

# Wasatch Peak Academy Child Abuse & Neglect Reporting Policy



## PURPOSE

Wasatch Peak Academy (the "School") takes seriously the legal responsibility of its personnel to protect the physical and psychological well-being of its students. We believe that the School's personnel have an important role to play in the elimination of child abuse because they are in a unique position to observe children over extended periods of time on a daily basis.

## POLICY

School personnel shall report suspected child abuse and neglect in accordance with Utah Code § 80-2-602, § 53E-6-701, and Utah Administrative Code Rule R277-401. The law provides serious penalties for failure to fulfill one's duty to report.

Whenever any School employee, contracted or temporary employee, or volunteer has reason to believe that a child is, or has been, the subject of abuse or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, he/she shall immediately report the suspected abuse or neglect to the nearest peace officer, law enforcement agency, or the Division of Child and Family Services ("DCFS").

In addition, whenever any School employee, contracted or temporary employee, or volunteer has reasonable cause to believe that a student may have been physically or sexually abused by a School employee or volunteer, he/she shall immediately report that belief and all other relevant information to the Principal. The Principal, after having received such a report or otherwise having his/her own reasonable cause to believe that a student may have been physically or sexually abused by a School employee or volunteer, shall immediately report that information to the Utah State Board of Education.

All reports made regarding child abuse or neglect shall be documented in writing.

The Principal shall establish administrative procedures that comply with the provisions of Utah Code § 53E-6-701, Utah Code § 80-2-602 et seq., and Utah Administrative Code Rule R277-401 and will help the School's personnel to understand and fulfill their legal responsibilities concerning child abuse and neglect.



## **Child Abuse & Neglect Reporting Administrative Procedures**

These procedures are established pursuant to the Child Abuse and Neglect Reporting Policy adopted by the Board of Directors.

1. If a School employee or volunteer has reason to believe that a child is, or has been, the subject of abuse or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, the person shall immediately make an oral report to the nearest peace officer, law enforcement agency or Division of Child and Family Services (“DCFS”). The person shall also make a report to the School’s Principal, but the requirement to notify the Principal does not satisfy the person’s personal duty to report to law enforcement or DCFS.
  - a. The oral report to law enforcement or DCFS may be made with the Principal present, but must be made by the person making the report.
  - b. The reporting person must record the name of the individual and the agency contacted to make the required report.
  - c. The reporting person must complete and provide the Child Abuse and Neglect Reporting Form to the Principal within twenty four (24) hours. The Principal will keep the form in a separate file, and it shall not be placed in the student's permanent file. The form should also be sent to the agency to which the oral report was given.
  - d. The School will preserve the anonymity of the person making the report and any others involved in any investigation.
2. To determine whether or not there is reason to believe that abuse or neglect has occurred, school employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.
  - a. Investigations by staff prior to submitting a report shall not go beyond what is minimally necessary to support a reasonable belief that a reportable problem exists.
  - b. It is not the responsibility of the Principal or any other school employees to prove who the abuser is or that the child has been abused or neglected, or to determine whether the child is in need of protection.

- c. School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
  - d. School employees shall not conduct interviews with the child or contact the suspected abuser.
  - e. Notes of voluntary or spontaneous statements by the child shall be given to the investigational agency.
- 3. Investigations of reports of abuse for children seventeen (17) years of age and younger are the responsibility of DCFS.
  - a. School employees shall not contact the child's parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
  - b. School personnel shall cooperate with DCFS and share all information with DCFS that is relevant to DCFS's investigation of an allegation of abuse or neglect. Additionally, School employees shall cooperate with DCFS and law enforcement employees authorized to investigate reports of alleged child abuse and neglect, including:
    - i. allowing appropriate access to students;
    - ii. allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;
    - iii. making no contact with the parents or legal guardians of children being questioned by DCFS or law enforcement authorities; and
    - iv. maintaining appropriate confidentiality.
  - c. If school officials are contacted by parents about child abuse reports, school personnel shall not confirm or deny that a contact or investigation is taking place. A school employee should refer the caller to law enforcement or DCFS.
- 4. If the suspected perpetrator of child abuse or neglect is a School employee or volunteer, that report shall be made immediately to the Principal. The Principal shall then immediately report the allegation to the Utah State Board of Education. Steps shall be taken to ensure that further abuse or neglect is prevented by the suspected perpetrator.
- 5. Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions, as provided by law.
- 6. The Principal shall annually (a) provide each School employee with the School's Child Abuse and Neglect Reporting Policy and Procedures, including a copy of the Child Abuse and Neglect Reporting Form and (b) notify each School employee of the mandatory reporting requirements of this Policy and Procedure and Utah Code § 53E-6-701 and § 80-2-602.

7. The School, under the direction of the Principal, will provide School personnel once every three years with training and instruction on child sexual abuse and human trafficking prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate manner; (b) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; (c) the mandatory reporting requirements of this Policy, Utah Code § 53E-6-701 and § 80-2-602. Newly hired staff will be provided with the same training and the written policy at the beginning of their employment.
8. The School, under the direction of the Principal, will provide the parents or guardians of elementary school students with training and instruction once every three years on child sexual abuse and human trafficking prevention and awareness, including (a) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation; (b) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child; and (c) resources available for victims of sexual extortion.
9. The training and distribution of materials will be documented.
10. Educational neglect means that, after receiving a notice of compulsory education violation under Utah Code Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.
  - a. When School personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described in Utah Code Subsection 53G-6-202(8) to DCFS.
  - b. When School personnel have a reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, School personnel may not wait to report the other form of neglect or abuse pending preparation of a report regarding educational neglect.

**References:**

Utah Code Ann. §§ 53E-6-701; 80-2-602, et seq.

Utah Administrative Rules R277-401