match EDUCATION | Match Charter Public School

Child Abuse and Neglect Policy for:
MATCH CHARTER PUBLIC SCHOOL

General Information

Massachusetts law requires that any person who is legally required to report suspected child abuse or neglect (a "mandated reporter") who has reasonable cause to believe that a child under the age of 18 is suffering physical or emotional injury resulting from (1) abuse, including sexual abuse, (2) neglect, including malnutrition, (3) physical dependence on an addictive drug at birth, (4) being a sexually exploited child; or (5) being a human trafficking victim, shall immediately report this abuse or neglect to the Department of Children and Families (DCF) (either via the local area offices telephone directory or via the statewide DCF Child Abuse/Neglect Reporting Line, 1-800-KIDS-508 or the 24-hour reporting hotline: 1-800-792-5200). A mandated reporter who is a member of a school staff may notify a school's designated agent instead, who then becomes responsible for notifying DCF.

Within 48 hours of the initial oral report, mandated reporters are required to notify DCF in writing. The report form is available on the Department of Children and Families and should be submitted to the appropriate DCF area office by the method DCF then accepts, with proof of delivery retained. A new report form must be completed for each new injury or re-injury.

In addition, a mandated reporter who has knowledge that a child under the age of 18 has died or suffered serious bodily injury as a result of abuse or neglect must make a report to the district attorney for the county in which the death occurred and the office of the chief medical examiner, and must also make a report to DCF.

A mandated reporter who suspects the abuse or neglect of a child and fails to make a report is subject to criminal penalties. A mandated reporter who makes a report of suspected child abuse or neglect in good faith is immune from liability in any criminal or civil action filed in connection with the report so long as the reporter did not inflict the abuse or neglect.

Who must report?

Mandated reporters include medical practitioners and technicians, public and private school teachers and administrators, guidance counselors, attendance officers, psychologists, social workers, day care workers, foster parents, police and court officers, firefighters and others.

Any other person may report a case of child abuse or neglect when there is reasonable cause to believe that a child is suffering physical or emotional injury as a result of abuse or neglect.

For the sake of clarity, all employees of Match Charter Public School ("Match") who fall under the definition of a "mandated reporter" above are considered mandated reporters under this policy. Match employees will complete annual mandatory training to recognize and report suspected child abuse or neglect in accordance with the law.

What to report?

Mandated reporters must report to DCF the suspected abuse or neglect of a child under the age of 18 by a person responsible for the child's health or welfare, including personnel at Match Education.

Definitions:

Abuse: Abuse means (1) the non-accidental commission of any act by a caregiver upon a child that causes, or creates a substantial risk of, physical or emotional injury or sexual abuse to a child, (2) the victimization of a child, caregiver, or non-caregiver, due to sexual exploitation and/or human trafficking. Abuse can occur in any location, in either an out-of-home or in-home setting. This includes:

- physical, mental, or emotional injury by other than accidental means, i.e., beatings, cuttings, burns, broken bones, multiple bruises;
- physical dependency on an addictive drug at birth, and
- an act by a caregiver involving a child that constitutes a sexual offense in MA or any sexual contact between a caregiver and a child under the care of that individual.

Neglect: Neglect is the failure of a caregiver either deliberately or through negligence or inability to take actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, guardianship, or other essential care; or to prevent malnutrition; or failure to thrive, provided that such inability is not due solely to inadequate economic resources or the existence of a parent's/caregiver's disability or limited physical condition.

Caregiver: The term "caregiver" is to be construed broadly and inclusively to encompass any person who is entrusted with a degree of responsibility for the child, such as:

- a child's parent, stepparent or guardian, or any household member entrusted with responsibility for a child's safety and well-being
- other person entrusted with responsibility for a child's safety and well-being either in the child's home, a relative's home, a school or childcare setting (including babysitting), a foster home, group care facility or compatible setting
- school teachers, babysitters (including those who are under the age of 18), school bus drivers and camp counselors

Reasonable cause to believe: This standard means a collection of facts, knowledge, and/or observations which taken together tend to support or are consistent with the allegations, and when viewed together with the surrounding circumstances and the credibility of those providing the information, would lead a reasonable person to conclude that a child has been abused or neglected.

Examples of 51A Filing Situations

- When there is a concern about abuse or neglect and students and/or families are non-responsive to ongoing, multiple, and varied efforts to connect and engage
- Chronic truancy or absence from school programming without improvement that, despite attempts at intervention and support, also calls into question student safety
- Observation of unexplained or suspicious bruising, welts, cuts or other injuries on a child
- Observation of or reasonable cause to believe the child, adult, or caregiver is providing care while under the influence of drugs or alcohol that could be resulting in abuse or neglect
- Observation of or reasonable cause to believe there are hazards that create safety concerns in the home (e.g., weapons within reach)
- Observation of or a student discloses abuse or neglect
- Any other time there is a reasonable cause to believe that a child is being abused or neglected (this reasonable cause can be based on expertise as an educator and/or past experiences with this child or family).

What information must be included in the 51A Report?

To the extent known by the mandated reporter, the 51A report should include the name and address of the child and the child's parents or other persons responsible for the child's care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment or neglect; the circumstances under which the reporter first became aware of the child's injuries, abuse, maltreatment or neglect; what action, if any, was taken to assist the child; the name, address and telephone number of the person making the report; and any other information that the reporter believes might be

helpful in establishing the cause of the abuse or neglect, including the identity of the person or persons responsible for the abuse or neglect. The report form is available.

Situations with Existing DCF Involvement

The mandatory duty to report applies even if there is current DCF or court involvement with a family or a child at the time of the suspected abuse or neglect. Match may also call the DCF social worker if it has concerns regarding the student that do not warrant or rise to the level of filing a 51A report. If a mandated reporter or Match has a continuing concern about a student involved in DCF, Match should contact the DCF social worker or supervisor assigned to the case, and escalate concerns to the DCF Area Office if the concerns remain unresolved. Concerns can also be escalated to the DCF Office of the Ombudsman or the Child Advocate Complaint Line.

Immunity

Any person who makes a good faith report of abuse or neglect shall not be held liable in any civil or criminal action by reason of that report so long as the reporter did not cause the abuse or neglect.

Mandated reporters are required by law to share any relevant information about a student that DCF determines is relevant to its investigation of a case of suspected abuse or neglect, including student record information, without obtaining parental consent.

DCF is prohibited from disclosing the name of a reporter to the victim's family or the alleged perpetrator unless ordered by a court or required by statute such as when DCF is required to provide the 51A report to the District Attorney or other law enforcement.

Consequences for violations of the reporting requirement

Any mandated reporter who fails to report suspected abuse or neglect of a child, or knowledge of a death or serious bodily injury resulting from child abuse or neglect, and any person who knowingly files a frivolous report will be subject to penalties as prescribed by law.

Prohibition of retaliation

Retaliation or discrimination against any employee for filing a good faith report of abuse or neglect, including a report of abuse or neglect by personnel at Match, or who testifies or is about to testify in any case involving child abuse or neglect, is strictly prohibited.

Any Match employee who perpetuates, inflicts, or causes the abuse of any child, or who otherwise violates this policy, including the prohibition against retaliation, will be subject to discipline, up to and including termination.

Procedures for Reporting Suspected Child Abuse and Neglect Cases

A Match employee who suspects the abuse or neglect of a child under the age of 18 shall immediately:

1. Report his or her concerns to the principal of the child's school. Where the child has a visible injury or a health need, the principal or the employee may involve the school nurse, who will document any observations already apparent; the nurse will not conduct an examination for the purpose of confirming suspected abuse or neglect.

2. The principal will obtain the data to be used when reporting a case of suspected child abuse to DCF through discussions with school administrators, teachers, student support personnel, and a review of appropriate educational and health records.

3. After collecting the relevant information, the principal, in consultation with the reporting employee, the nurse, and others, including legal counsel as necessary, will determine whether there is reasonable cause to believe that the child may be suffering from abuse or neglect. It is not the job of a mandated reporter or the principal to conduct an investigation about the circumstances or context for the suspected abuse and neglect.

4. In the case of a disagreement concerning the need to report, the principal may not substitute his or her judgment for that of any mandated reporter. Although the agreement of all professionals involved is desirable, the principal **MUST** report to DCF even if he or she believes that the mandated reporter is mistaken in suspecting abuse or neglect. Failure to file a report as mandated by law will subject the principal (or other mandated reporters who fail to meet their statutory obligations) to disciplinary action.

5. To make a report of child abuse or neglect, the principal should immediately call the Screening Area Office of the DCF based on where the child resides to report the case, or, if after 5:00 PM, the DCF Hotline number at 1-800-792-5200. The child who is the subject of the report may not be sent home from school before the verbal report has been made. In addition to filing a report with DCF, a mandated reporter may contact local law enforcement authorities or the Office of the Child Advocate about the suspected abuse or neglect.

6. Within 48 hours of the initial oral report, the principal will send written notification to the DCF area office by registered mail. A confidential copy of the written notification form should be retained in the office of the principal or his or her designee.

7. If it is determined that an employee of Match has perpetrated or caused the abuse or neglect of a child, the offending employee will be subject to discipline, up to and including termination, and may also be reported to the police if the incident may involve criminal violations not included under G. L. c.119 §51A. If a Match employee who is an educator is terminated or asked to resign as a result of an internal investigation regarding the abuse or neglect of a student, the principal will report the matter within 30 days to the Commissioner of Elementary and Secondary Education in the manner required by 603 CMR 7.00. In addition, Match personnel should take prompt and effective steps to investigate an allegation that an employee has sexually harassed a student as per the Match Non-Discrimination and Harassment Policy and the Match Title IX Policy. Further, if the incident involves a student with a disability aged 18 and over, Match will report the suspected abuse or neglect to the Disabled Persons Protection Commission via its reporting hotline at 800-426-9009. More information can be found at the Disabled Persons Protection Commission website.

8. The principal, in consultation with others as necessary, will decide whether, how, when, and by whom the family and child will be notified of this report. Although it is not required by law to notify the family, such notification is recommended unless the child could be placed at risk of further abuse or neglect. DCF and the police can provide guidance in making this determination.

9. DCF investigators who meet with personnel at Match should be asked to identify themselves and to verify their assignment to the case. Match may release requested student information to DCF if DCF determines such information is relevant to a case of suspected abuse or neglect in accordance with the Match Student Records Policy. School-based staff should encourage them to interview the child at home in the presence of his or her parent or guardian, unless the report has been filed against the child's parent or guardian. In this latter case, the interview of the child may be conducted in school in the presence of the principal or his or her designee and Match personnel should not inform the child's parents or guardians that the child was interviewed by DCF.

10. Certain cases reported to DCF (such as sexual abuse and exploitation, serious physical abuse, and others) will be referred by DCF to the police and the District Attorney's Office for investigation. In these circumstances, these agencies will typically conduct a multidisciplinary team investigation. This

investigation will typically include interviews with the alleged victim(s), alleged perpetrator(s), and witness(es). Relevant investigative information will be provided to Match when appropriate, and as permitted by law.

11. Throughout the reporting, investigation, and follow-up process, school documentation must be maintained in a way that ensures confidentiality. Accordingly, reports of suspected abuse or neglect will not be part of a child's educational record, but will instead be maintained separately. Match shall maintain files of the reports of suspected abuse or neglect in accordance with applicable records retention requirements.

12. The principal of each school will designate a representative who will ensure that, in the event of the absence of the principal, the above reporting procedures are followed as required by law.

13. In the event that the principal is the suspected offender, the principal's direct supervisor shall assume the principal's roles under this policy.

14. No matter the outcome of an investigation, Match can continue providing ongoing support and educational stability for these students.

If a mandated reporter has followed Match's protocol as detailed herein, but is uncertain that the report has reached DCF, the mandated report may (but is not required to) also make the report directly to DCF.

Mandated reporters will receive a letter by DCF informing them whether a report has been screened in or screened out, and will also receive another letter notifying them of the outcome of the response. If mandated reporters do not hear from DCF, they should contact the DCF Area Office and ask to speak with the Area Program Manager or Area Director.

EMERGENCY PROTOCOL

In the event of a clear emergency where the life or safety of a child is in imminent danger, the principal or other mandated reporter should IMMEDIATELY notify the appropriate DCF area office and file the required 51A report. After 5:00 PM, the reporter should use the Child Abuse Hotline, at 1-800-792-5200. A written report must be filed within 48 hours.

DCF may take a child into immediate temporary custody, without parental permission or prior notice, if DCF has reasonable cause to believe that this action is necessary to protect him or her from further abuse or neglect. **Emergency responses by DCF may include law enforcement, depending upon the nature of the incident reported.** If DCF seeks to exercise this authority in the school setting, the principal shall:

1. verify the DCF representative's identification in the student record;
2. contact the DCF representative's immediate supervisor to verify the need for the DCF action; and
3. maintain a log, which should be filed with the office copy of the 51A report, of the action, the DCF employee(s) and area office involved; and other pertinent information related to the suspected abuse or neglect.

For more information about the obligation to report cases of suspected abuse or neglect, please see the Department of Elementary and Secondary Education advisory at https://www.doe.mass.edu/lawsregs/advisory/child-abuse.html

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