of Education, the Executive Director shall submit a copy of the written report to the Commissioner of Education, or representative.

Oral and written reports shall contain, if known:

1. names and address of the child and parent(s), guardian(s) or other person(s) responsible for the child's care.
2. the child's age;
3. the child's gender;
4. the nature and extent of the child's injury or injuries, maltreatment or neglect;
5. the approximate date and time the injury or injuries, maltreatment or neglect occurred;
6. information concerning any previous injury or injuries to, maltreatment or neglect came to be known;
7. the circumstances in which the injury or injuries to, maltreatment or neglect came to be known;
8. the name of the person(s) suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
9. the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
10. any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
11. whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

This policy is intended to safeguard children whose health and welfare may be adversely affected through injury and neglect, and to ensure a nurturing and safe environment. Program personnel shall cooperate toward the prevention, identification, and investigation of child abuse and/or neglect. Reports should be made where there is reasonable cause to suspect or believe that any child under the age of 18:

1. Has had physical injury or injuries inflicted upon them (other than by accidental means) by a person responsible for the child's health, welfare, or care, or by a person given access to the child by such responsible person.

2. Has had physical injury or injuries inflicted upon them (other than by accidental means) by a person responsible for the child's health, welfare, or care, or by a person given access to the child by such responsible person.
3. Has injuries which are at variance with the explanations given of their occurrence.
4. Is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual abuse, sexual exploitation, and deprivation of necessities, emotional maltreatment, or cruel punishment.
5. Has been neglected in one or more of the following ways:
 - A. has been abandoned;
 - B. is being denied proper care and attention, physically, educationally, emotionally, or morally;
 - C. is being permitted to live under conditions, circumstances, or associations injurious to the child's well-being.
6. Has been sexually assaulted.

Investigation of the Report

If the suspected abuser is a school employee, the Executive Director or designee shall thoroughly investigate the report, provided that such investigation does not interfere with or impede the investigation by the Department of Children and Families or by a law enforcement agency. To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and Families or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Executive Director or designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators or alleged abusers. The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Executive Director may suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child abuse or neglect or sexual assault shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child abuse or neglect, or sexual assault except as expressly prohibited by state or federal law.

1. Evidence of Abuse by Certain School Employees. After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been abused, neglected, or sexually assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families abuse and neglect registry, the Commissioner shall notify within five (5) working days after the completion of the investigation into child abuse, neglect or sexual assault by a school employee, the Executive Director, the school employee, and the Commissioner of Education of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Executive Director and the Commissioner of Education. The Executive Director shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits.

Not later than 72 hours after such suspension, the Executive Director shall notify the Board of Directors and the Commissioner of Education, or representative, of the reasons for and the conditions of suspension.

The Executive Director shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Directors, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Executive Director concerning such suspension shall remain in effect until the Board of Directors acts, pursuant to the provisions of the Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from employment with LEARN. Regardless of the outcome of any investigation by DCF and/or the police, the Executive Director and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable statute, if the Executive Director's investigation produces evidence that a child has been abused by a certified, permit or authorized school staff member.

If the contract of employment of a certified school employee holding a certificate, permit or authorization issued by the State Board of Education is terminated as a result of an investigation into reports of child abuse and neglect, the Executive Director shall notify the Commissioner of Education, or representative, within 72 hours of such termination.

2. Evidence of Abuse by Other School Staff. If the investigation by the Executive Director and /or Commissioner of Children and Families did produce evidence that a child has been abused by a non-certified school staff member the Executive Director and/or the Board as appropriate, may take disciplinary action up to and including termination of employment
3. LEARN shall maintain records of allegations, investigations and reports that a child has been abused or neglected by a school employee. Such records will be maintained in LEARN's Central Office. The records shall include any reports made to the Department of Children and Families. The State Department of Education is to have access to all such records.
4. LEARN shall provide to the Commissioner of Children and Families, upon request for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by LEARN, any records maintained or kept in LEARN files. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of LEARN, and records of the personal misconduct of such teacher. ("Teacher" includes each certified professional employee below the rank of Superintendent employed by LEARN in a position requiring a certificate issued by the State Board of Education).
5. LEARN shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency that a child has been abused or neglected. LEARN shall conduct its own investigation and take any disciplinary action, in accordance with the provisions of Section 17a-101i of the general statutes, as amended, upon notice from the Commissioner or the appropriate local law enforcement agency that LEARN's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.
6. The Department of Children and Families will review, at least annually, with the State Department of Education all records and information relating to reports and investigations that a child has been abused or neglected by a school employee, in the Department of Children and Families' possession to ensure that records and information are being shared properly.

Delegation of Authority by Executive Director

The Executive Director may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this regulation and accompanying policy.

Special Reporting Regulations Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons

In addition to the reporting regulations set forth above, Connecticut General Statutes require that certain school personnel, including teachers, licensed nurses, psychologists, and social workers, report any suspected abuse or neglect or intellectually disabled persons over the age of 18. It is the policy of LEARN to require ALL EMPLOYEES to comply with the regulations below in connection with the suspected abused or neglected of any intellectually disabled person over the age of 18.

Role of Department of Children and Families

1. Determination of Need (In-School Interview)

Any person authorized to conduct an investigation of abuse or neglect shall coordinate the investigatory activities in order to minimize the number of interviews of any child and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate. The Department of Children and Families shall obtain the consent of parents or guardians or other persons responsible for the care of the child to any interview with a child, except that such consent shall not be required when the department has reason to believe such parent or child's household is the perpetrator of the alleged abuse. If consent is not required to conduct the interview, such interview shall be conducted in the presence of a disinterested adult unless immediate access to the child is necessary to protect the child from imminent risk of physical harm and a disinterested adult is not available after reasonable search.

If the DCF determines that an interview is appropriate, the DCF social worker will notify the school principal prior to the visit. The DCF worker will provide the school principal or designee with DCF identification upon request.

Should the DCF social worker not arrive as scheduled and personnel decide that the retention of the child beyond the school day is necessary to protect the child's physical well-being, the principal or designee must attempt to notify the parents/guardians of the child. If reasonable attempts to notify the parents/guardians fail, the principal/designee will notify the police of the child's retention.

2. Process (In-School Interview)

The school will provide a private place for the DCF worker to interview the child. Program personnel will not be a part of the interview unless specifically asked to do so. In either event,

the investigation is to be conducted solely by the DCF worker, unless the alleged abuser is a LEARN employee or student, thereby necessitating initiation of an investigation and possible disciplinary action.

3. Removal from the Home and/or School

If the DCF has probable cause to believe that the child is in imminent risk of physical harm from their surroundings, and that immediate removal from such surroundings is necessary to ensure the child's safety, the DCF may remove or authorize a law enforcement official to remove the child and any other child similarly situated from such surroundings without the consent of the child's parent or guardian. If removal of the child from the school is determined to be necessary, the DCF shall inform the principal or designee of the removal. It is the responsibility of the DCF to notify the parents/guardians of any activities or actions taken by the DCF following the interview.

Follow-up Regulations for the School Staff

1. Notification of Parents/Guardians

If the alleged perpetrator of the abuse does not reside in the home with the child, the school principal, the school social worker, or the student crisis team designee will notify the parent/guardian that a referral has been made.

If the alleged perpetrator of the abuse is in the home, and if in the judgment of the school principal and/or the student crisis team, the parent or guardian may punish the child for revealing the abuse, the notification of the parent or guardian of the child abuse referral will be done by the Department of Children and Families (DCF) worker.

Communication will be established and maintained between the DCF worker and appropriate LEARN personnel, who will confer with the staff as necessary.

Regulations for Use with an intellectually disabled person

In case of suspected abuse or neglect of any person with an intellectual disability, an oral report of suspected abuse shall also be made to the Office of Protection and Advocacy for the Handicapped and Developmentally Disabled Persons within five calendar days. Such report shall be followed up by a written report within five additional calendar days. Such report shall contain the name and address of the allegedly abused or neglected person, a statement from the person making the report indicating the belief that such person is intellectually disabled, information supporting the supposition that such person is substantially unable to protect themselves from abuse or neglect, information regarding the nature and extent of the abuse or neglect and any other information which the person making such report believes might be helpful in an investigation of the case and the protection of such person with an intellectual disability

Education Regulations

All LEARN employees will complete the training program in the recognition and reporting regulations of suspected abuse and neglect made available by the Commissioner of Children and Families, within three (3) months of hire, and complete a refresher program at least once every three years. Critical components of the training should include:

- Dynamics and prevalence of the different types of abuse and neglect;
- Predisposing factors that put students at risk of abuse and neglect;
- Factors that place adults at risk as perpetrators;
- Effects of abuse and neglect on students;
- Signs and symptoms of each form of abuse and neglect;
- Legal requirements of reporting suspected abuse and neglect (17a-101(b) and 17a-101a; 46a-11b);
- Legal protections for making a good faith report;
- Legal sanctions for failure to report (17a-101a; 46a-11b(a));
- Role and responsibility of law enforcement officials;
- Role and responsibility of DCF and P & A;
- Procedures to follow whenever school personnel suspect abuse or neglect;
- Contents of a good report; and
- LEARN policy on disciplinary action for failure to report interference with making a report and making a false report.

Evaluation and Notices

Evaluation of these procedures will occur periodically.

This regulation and accompanying policy shall be annually distributed electronically to all employees. The guidelines regarding identifying and reporting child sexual abuse that were developed by the Governor's Task Force on Abused Children shall be annually distributed electronically to LEARN employees and Board of Directors members and parents\guardians.

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LEARN