



6.07 Child Abuse and Neglect

Draft 1

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1. Purpose ~~and Background~~

~~This policy clarifies expectations and provides procedures for reporting child abuse or neglect.~~

1.1. This policy is designed to clarify the specific expectations and established procedures for reporting child abuse or neglect. It ensures that all individuals associated with USDB understand their personal and legal obligations to protect students.

~~1.2. Applicable References:~~

~~1.2.1. UCA §53E-6-701 (Mandatory Reporting of Abuse)~~

~~1.2.2. UCA §53E-9-203 (Student Privacy)~~

~~1.2.3. UCA §62A-4a-403 (Reporting Requirements)~~

~~1.2.4. UCA §62A-4a-410 (Immunity from Liability)~~

~~1.2.5. UCA §62A-4a-411 (Failure to report)~~

~~1.2.6. UCA §62A-4a-412 (Reports and Information Confidential)~~

~~1.2.7. R277-401 (Child Abuse Neglect Reporting by Education Personnel)~~

2. Definitions

2.1. "Abuse" and "Neglect" have the same meanings as the definitions found in [UCA §76A-6-105 Section 80-1-102](#).

2.2. "Employee" means any USDB employee, contracted or temporary employee, or volunteer.

2.3. "Proper Law Enforcement Authority, DCFS, [or APS](#)" means:

2.3.1. The nearest peace officer or law enforcement agency,

- 2.3.2. The Division of Child Family Services (DCFS) for children seventeen (17) years of age and younger; or
- 2.3.3. Adult Protective Services (APS) for students eighteen (18) years and older.
- 2.4 “USDB” means the Utah Schools for the Deaf and the Blind

3. Policy

3.1. Duty to Report

- 3.1.1. Any employee who receives information or has reason to believe that a child has been subjected to abuse or neglect, or is subjected to conditions which would result in abuse or neglect, shall immediately notify his or her division director, the child’s division director, and the proper law enforcement authority or DCFS/APS to investigate the matter. Reporting to the division director alone does not satisfy the ~~employee's obligation~~ personal duty to report to the proper law enforcement authority or DCFS/APS.
- 3.1.2. Failure to report may result in discipline, ~~up to and~~ including termination, and a class B misdemeanor consistent with ~~UCA Section §80-2-609-62A-4a-411.~~
- 3.1.3. USDB shall preserve the anonymity of any individual reporting or participating in an investigation of child abuse or neglect to the extent permitted by law.
- 3.1.4. The school is required to refer failure to report abuse to the Utah Professional Practice Advisory Commission (UPPAC), which may result in suspension.
- ~~3.1.5. DCFS contact information link~~
- ~~3.1.6. APS contact information link~~
- ~~3.1.7. Child Abuse or Neglect report link~~

3.2. Visibility

- 3.2.1. ~~Out of an abundance of caution, e~~ Employees should avoid being alone with students and should remain visible to others whenever possible.
- 3.2.2. Employees and others are prohibited from covering or otherwise obstructing glass, windows, sidelights in doors, or

other building design features that provide visibility or transparency.

- 3.2.3. Whenever possible, educational or other activities that require a student to be alone with an adult (counseling, orientation and mobility training, eye exams, speech therapy, etc.) must be approved in advance by the parent of the student. A third person may be used to provide additional visibility.

4. Reporting Procedures

- 4.1. Consistent with ~~UCA §53E-9-203~~ [UCA Section §80-2-602](#), an employee who believes there is a serious threat to the well-being of a student shall notify the parent or guardian without delay. If the threat involves a family member or outside entity, the employee should notify the proper law enforcement authority or DCFS/APS. If DCFS/APS or law enforcement is notified, it is their responsibility to notify the parent.
- 4.2. An employee shall immediately notify his or her division director and the child's division director if he or she believes a child may have been subjected to abuse or neglect.
- 4.3. The employee shall also immediately notify the proper law enforcement authority or DCFS/APS, including disclosing any special communication needs for the child who will likely be interviewed.
- 4.4. Following the notification of the division director and the proper law enforcement authorities, the employee shall complete the "USDB Child Abuse or Neglect Report" form (~~via FormStack Droplet~~) ~~and submit the completed form via email to the division director, the associate superintendent, and the USDB superintendent~~ within 24 hours.
- 4.5. The form shall include the name of the state or law enforcement agency notified and the individual at the agency who received the initial report.
- 4.6. The division will store the form separately from the student's permanent file.

5. Responsibilities

- 5.1. Employee investigation activities prior to submitting a report shall not ~~exceed~~ go beyond that ~~what is minimally~~ necessary to support a reasonable belief that a reportable problem exists.
- 5.2. Employees shall not conduct interviews with a suspected abuser or victim.
- 5.3. Employees shall not contact parents, relatives, friends, neighbors, or others to determine the cause of an injury or to inquire about purported neglect.
- 5.4. Employees reporting abuse or neglect shall not discuss the allegations or suspicions with colleagues or co-workers unnecessarily.
- 5.5. Employees who are contacted by parents or others about child abuse reports should refer the call to the appropriate law enforcement agency or state agency and shall not confirm or deny a report or an investigation.
- 5.6. Employees shall not make determinations regarding an individual being an abuser or a child being a victim of abuse or neglect, or the need for protection.
- 5.7. Investigation activities are the responsibility of the proper law enforcement authorities.
- 5.8. When a matter has been reported to the proper law enforcement authorities or state agency, it becomes the responsibility of that agency to notify the student's parent or guardian regarding an investigation.
- 5.9. Employees shall fully cooperate with investigating law enforcement authorities, including sharing notes or testimony of voluntary or spontaneous statements from a student, participating in interviews, and otherwise cooperating with investigation activities.

6. Employees Suspected of Abuse or Neglect

- 6.1. An employee shall immediately notify his or her division director and the Superintendent if he or she suspects another employee of child abuse or neglect.; ~~consistent with UCA § 62A-4a-403.~~
- 6.2. The Superintendent shall immediately remove the employee suspected of abuse or neglect from the workplace.
- 6.3. The Superintendent shall report the allegation to the Utah State Board of Education (USBE).; ~~consistent with UCA §53E-6-701.~~

- 6.4. An employee responsible for child abuse or neglect may be disciplined, up to and including termination. Licensed employees shall also be referred to the Utah Professional Practices Advisory Commission, [where they may be subject to license discipline as well.](#)

7. Additional Information

- 7.1. Individuals reporting or participating in good faith in an investigation of alleged child abuse or neglect are immune from civil or criminal liability that otherwise might arise from those actions. (~~UCA § 62A-4a-410~~)
- 7.2. USDB shall provide student abuse or neglect training for each employee upon hire and annually thereafter.
- 7.3. Each employee shall acknowledge in writing the completion of child abuse or neglect training and an understanding of reporting requirements.
- 7.4. [USDB shall annually notify each employee of their legal responsibility to report suspected child abuse or neglect to appropriate authorities as described in Section 80-2-602.](#)