

Series 400 – Students

Section 4300 – Student Administration

Policy 4305 – Child Abuse

4301.1 Rationale.

It is the philosophy of Harrison County Schools that school employees, because of their sustained contact with school-age children, are in an excellent position to identify abused or neglected children and refer them for treatment and protection. There are many reasons why employees become involved with child abuse and/or physical abuse treatment and prevention. Among them are: that employees work with and for children; that law and policy command our involvement; that professional responsibility demands it; and that employees have a deep sense of personal commitment to the children in their care. The presence of one or more characteristics should arouse concern for the child’s welfare.

4305.2 Rights and Responsibilities of Principals.

When social workers come to school to question a child regarding a suspected case of sexual and/or physical abuse or neglect, the following guidelines will be followed:

4305.2.1 The social worker will contact the principal, or his/her designee, to arrange the interview.

4305.2.2 The social worker will ask the student, in the presence of the principal or designee, “Do you wish to have your teacher, counselor, or principal present during your interview?” If the answer is “Yes”, then a school representative shall be present. If the answer is “No”, then the school representation shall not be allowed to be present.

4305.2.3 Only the social worker, law enforcement team member, Harrison County Schools Title IX Investigator, and a school representative may be present during the interview.

- 4305.2.4 Before leaving school grounds, the Department of Health and Human Resources (DHHR) representative will give oral results of the interview to the principal or designee.
- 4305.2.5 After referral, the social worker will contact the person who has reported the case and give the results of the investigation, as set forth below. If 30 days have elapsed and the social work has not contacted the person reporting the case, that person may also contact the Social Service Supervisor and ask for the disposition of the case.
- 4305.2.6 School personnel shall not call parents without the prior permission of the DHHR.
- 4305.3 General Statement of School Personnel Obligation.
- 4305.3.1 The principal of each school shall designate a private area or room in that school for conducting private interviews.
- 4305.3.2 The principal of each school shall either act as school liaison or designate the school guidance counselor to serve as that school's liaison.
- 4305.3.3 When a DHHR worker contacts the school liaison or principal to arrange an interview with the child victim, no one from the school will notify anyone of any pending or completed investigation without prior permission of the DHHR worker.
- 4305.3.4 The interview of the child in a school setting shall be conducted privately in the area previously designated by the school principal. Those present for the interview are the child, the DHHR representative, and law enforcement team members. The child is to be asked by the DHHR representative (in the presence of all team members) if he/she wishes to have a school member present when he/she is interviewed.
- 4305.3.5 Before leaving the school premises, the DHHR worker will report to the school liaison as to the general nature of the investigation and possible reaction of the child to current conditions, including but not limited to the interview.

4305.3.6 The school will take appropriate steps to provide school support personnel for the child~~ren~~ as the principal deems necessary.

4305.3.7 When a child's case is open for services this generally indicates that the report of abuse is substantiated, and the school personnel should be sensitive to that child. The school liaison shall be kept informed, in writing, of all such developments by the DHHR, and shall provide to the DHHR all related information which the school may legally divulge, such as attendance, grades, and all progress pertinent to the welfare of that child.

4305.3.8 If an improvement period is granted the school liaison shall participate as a mandatory member of the child's Multi-Disciplinary Treatment Team (MDT) to be monitored by the court. The DHHR caseworker shall notify the school liaison of the scheduled MDT.

4305.3.9 The anonymity of the reported shall be kept confidential and that of the alleged perpetrator as well. All school personnel shall initiate no action to determine the identity of the report for retaliatory or malicious purposes.

4305.4 Reporting, Investigation, Disposition of Reports of Alleged Child Abuse and Neglect Committed by School Personnel.

4305.4.1 Reports of alleged child abuse/neglect by school personnel must be made to the superintendent (or his/her designee), supervisor of alleged perpetrator and DHHR. If there exists alleged severe physical abuse or sexual assault, then the DHHR shall immediately inform the prosecuting attorney, WV State Policy and local law enforcement as required by WV Code §49-6A-2 and §49-6A-5.

4305.4.2 The DHHR worker will contact the alleged perpetrator and inform him/her of the allegation, and that while the DHHR worker is investigating, the alleged perpetrator is not allowed to contact the child or caretaker/parents.

4305.4.3 The anonymity of the report shall be kept confidential and that of the alleged perpetrator as well. All school personnel shall initiate

no action to determine the identity of the reporter for retaliatory or malicious purposes.

- 4305.4.4 If the identity of the report is discovered or revealed, no retaliatory action against the reported shall be taken by any school personnel. The reporter shall be protected from retaliatory action in recognition of the duty of all school personnel have to act in accordance with mandatory and voluntary good faith reporting laws. The reporter shall have the right to immediate access to the Superintendent if retaliation occurs. Nothing contained herein prevents the normal grievance process or any other legal recourse.
- 4305.4.5 When the investigation is completed and if abuse is unsubstantiated, then the DHHR shall report results of the alleged perpetrator's supervisor.
- 4305.4.6 When the investigation is complete and if abuse is substantiated, then the DHHR shall prepare a written report which shall be sent to: a) alleged perpetrator, b) supervisor, c) superintendent, d) local school board, e) parent/caretaker, if involved, and f) prosecuting attorney.
- 4305.4.7 If the complaint is not substantiated, then the alleged perpetrator may elect whether he/she wants to place the exoneration in his/her personnel file. In this instance, he/she must petition the Board of Education for this form of exoneration.
- 4305.4.8 If abuse is substantiated, the superintendent (or designee), DHHR worker, supervisor, perpetrator, and parent/caretaker (if they wish) shall meet and establish a written abatement plan which shall address goals and methods to assure no future reoccurrence. The abatement plan is the written product of this meeting. It is an agreement among the school supervisor, perpetrator, and parent/caretaker as to the expected actions which will alleviate the abusive situation. This abatement plan is to be signed by the DHHR worker, school supervisor, perpetrator, and parent/caretaker (if involved) and placed with the school supervisor for enforcement. An abatement plan is not in lieu of any disciplinary action which school administration may decide to undertake, but it is solely for the purpose of protecting children. A copy of the

abatement plan shall also be furnished to the superintendent, local school board and prosecuting attorney.

4305.4.9 If no agreement can be reached as to an abatement plan, the DHHR worker shall meet with the perpetrator, parent/caretaker and the superintendent in order to establish an abatement plan. If no resolution with the local school board can be obtained, the WV Board of Education is enlisted, then the prosecuting attorney.

4305.5 Interview of the Child Victim when the Child is Interviewed at School.

4305.5.1 The principal of each school shall designate a private area in that school for the purpose of conducting these interviews.

4305.5.2 The principal of each school shall designate a member of that school staff to serve as the liaison for that school.

4305.5.3 When a DHHR worker contacts the school liaison or principal to arrange an interview with a child victim, no one from the school will notify anyone of any pending or completed investigation with the prior permission of the DHHR worker.

4305.5.4 The interview of the child in a school setting shall be conducted privately with only the child, DHHR worker, and law enforcement team members present. The DHHR worker shall ask the child if the child would like a school representative present, and if the child so desires, the school representative shall be present unless the school representative is also the suspected perpetrator. Additional personnel may be present at the discretion of the DHHR worker.

4305.5.5 Before leaving the school premises, the DHHR worker will report to the school liaison as the general nature of the investigation and possible reactions of the child to current conditions, including but not limited to the interview.

4305.5.6 The school will take appropriate steps to provide school support personnel for the children as the principal may deem necessary.

4305.6 General Statement of Goals and Tasks of School Personnel.

- 4305.6.1 To keep communications ongoing between all concerned parties. Tasks include:
- 4305.6.1.1 The Board of Education is to make available (by providing class coverage or compensation time) necessary leave time for testimony and participation in the MDT as needed for employees.
 - 4305.6.1.2 The witness is to be provided with information concerning their testimony.
 - 4305.6.1.3 The teacher is to provide feedback concerning the child during the improvement period to school liaison or Court Appointed Special Advocate (CASA) representative on a weekly basis.
 - 4305.6.1.4 The teacher follows through on any treatment plan given to him/her to help in the improvement period.
 - 4305.6.1.5 The school liaison is to provide follow-up information as to whether the child is participating in necessary treatment.
- 4305.6.2 To keep communication ongoing between the school and the DHHR through the school liaison/CASA representative. Tasks include:
- 4305.6.2.1 DHHR: Provide vital information so the school environment will be safe for all present on: a) perpetrator – awareness of any potential dangers to other students, teachers, etc.; and b) victim – awareness of the source of potential problems, provide continued monitoring of the child’s behavior, provide continued monitoring of class behavior, provide necessary information gained from DHHR and/or Mental Health as needed.

4305.6.2.2 School Liaison: a) provide continued monitoring of child's behavior; b) provide continued monitoring of class behavior; c) provide necessary information gained from DHHR and/or Mental Health, as needed; and d) participate on child's MDT.

4305.7 Reporting Phone Numbers.

4305.7.1 In the state of West Virginia call: local DHHR (304)627-2295 or West Virginia Child Abuse Hotline 24 hour TOLL FREE 1-800-352-6513.

4305.7.2 When calling, provide as much specific information as possible. Give your name and telephone number in case a DHHR social worker needs to contact you for further information. Your name will be kept confidential.

Approved by Harrison County Board of Education

Reference: WV Code §49-5D-3(b); §49-6A-2; §49-6A-5

Effective Date : February 24, 2003

Revised: May 21, 2012