

Students

ADMINISTRATIVE REGULATIONS ON REPORTING OF CHILD ABUSE/NEGLECT OR SEXUAL ASSAULT

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a. What Must be Reported

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen: (Mandated reporters include all school employees, the Superintendent, administrators teachers, substitute teachers, guidance counselors, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers either employed by the Board or working in one of the District schools, or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in District schools.)

1. Is in danger of being or has been abused;
2. Has had non-accidental physical injuries or physical injuries which are at variance with the history given for them, inflicted by a person responsible for the child's health, welfare or care, or by a person given access to such child by a responsible person;
3. Has been neglected;
4. Has been sexually assaulted; or
5. Has been placed in imminent risk of serious harm.

A mandated reporter's suspicions may be based on such factors as observations, allegations, and facts by a child, victim or third party. Suspicion or belief does not require certainty or probable cause.

Definitions

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to

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Definitions (continued)

live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

“School employee” (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Fairfield Public Schools or who is working in an elementary, middle or high school; or (b) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Fairfield Public Schools, pursuant to a contract with the school district.

“Sexual assault” means for the purposes of mandatory reporting laws and this policy; a violation of Sections 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes.

“Statutory mandated reporter” means an individual by CGS Sec. 17a-101 to report suspected abuse and/or neglect of children or sexual assault by a school employee. The term, “statutory mandated reporter” includes all school employees, as defined above.

b. Reporting Procedures for Statutory Mandated Reporters

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

1. When an employee of the Board of Education suspects or believes that a child has been abused, neglected, has been placed in imminent risk of serious harm, or sexually assaulted, 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 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.

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b. Reporting Procedures for Statutory Mandated Reporters (continued)

The Department of Children and Families has established a 24 hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports. In some instances a report should also be made to the Fairfield Police Department. NOTE: The employee with the initial suspicion / observation must be the one to make the initial report.

- (b) The employee shall also immediately make an oral report to the Building Principal/Headmaster or his/her designee and/or the Superintendent or his/her designee. If the building principal/headmaster is the alleged perpetrator of the abuse/neglect, then the employee shall notify the Superintendent or his/her designee directly.
- (c) If a report prepared in accordance with Section (a) above concerns suspected abuse, neglect or sexual assault by a school employee, the Superintendent or his/her 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 employee shall submit a written report to the Commissioner of Children and Families, or his/her 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/Headmaster and/or designee and/or Superintendent or the Superintendent's designee. The Principal/Headmaster and /or designee will store the report in the secure confidential document depository in Infinite Campus.
- (f) If a report prepared in accordance with Section (c) above, concerns suspected abuse, neglect or sexual assault by a school employee who possesses a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

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- (g) If a report, prepared in accordance with section (a) above results in the student being withheld from transportation from school to the student's home, the school administrator or designee will remain with the student until released by DCF.

c. Contents of Reports

Any report made pursuant to this policy shall contain the following information, if known:

1. The names and addresses of the child and his/her parents or other persons responsible for his/her care;
2. The age of the child;
3. The gender of the child;
4. The nature and the 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, or maltreatment or neglect of, the child or his/her siblings;
7. The circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
8. The name of the person or persons 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.

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SEXUAL ASSAULT (continued)

For purposes of this section pertaining to the required reporting, a child includes any victim under eighteen years of age being educated in the Fairfield Public Schools. Any person who intentionally and unreasonably interferes with or prevents the making of the required report or attempts to conspire to do so shall be guilty of a class D felony, unless such individual is under eighteen years of age and is being educated in the Fairfield Public Schools. The reporting of sexual assault by a school employee is required even if the student is 18 years of age or older.

d. Delegation of Authority by Superintendent

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

e. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent or his/her 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 Superintendent or his/her designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview 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 the alleged abusers.

When appropriate and possible, 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 Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

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A person reporting child abuse, 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, 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 Superintendent, 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 Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits if DCF has reasonable cause that the employee abused or neglected a child and recommends the employee be placed on the DCF child abuse and neglect registry. Not later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension.

The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education acts, pursuant to the provisions of Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent 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 Superintendent's investigation

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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 Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

2. **Evidence of Abuse by Other School Staff.** If the investigation by the Superintendent and/or Commissioner of Children and Families did produce evidence that a child has been abused by a non-certified school staff member the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment.
3. The District 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 the District'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. The District 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 the Board, any records maintained or kept in District 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 the Fairfield Public Schools, and records of the personal misconduct of such teacher. ("Teacher" includes each certified professional employee below the rank of Superintendent employed by a Board of Education in a position requiring a certificate issued by the State Board of Education.)

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SEXUAL ASSAULT (continued)

5. The District 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. The District 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 the District's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.

f. Special Reporting Procedures Concerning Suspected Abuse or Neglect of Intellectually Disabled Persons

In addition to the reporting procedures set forth above, Connecticut General Statutes require that certain school personnel, including teachers, licensed nurses, psychologists and social workers, case manager, or site supervisor report any suspected abuse or neglect of intellectually disabled persons over the age of 18. It is policy of the Fairfield Public Schools to require ALL EMPLOYEES to comply with the following procedures in connection with the suspected abuse or neglect, as defined below, of any intellectually disabled student in the Fairfield Public Schools over the age of 18.

1. **Definitions.** For the purposes of this policy:

“**Abuse**” means the willful infliction of physical pain or injury or willful deprivation by a caretaker of services which are necessary to the person's health or safety.

“**Neglect**” means a situation where an intellectually disabled person either is living alone or is not able to provide for him/herself the services which are necessary to maintain his/her physical and mental health, or is not receiving such necessary services from the caretaker.

2. **Reporting Procedures.** If an employee has reasonable cause to suspect that an intellectually disabled person has been abused or neglected, he/she shall, within five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities, to be followed by a written report within five additional calendar days, or shall immediately notify the Superintendent or designee in order for the Superintendent or designee to make such oral and written reports to the

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Office of Protection and Advocacy. In the event that an employee makes a report to the Office of Protection and Advocacy, the employee shall immediately notify the Superintendent.

Allegations of abuse or neglect **must be reported orally** to the Abuse Investigations Division of the Office of Protection and Advocacy for Persons with Disabilities, prior to submitting the PA6 Form. **(860) 297-4300 or (800) 842-7303**

The PA-6 Form - OPA REPORT OF SUSPECTED ABUSE OF AN ADULT WITH INTELLECTUAL DISABILITY may be downloaded from the website <http://www.ct.gov/opapd>. The form may be completed using Microsoft Word 2003 (or above) or, hand-written. It must be either mailed or faxed to:

State of Connecticut
Office of Protection and Advocacy for Persons with Disabilities
Abuse Investigation Unit
60B Weston Street
Hartford, CT 06120-1551
Faxed: 860-297-4384

3. **Contents of Report.** Any such report shall contain the following information:
 - (a) The name and address of the allegedly abused or neglected person;
 - (b) A statement from the reporter indicating a belief that the person is intellectually disabled, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
 - (c) Information concerning the nature and extent of the abuse or neglect; and
 - (d) Any additional information, which the reporter believes, would be helpful in investigating the report or in protecting the intellectually disabled person.

4. **Investigation of Report.** If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report following the procedures regarding the investigation of reports of child abuse set forth in paragraph e. above.

If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that an intellectually disabled person has been abused

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by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

g. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of any-and-all of these regulations (a. through f.) shall be subject to discipline, up to and including termination of employment.

h. Non-Discrimination Policy

The Fairfield Public Schools shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy or testifies or is about to testify in any proceeding involving abuse or neglect.

i. Training

All District employees are required to complete a training program pertaining to the accurate and prompt reporting of abuse and neglect, made available by the Commissioner of Children and Families. In addition, all employees must complete a refresher program at least once every three years. Leaders of various district departments are responsible for providing the required trainings. For example, Transportation Dept. is responsible for bus drivers, Athletic Departments are responsible for coaches, HR Department is responsible for all new employees etc.

The School Principal / Headmaster shall annually certify to the Superintendent that each school employee working at his/her school has completed the required initial training and the refresher training.

j. Foster Care

Upon request of the Board of Education, the Department of Children and Families shall provide the name, date of birth and school of origin for each child in the custody of the Department of Children and Families who has been placed in foster care and is attending a District school.

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Confidential Rapid Response Team

A district level Confidential Rapid Response Team coordinates with DCF to (1) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student by a school employee; and (2) provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team consists of a school based or district administrator, the Superintendent, a local police officer, and any other person the Superintendent deems appropriate.

DCF, along with the CRRT, is required to take immediate action to investigate and address each report of child abuse, neglect or sexual abuse in any school.

Hiring Prohibitions

The Fairfield Public Schools will not employ anyone who was terminated or resigned after a suspension based on DCF's investigation, if he or she has been convicted of (1) child abuse or neglect; or (2) 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student.

The Fairfield Board of Education will not employ an individual who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so; or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

Posting of DCF's "Careline"

The District will post the telephone number of the Department of Children and Families' child abuse hotline, Careline, and the Internet web address that provides information about the Careline in each District school in a conspicuous location frequented by students. Such posting shall be in various languages most appropriate for the students enrolled in the school.

(cf. 4112.5/4212.6 – Personnel Records)

(cf. 5145.511 – Sexual Abuse Prevention and Education Program)

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- Legal Reference: Connecticut General Statutes
- 10-220a In-service training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations (as amended by PA 11-93)
 - 10-221d Criminal history records check of school personnel. Fingerprinting. Termination or dismissal (as amended by PA 11-93)
 - 10-221s Investigations of child abuse and neglect. Disciplinary action. (as amended by PA 16-188)
 - 17a-28 Definitions. Confidentiality of and access to records; exceptions. Procedure for aggrieved persons. Regulations (as amended by PA 11-93 and PA 14-186)
 - 17a-101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order. (as amended by PA 96-246, PA 00-220, PA 02-106, PA 03-168, PA 09-242, PA 11-93 and PA 15-205)
 - 17a-101a Report of abuse or neglect by mandated reporters. (as amended by PA 02-106, PA 11-93, and PA 15-205)
 - 17a-101i Abuse of child by school employee or staff member of public or private institution or facility providing care for children. Suspension. Notification of state's attorney re: conviction. Boards of education to adopt written policy re: reporting of child abuse by school employee. 17a-102 Report of danger of abuse. (as amended by PA 02-106)
 - 17a-106 Cooperation in relation to prevention, identification and treatment of child abuse/neglect.
 - 10-151 Teacher Tenure Act
- PA 11-93 An Act Concerning the Response of School Districts and the Departments of Education and Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children in a School District
- PA 14-186 An Act Concerning the Department of Children and Families and the Protection of Children

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PA 15-112 An Act Concerning Unsubstantiated Allegations of Abuse and
Neglect by School Employees

PA 15-205 An Act Protecting School Children

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