

Hamilton County Board of Education

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CHILD ABUSE REPORTING PROCEDURES

All school system employees have a duty to report suspected child abuse immediately to the appropriate authorities.¹ Given the number of agencies that have the authority to investigate abuse, however, and further considering the lack of resources that many of these agencies face, the Hamilton County Board of Education has developed this policy to give employees guidance to ensure that suspected child abuse is promptly investigated and that children are adequately protected.

THE DUTY TO REPORT

A person has the duty to report suspected child abuse when the following occur: ^{2,3}

- The person has knowledge of (or is called upon to render aid to) any child who is suffering from (or has suffered from) any wound, injury, disability, or other physical or mental condition; and the physical or mental condition is of such a nature that it reasonably appears to have been caused by brutality, abuse, or neglect caused by a caregiver of the child.
- or
- The person has reason to suspect that the child is a victim of sexual abuse regardless of whether the child has suffered a physical injury from the suspected sexual abuse and regardless of whom the perpetrator of the abuse may have been.

HOW TO REPORT

Anyone having knowledge of suspected child abuse, as described above, must report his or her belief to both of the following offices:

- The Department of Children's Services by way of the statewide hotline (1-877-542-2873), the local DCS office, or the DCS website, bearing in mind that circumstances may dictate the need to speak to a DCS agent as quickly as possible.
- and
- The Hamilton County Sheriff's Office or the local police department for the municipality in which the child lives.

Any report of child abuse shall include, if known, the name, age, address and telephone number of the child; the name, address, and telephone number of the child's caregiver; and any facts pertinent to the

report. Once the report is given to DCS and local police department all confidential files should be given to the school child abuse coordinator or alternate child abuse coordinator.

Additionally, if the suspected child abuse occurs outside of Hamilton County, it may be necessary to notify the local law enforcement agency so that the child is protected, and the matter is investigated promptly.

Any school-based employee who reports suspected child abuse must notify the school's child abuse coordinator and his or her principal or supervisor and the child abuse coordinator will join the employee in placing the phone call to the appropriate authorities. If the child abuse coordinator is not available to participate in the phone call, the employee must notify the school's alternate child abuse coordinator, who will assist in placing the phone call. If neither the child abuse coordinator nor the alternate child abuse coordinator is available, the employee must nevertheless report any suspected child abuse to the appropriate authorities without delay. When the alleged abuse involves someone employed by, previously employed by, or otherwise affiliated with the school, the report may be made directly to the department of children's services and law enforcement prior to notifying the school child abuse coordinator.¹

The Hamilton County Department of Education strongly encourages any employee notifying any of these offices of any suspected child abuse to make a written record of the report to include the following: agency contacted; agency phone number; the person to whom the employee spoke; date and time of the conversation; name of the child in question; the precise information conveyed to the agency; and the DCS case number assigned.

ACTION BY ADMINISTRATORS AND SCHOOL CHILD ABUSE COORDINATORS

Each school shall designate a child abuse coordinator and alternate child abuse coordinator. These individuals must:

1. Have access to an area providing privacy and access to a telephone for reporting suspected child abuse;
2. receive training in regard to mandatory reporting, multidisciplinary protocols, advocacy centers, the importance of limited interviews, and signs of child abuse;
3. be available for school personnel to share information about suspected child abuse;
4. assist school personnel in reporting suspected child abuse to appropriate authorities;
5. serve as a liaison between the school and law enforcement and DCS in child abuse investigations;
6. assist law enforcement and DCS by sharing available information regarding suspected child abuse and by providing an area within the school for law enforcement and DCS to meet with the child and reporting school personnel as a group or individually if required; and
7. maintain confidential files in accordance with Tenn. Code Ann. § 37-5-107 and 37-1-612 regarding all reported suspicions of child abuse.

The Hamilton County Board of Education does not expect administrators to screen or approve the decision of subordinate employees to report suspected child abuse. Each employee has an independent duty under state law and this policy to report child abuse whenever he or she believes it has occurred. Nevertheless, the Board of Education expects administrators to support their employees and to provide guidance as necessary.

Accordingly, the Board of Education advises administrators that it may be necessary and appropriate for them to direct their employees to contact several agencies in order to ensure that the allegations of abuse will be investigated promptly and that the child in question will be protected. If an administrator has any question or concern about the effectiveness of any response, he or she is receiving regarding reports of child abuse, the administrator should contact the Director of DCS' Special Investigations Unit and report the suspected child abuse and what efforts the Board of Education employees have taken to report this matter.

The Board of Education expects administrators to make a written record of any conversation they have with their employees and any agency officials regarding allegations of suspected child abuse and efforts made to report this abuse to the appropriate authorities. These records should be maintained in confidential files kept separate and apart from other students or employee records.

NOTICE TO PARENTS OR LEGAL GUARDIANS

School personnel may notify parents or legal guardians of suspected child abuse: 1) when federal law or regulation mandates disclosure; and 2) the parent or guardian to whom the notification is made is not alleged to be the perpetrator or in any way complicit in the abuse or neglect. Any such notification to parents or guardians must be done in conjunction with the Department of Children's Services.¹ In the absence of those circumstances, school personnel shall not provide any information relevant to the suspected child abuse to a child's parents or guardians and must refer any questions from the child's parents or guardian to the investigating law enforcement agency and the Department of Children's Services.

In circumstances where school personnel may provide notification of suspected child abuse to a child's parents or guardian, school personnel will share with the parents or guardian whatever information is necessary to provide for the future wellbeing of the child and, upon request, may provide additional information pertaining to the suspected child abuse; provided, however, that school personnel will protect otherwise confidential information including the name of the reporting employee, the name of anyone whose safety would otherwise be jeopardized, and any information protected by federal law.

WRONGDOING BY A SCHOOL EMPLOYEE

In the event any school system employee becomes aware that another employee may have been responsible for the suspected child abuse, or if the employee becomes aware that another employee has failed to report suspected child abuse, then, after immediately contacting the Department of Children's Services and Law Enforcement, and the employee shall also notify the Director of School or their designee and report the other employee's suspected wrongdoing.

CONFIDENTIALITY

Once a school system employee becomes aware of suspected abuse, he or she is to report the matter to the appropriate agencies and to the appropriate officials within the school system. Aside from his or her duty to report to agency officials or school system administrators, however, no employee is to discuss the suspected abuse of a child with anyone. Under no circumstances shall the employee discuss the matter with the media or any member of the public, including the child's parents or legal guardian unless

the employee is given express permission by the Superintendent or the Superintendent's designee to do so. Violation of this instruction will be treated as insubordination and will be punished accordingly.

FURTHER DIRECTIONS TO PRINCIPALS AND SUPERVISORS

Administrators are to circulate these guidelines to their employees at faculty meetings, staff meeting, and otherwise as may be appropriate. Written copies of these guidelines shall be kept in break rooms and shall be disseminated to school system employees.

Additionally, administrators are to require that their employees receive appropriate training regarding the application of this policy and Tennessee law. This training shall include signs of abuse, brutality or neglect and appropriate reporting procedures.

Employees working directly with students shall annually complete the child abuse training program required by state law.⁴

If there are any questions about this policy, including compliance, these questions shall be directed to the Chief Equity Officer at 423-498-7104.

Legal References:

1. TCA 49-6-1601 42
2. TCA 37-1-403 43
3. TCA 37-1-605 44
4. TCA 37-1-408

Cross References: