

MANDATORY REPORTING OF CHILD ABUSE

Any school employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect must immediately report to the child protection agency or local law enforcement.

The Colorado Child Protection Act and BVSD Board Policy JHG both mandate the reporting of suspected child abuse or neglect.

Any school employee who has **reasonable cause to know or suspect** that a child has been subjected to abuse or neglect or who has **observed** the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect must immediately report to the appropriate child protection or local law enforcement agency.

Who has a duty to report? All BVSD employees.

What has to be reported?

- When you have **reasonable cause to know or suspect** that a child has been subjected to abuse or neglect.
- When you have **observed a child being subjected** to circumstances or conditions which would reasonably result in abuse or neglect.

When must you report? **Immediately.** Do not wait to see what your supervisor says. It is YOUR duty to report. It is not your responsibility to *prove* abuse and neglect, only to *report* suspected abuse and neglect.

To whom do you report?

- **Child Protection Agency or Local Law Enforcement Agency**
 - **911** if an emergency
 - **Boulder County Dept. of Housing & Human Services** 1-844-264-5437
 - **City & County of Broomfield Child Protection Services** 1-844-264-5437
 - **Gilpin County Dept. of Human Services** 1-844-264-5437
 - **Boulder Police Dept.** 303-441-3333
 - **Boulder County Sheriff** 303-441-4444
 - **City & County of Broomfield Police Dept.** 303-438-6400
 - **Lafayette Police Dept.** 303-665-5571
 - **Louisville Police Dept.** 303-666-8634
 - **Nederland Police Dept.** 303-258-3250
 - **Gilpin County Sheriff** 303-582-1060
 - **Erie Police Dept.** 303-926-2800
- Your **building principal or director.**
- If you do not immediately speak to your principal/director and the suspected **perpetrator is a BVSD employee**, also contact a **BVSD Director of Human Resources** @ 720-561-5031.

How do you report? **Oral or written.** A Report Form for Suspected Child Abuse is available on the BVSD website at www.bvdsd.org/security/childabuse. However, inability to access the form should not delay reporting. File a written report promptly after an oral report.

Is the report **confidential**? Yes.

- Your identity as the source of a report and your cooperation in an investigation is **confidential** and will not be released by BVSD, the child protection agency or law enforcement.

What happens if you **fail to report**? Failure to report is a punishable **misdemeanor** and may **create liability for you** and the School District for any further injuries suffered by the child following a failure to report.

Can an employee be **liable for making a report**? An employee who makes a report or participates in an investigation or related judicial proceeding **in good faith** is immune from criminal prosecution, civil liability and termination of employment.

- **Good faith is presumed.** This presumption may only be overcome if a court determines that the conduct of the reporting party was willful, wanton and malicious.
- Knowingly making a false report is punishable as a misdemeanor.

What is the legal **definition of child abuse or neglect**? An act or omission in one of the following categories that threatens the health or welfare of a child:

- A child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, emotional abuse, burns, fracture of any bone, subdural hematoma, or soft tissue swelling, and such condition is (1) not justifiably explained, (2) the history provided concerning the condition is at variance with the degree or type of condition, or (3) the circumstances indicate that such condition may not be the product of an accidental occurrence;
- A child is subjected to sexual assault or molestation, sexual exploitation or prostitution;

- A child's parents, legal guardian or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take; or
- In the presence of a child, or on the premises where a child is found or resides, a person engages in the manufacture of a controlled substance.

What about **FERPA**? While ordinarily parental consent is required to release student information to a third party, there is a "health or safety emergency" exception in FERPA that covers employee reporting of suspected child abuse and neglect. In addition, a copy of the report should not be provided in response to a parent request for records.

What is your **role in an investigation**? Do not investigate on your own, question witnesses or obtain written statements. Do not make any promises to the child regarding what actions may or may not be taken. Do not contact the alleged perpetrator. After the report is made, the building principal should be the primary point of contact during the agency's investigation.

Additional requirement of School Board Policy regarding **notification to parents in cases of sexual contact between students**: In addition to the state law reporting responsibilities, employees must notify the building principal, who shall take steps to immediately notify the parent or guardian, whenever there is reasonable cause to know or suspect that sexual contact has occurred between students (whether or not consensual) while the students are on school property, at a school activity, or in a school vehicle.