

STUDENTS

Child Abuse and Neglect Policy

1. Basic Policy

All school employees shall report any case of suspected child abuse or neglect to the designated District administrator and to the Montana Department of Public and Human Services.

2. Definitions

As set forth in Section 41-3-102, MCA, the following definitions shall apply:

- a.) "A person responsible for a child's welfare" means the child's parent, guardian, foster parent or adult who resides in the same home in which the child resides; a person providing care in a day-care facility; an employee of a public or private residential institution, facility, home, or agency; or any other person responsible for the child's welfare in a residential setting.
- b.) "Child abuse or neglect" means actual physical or psychological harm or a substantial risk of physical or psychological harm to a child by the acts of omissions of a person responsible for the child's welfare; abandonment; or exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory.
- c.) "Physical abuse" means a failure to provide basic necessities, including appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions; or a failure to provide cleanliness and general supervision, or both; or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.
- d.) "Physical neglect" means a failure to provide basic necessities, including appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions; or a failure to provide cleanliness and general supervision, or both; or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

- e.) "Psychological abuse or neglect" means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child's home.
- f.) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.
- g.) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, sexual abuse, ritual abuse, or incest.
- h.) "Sexual exploitation" means allowing, permitting, or encouraging a child to engage in a prostitution offense or allowing, permitting, or encouraging sexual abuse of children.

3. Reporting

When a school employee has a reasonable cause to suspect physical or psychological child abuse or neglect, including sexual abuse or exploitation, the employee must promptly notify the Department of Public Health and Human Services, and the appropriate District administrator. Information required to be reported includes:

- a. the names and addresses of the child and the parents or other persons responsible for the child's care, including the county of residence;
- b. to the extent known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries;
- c. any other information the reporter believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible; and,
- d. the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect.

5. Penalty for Failure to Report

Any district employee who fails to report any known or suspected case of child abuse or neglect, or who prevents another person from reasonably

doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of an action, including discharge, by the Board of Trustees.

6. Immunity from Civil or Criminal Liability

Section 41-3-203, MCA provides that anyone reporting any incident of child abuse or neglect is immune from any liability, civil or criminal, that might otherwise be incurred or imposed unless the person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.

7. Remedial Action and Prevention

The district may provide whatever remedial action, education, or training is necessary for students, staff, teachers and parents following any incidents of sexual child abuse within the schools of the district. The district may provide annual public awareness programs, parent and teacher/staff training, and programs for students on the prevention of child abuse and neglect.

Legal Reference 41-3-101, *et seq.*, MCA

Policy History:

Adoption Date: February 2, 1995

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