

## Students

## Welfare

### Procedures for Reporting Child Abuse or Neglect

Because of their sustained contact with school age children, school employees are in an excellent position to identify abused or neglected children. Therefore, the following procedures are to be used in referring suspected abused and neglected children to county social services departments and police departments.

#### Definitions

Abuse is defined as any of the following:

- Physical injury inflicted on a child by other than accidental means.
- Sexual intercourse or sexual contact under sections 940.225, 948.02, 948.025, or 948.085.
- Sexual exploitation of a child under section 948.05.
- Permitting, allowing or encouraging a child to engage in prostitution under section 944.30.
- Causing a child to view or listen to sexual activity under section 948.055.
- For purposes of sexual arousal or gratification, either causing a child to expose genitals or pubic area or exposing genitals or pubic area to a child under section 948.10.
- Manufacturing methamphetamine in violation of section 961.41(1)(e) under the any of the following circumstances: (1) with a child physically present during the manufacture, (2) in a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home or (3) under any other circumstances where a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.
- Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused, or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a sever degree.

Emotional damage means harm to a child's psychological or intellectual functioning. Emotional damage shall be evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal, outward aggressive behavior, or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

Neglect is defined as failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

1. Reports of unsuspected or threatened child abuse or neglect shall be made immediately by phone or personally to the appropriate County Social/Human Services Department – Child Protective Services, or if the person making the report suspects that the health or safety of a child is in immediate danger and wishes to request an immediate investigation, the school employee should make the child abuse or neglect report to the appropriate Sheriff’s Department or the Watertown Police Department.

School employees may consult with student services staff prior to making a report but, may not delay the report beyond the time the student leaves the supervision of school staff on the day that the suspicion of abuse or neglect or threatened abuse or neglect arises. It is not the responsibility of school personnel to obtain definitive proof that abuse or neglect has occurred, and school personnel shall not further investigate a child or neglect situation following the making of a report, except in cases where an administrator has a responsibility to conduct an independent internal investigation into alleged misconduct by a student, school employee, agent of the District, etc. (i.e. school personnel shall not contact for investigative purposes a caregiver, or other person in the community, who is suspected of or who potentially may be responsible for the suspected abuse or neglect).

2. When making a child abuse or neglect report, the reporter should be prepared to provide as much of the following information as possible:
  - a. The employee’s name, phone number, relationship to the child, and school phone number.
  - b. The name, home address, and age of the child suspected of or threatened with being abused or neglected.
  - c. The name, home address(es) and work place(s) of the child’s parent(s) or guardian.
  - d. The names and ages of the child’s siblings, if relevant to the report.
  - e. A description of why he/she believes the child has been abused or neglected or has been threatened with abuse or neglect, statements allegedly made by the child to others, and any relevant circumstances or conditions in the home or elsewhere of which the report is aware.
3. In all cases, the building principal or his/her designee shall be informed that a child abuse or neglect report has been or will be filed. The building principal or designee shall support the employee in their action(s) and shall not attempt to delay, modify or prevent any report of suspected child abuse or neglect. Informing the principal or designee of any suspected or threatened abuse or neglect does not eliminate a school employee’s independent responsibility to make a report to county child protective services or the appropriate law enforcement agency.
4. The county agency charged with responsibility for investigating child abuse or neglect, reports may generally contact, observe or interview a child at any location, including school, to determine if the child is in need of protection or services. School personnel may not require parent notification before allowing such interviews to take place at school when the department or agency is exercising its investigative authority under state law. County child protective services or law enforcement personnel may request the cooperation of a school teacher, counselor or other person whose presence would aid in the interview process. They may also, in the exercise of professional judgment and in accordance with department standards, exclude school personnel from the interview.
5. School personnel shall keep in mind state and federal laws and school district procedures regarding the confidentiality of student records when disclosing information from a student’s school records to child protective services or law enforcement personnel. Student records may be disclosed under state and

federal laws to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of a student or other individuals. School personnel should take into consideration the totality of the circumstances pertaining to the threat to health or safety. When student record information is disclosed in this situation, school personnel shall record: (1) the threat to the health or safety of the student or other individuals that formed the basis for the decision; and (2) the parties to whom the student record information was disclosed.

6. To provide for compliance with state law requirements, school personnel should keep child abuse and neglect reports and any information obtained from child protective services or law enforcement personnel regarding a child abuse or neglect report in a confidential file that is separate from the student's regular school records file(s). Such information can only be disclosed to the persons and for the purposes specified by law.
7. No district employee shall be discharged or disciplined for making such a report. State laws guarantee immunity from civil or criminal liability that may result from making a child abuse report in good faith. State law also provides for the protection of the identity of any individual who makes such a report.
8. The district administrator will have this regulation posted in each school district building and include the above statements in each employee handbook.

**Legal Reference:**                    **Wisconsin Statute - Section 48.981**  
   **Wisconsin Statute - Section 940.201**

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