

Child Abuse, Neglect, Exploitation and Trafficking: Reporting and Investigation	D.22
<i>Adopted: July 23, 2013 Revised: November 11, 2014; October 11, 2016</i>	

Introduction

District employees have a legal obligation under Oklahoma law to report child abuse, neglect and exploitation to the Oklahoma Department of Human Services (DHS). District employees are also obligated under Oklahoma law to report suspected child trafficking to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDCC). In addition, district employees have an obligation to report suspected abuse, neglect, exploitation or trafficking affecting students to principals or other school officials to ensure the student's safety and welfare while at school or participating in school activities. Although there are no reporting requirements regarding students who are 18 or older, any employee who suspects that an adult student is being mistreated should notify the principal. The purpose of this policy is to provide directives and guidelines to assist district employees in fulfilling their legal responsibility.

Definitions

Certain terms used in this policy have the following definitions:

"Abuse and neglect" means harm or threatened harm through action or inaction to a child's health, welfare (including non-accidental physical pain or injury, or mental injury) or safety, sexual abuse, sexual exploitation, or negligent treatment or maltreatment, including but not limited to the failure or omission to provide adequate food, clothing, shelter or medical care or protection from harm or threatened harm, by a person responsible for the child's health or welfare. Although "failure to protect" is separate from the legal definition of abuse, any district employee who suspects that a child is not being protected from abuse or neglect has an obligation to report the information to DHS.

A "person responsible for a child's health, safety or welfare" includes a parent, a legal guardian, a custodian, a foster parent, a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child, an agent or employee of a public or private residential home, institution or facility, or an owner, operator or employee of a child care facility as defined by OKLA. STAT. tit. 10 § 402.

"Sexual abuse" includes but is not limited to rape, incest and lewd or indecent acts or proposals, as defined by law. "Sexual exploitation" includes but is not limited to allowing, permitting or encouraging a child to engage in prostitution, as defined by law, or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child in those acts as defined by state law.

"Exploitation" means an unjust or improper use of the resources of a child for the profit or advantage, pecuniary or otherwise, of a person other than the child, through the use of

undue influence, coercion, harassment, duress, deception, false representation or false pretenses.

“Trafficking” is defined by the Oklahoma Statutes at OKLA. STAT. tit. 21 § 866.

“Parent” refers to parents, guardians or others who have legal responsibilities for specific children.

Reporting Suspected Child Abuse, Neglect Exploitation or Trafficking

Any district employee having reasonable cause to believe that a student under the age of 18 years is suffering from abuse, neglect or exploitation shall immediately report this matter to DHS through the hotline designated for this purpose (1-800-522-3511). Employees must report suspected child trafficking to OBNDDC at 1-800-522-8031. The employee should then provide notice to the school principal or other school official that a report was made, the name of the child, circumstances surrounding the report and the confirmation number provided by the hotline representative.

Neither the board of education nor any district employee will discharge or in any manner discriminate or retaliate against the person who in good faith provides such reports or information, testifies, or is about to testify in any proceeding involving child abuse, neglect, exploitation, or trafficking, provided that the person did not perpetrate or inflict the abuse, neglect, exploitation or trafficking.

After a report is made to DHS or OBNDDC via the hotline, the reporting party will prepare a written report which contains the confirmation number of the report, the date and time of the telephone contact, the name of the person to whom the district employee made the oral report, the names and addresses of the child, the parents, and any other responsible persons, the child's age, the nature and extent of injuries, any previous incidents, and any other helpful information. A copy of this report will be furnished to the principal or, if the reporter believes the principal is not an appropriate individual, to the superintendent.

Information Concerning Child Abuse, Neglect Or Exploitation

In any instance in which the district receives a report from DHS regarding any confirmed report of sexual abuse or severe physical abuse concerning the child, the superintendent will forward to a subsequent school in which the child enrolls all confirmed reports of sexual abuse and severe physical abuse received from DHS, and the superintendent will notify DHS of the child's new school and address, if known.

All information or documents generated or received by the district in regard to the matter are confidential and shall not be disclosed except to investigators of DHS, the district's attorneys, the district attorney's office, a subsequent district in which the child enrolls, a person designated to assist in the treatment of or with services provided to the child or other state or federal officials in connection with the performance of their official duties. The information or documents shall be maintained and transmitted by the district in the same manner as special education records. Such records shall be destroyed when the child reaches the age of 18.

Investigating Child Abuse, Neglect Or Exploitation

At the request of appropriately identified investigators of DHS, OBNDCC or the district attorney's office, the superintendent, principal or other school official shall permit the investigators access to a student about whom the agency received a report. The interview will be arranged in a manner that minimizes embarrassment to the child. The superintendent will not contact the parent, guardian or other person responsible for the child's health or welfare prior to or following the interview, unless permission for parent contact is provided by law enforcement authorities. No district employee will be present during the interview. However, a district employee may be present prior to the interview if the employee believes that his or her temporary presence will make the child more comfortable or if the representatives request the presence of a district employee during the interview.

Reports to Principal or Other School Officials

Suspected instances of child abuse, neglect, exploitation or trafficking, whether the result of circumstances at home, school or at other locations, affects the child while he or she is in the care and custody of the school. Consequently, employees are required to report any suspicion of child abuse, neglect, exploitation or trafficking by any individual, whether the identity is known or unknown, to the principal or other school official. This reporting obligation exists in all instances, including circumstances suggestive of this conduct at school or connected with school activities. Accordingly, this policy includes an obligation to notify the principal or other school official, if for any reason the employee has a reasonable belief that the principal should not be notified, in any instance involving suspected abuse, neglect, exploitation or trafficking of a student.

Immunity for Good Faith Reports

Oklahoma law provides that any district employee who in good faith and exercising due care makes a report to DHS or another appropriate law enforcement office, allows access to a child by persons authorized to investigate a report concerning the child or participates in any judicial proceeding resulting from a report, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Reference: 10A OKLA. STAT. §1-2-101 et seq.