

Personnel
Reports of Suspected Abuse or Neglect of Children or Sexual Assault of Students by School Employees

Connecticut General Statute Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that a child under eighteen has been abused or neglected, has had a non-accidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the technical high school or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Weston Board of Education (“the Board”) to require ALL EMPLOYEES of the Board to report suspected abuse and/or neglect, or imminent risk of serious harm, or sexual assault by a school employee, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, non-accidental physical injury, imminent risk of serious harm, or sexual assault by a student by a school employee, but to **ALL EMPLOYEES** of the Board.

2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his wellbeing, or (d) has been abused.

“School employee” means (A) A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board or who is working in a Board elementary, middle or high school; or (B) any other person, who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Weston Public Schools (“District”), pursuant to a contract with the Board.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children. The term "statutory mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletic and is eighteen years of age or older.

3. What Must Be Reported

a) A report must be made when any employee of the Board in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years:

- i) has been abused or neglected;
- ii) has had non-accidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her; or
- iii) is placed at imminent risk of serious harm; or

b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:

- i) sexual assault in first degree;
- ii) aggravated sexual assault in the first degree;
- iii) sexual assault in the second degree;
- iv) sexual assault in the third degree;
- v) sexual assault in the third degree with a firearm; or
- vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

- c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

4. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as describe din paragraph 3 above, the following steps shall be taken:

- (1) The employee shall make an oral or electronic report as soon as practicable, but not later than twelve (12) hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee.
 - (a) An oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24 hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.
 - (b) An electronic report shall be made in the manner prescribed by the Commissioner of Children and Families. An employee making an electronic report shall respond to further inquiries from the Commissioner of Children and Families or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.
- (2) The employee shall also make an oral report as soon as practicable to the Building Principal or his/her designee, and/or the Superintendent or the Superintendent's designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or the Superintendent's designee directly.
- (3) In cases involving suspected or believed abuse,neglect, or sexual assault of a student by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.

- (4) Not later than forty-eight hours of making an oral report the employee shall submit a written or electronic report to the Commissioner of Children and Families or the Commissioner's designee containing all of the required information. The written report or electronic report should be submitted in the manner prescribed by the Commission of Children and Families. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of Children and Families or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.
- (5) The employee shall immediately submit a copy of the written or electronic report to the Building Principal or his/her designee and to the Superintendent or the Superintendent's designee.
 - (6) If the report concerns suspected abuse, neglect, or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of Children and Families, (his/her designee) shall submit a copy of the written or electronic report to the Commissioner of Education (or his/her designee).

5. Reporting Procedures for Employees and Independent Contractors Other Than Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as defined above.

- a) When an employee or independent contractor who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3 above, the following steps shall be taken:
 - (1) The employee or independent contractor shall make an oral report as soon as practicable, but not later than twelve (12) hours after the employee or independent contractor has reasonable cause to suspect or believe that a child has been abused or neglected, placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
 - (2) If the Superintendent or his/her designee determines that there is reasonable

cause to suspect or believe that a child has been abused or neglected, placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, the Superintendent or his/her designee, in coordination with the reporting employee or independent contractor, shall cause reports to be made in accordance with the procedures set forth above for statutory mandated reporters.

- b) Nothing in this policy shall be construed to preclude an employee or independent contractor reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of Children and Families.

6. Contents of Reports

Any report made pursuant to this policy shall contain the following information, if known:

- a) The names and addresses of the child and his/her parents or other persons responsible for his/her care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- j) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

7. Investigation of the Report

- (a) The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse and neglect if/when such report involves an employee of the Board or other individual under control of the Board, provided such investigation does not impede an investigation by the Department of Children and Families (“DCF”). In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.
- (b) Recognizing the fact that the DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student’s sexual assault by school employees,, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency. The Superintendent shall conduct the District’s investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of Children and Families or the appropriate local law enforcement agency that the District’s investigation will not interfere with the investigation of the Commissioner of Children and Families or the local law enforcement agency.
- (c) The Superintendent, or his/her designee, shall coordinate investigatory activities in or to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
- (d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.

When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault by an employee of the Board or other individual under the control of the Board, the Superintendent’s investigation shall include an opportunity for the individual suspected of abuse or neglect or sexual assault to be heard with respect to the allegations contained within the report.

During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District , pending the outcome of the investigation.

8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

- (a) If, upon completion of the investigation by the Commissioner of Children and Families ("Commissioner"), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that (1) a child has been abused or neglected by a school employee as defined above, and has recommended that such employee be placed on the child abuse and neglect registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- (b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.
- (c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- (d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- (e) Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected or that the students has been a victim of sexual assault by a school employee.
- (f) The District shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this

policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 3 of this policy.

9. Evidence of Abuse or Neglect by an Independent Contractor of the Board

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from contact with students enrolled in the District.

10. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

11. Confidential Rapid Response Team

The Superintendent shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 3, above, and (2) provide immediate access to information and individuals relevant to the department's investigation. The confidential rapid response team shall consist of a teacher and the Superintendent, a local police officer and any other person the Board of Education, acting through its Superintendent, deems appropriate.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 14 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

13. The District shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual assault has been substantiated.

14. Non-discrimination Policy/Prohibition Against Retaliation

The Board expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee

15. Distribution of Policy and Posting of Careline Information

This policy shall be distributed annually to all school employees employed by the Board. The Superintendent or his/her designee shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 16, below. The Board shall post the Internet web site address and telephone number for the Department of Children and Families' Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

16. Training

- a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of Children and Families.
- b) All school employees, as defined above, shall retake a refresher training course developed and approved by the Commissioner of Children and Families at least once every three years.
- c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

17. Records

- a) The Board shall maintain in a central location all records of allegations, investigations and reports that a child has been abused or neglected by a school employee, as defined above, employed by the Board or that a student has been a

victim of sexual assault by a school employee, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to the Department of Children and Families. The State Department of Education shall have access to such records upon request.

- b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of Children and Families, upon request and for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of its sexual assault and abuse prevention and awareness program, as outlined in Board Policy **5141.45, Child Sexual Abuse and Assault Policy and Reporting Procedure** Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator in addition to complying with his/her obligations under this Policy and the law regarding mandatory reporting of abuse, neglect and sexual assault.

Legal References:

Connecticut General Statutes:

Section 10-151

Section 17a-101 *et seq.*

Section 17a-101q, Statewide Sexual Abuse and Assault Awareness and Prevention Program

Section 17a-103

Section 46b-120

Section 53a-65

Public Act 18-17, "An Act Requiring Behavior Analysts to be Mandated Reporters of Suspected Child Abuse and Neglect."

Public Act 18-67, "An Act Concerning Minor Revisions to the Statutes of the Department of Children and Families and Establishing a Pilot Program to Permit Electronic Reporting by Mandated Reporters

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WESTON PUBLIC SCHOOLS
Weston, Connecticut

Appendix A

RELEVANT EXCERPTS OF STATUTORY DEFINITIONS OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY REPORTING LAWS AND THIS POLICY

An employee of the Board of Education must make a report in accordance with this policy when the employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

“Intimate Parts” (Conn. Gen. Stat. § 53a-65)

“Intimate parts” means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

“Sexual Intercourse” (Conn. Gen. Stat. § 53a-65)

“Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

“Sexual Contact” (Conn. Gen. Stat. § 53a-65)

“Sexual contact” means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

Sexual Assault in First Degree (Conn. Gen. Stat. § 53a-70)

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with

another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of

Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such

coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

Students

Reporting of Suspected Child Abuse and Neglect

The Board of Education (“the Board”) recognizes that a student's mental and physical health will have an effect on the student's ability to obtain the most benefit from attending school. In order to increase the student's ability to learn while in school, the Board realizes the importance of identifying students who may be suffering from abuse, neglect, or placed in imminent danger of serious harm or who has been the victim of sexual assault by a school employee

When any (A) teacher, substitute teacher, school based administrator, district administrator, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board or who is working in a Board elementary, middle or high school; (B) any other person, who, in the performance of his or her duties has regular contact with students and who provides services to or on behalf of students enrolled in the Weston Public Schools, pursuant to a contract with the Board; or (C) any employee or independent contractor of the Board not listed in (A) or (B) above has reasonable cause to suspect or believe a student under the age of eighteen (18) has been abused or neglected or has been placed in imminent risk of serious harm, or a student, regardless of age, has been the victim of sexual assault by a school employee, he/she shall report such abuse, neglect, or risk of imminent risk of serious harm as required by Board Policy 4118.25/5141.4.

Penalty

Under state law, any person who is: (A) a teacher, substitute teacher, school based administrator, district administrator, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board or who is working in a Board elementary, middle or high school; (B) any other person, who, in the performance of his or her duties has regular contact with students and who provides services to or on behalf of students enrolled in the Weston Public Schools, pursuant to a contract with the Board and who fails to make such a report shall be subject to criminal penalties and disciplinary action by the District. Likewise, under state law, any person who knowingly makes a false report of child abuse or neglect shall be subject to criminal penalties and disciplinary action by the District.

Protection for Good Faith Reporting

Under state law, any person who in good faith makes a report of suspected child abuse/neglect is immune from any civil or criminal liability.

Emergency Health Care and Reasonable Inquiry

When reasonable cause to suspect or believe that a child has been abused, neglected or is

placed in serious risk of imminent harm or when a child has a visible injury, or that a student has been the victim of sexual assault by a school employee, school personnel may make reasonable inquiry of the child regarding such suspicion or visible injury. If a school nurse is not readily available and the rendering of emergency first aid is necessary, 911 must be called immediately. If the administration did not initiate the 911 call, an administrator must be notified of the 911 call as soon as possible after the 911 call is made.

Removal of Clothing

In the event that visual confirmation of injury or neglect is necessary, only a school nurse may request or remove the child's clothing. A school nurse may request that a child remove clothing when the following three (3) conditions exist:

1. A child, by word or action, has identified a particular injury, the extent of which can only be determined by removing the child's clothing.
2. The examination is necessary to determine whether medical attention is required and not merely to confirm suspected abuse.
3. The request is made in such a manner that the child clearly understands that compliance with the request is optional and that no adverse consequences will result from a refusal to comply.

In addition to a school nurse, a staff member of the same sex as the child, who, if possible, is known to the child, will be present during such an examination.

A school nurse may not remove or insist that a child remove clothing to confirm suspected abuse or neglect, except in those circumstances where there is a need of emergency medical treatment.

Interviewing the Child

Public school personnel who believe that an interview in the school setting may be necessary in order to protect the child must notify DCF as early in the day as possible to provide both DCF and the school administration ample time to coordinate appropriate activities and actions. Upon receipt of such notice, DCF will advise school personnel whether the child must be interviewed in the school. If school personnel decide to retain the child after the scheduled school day in order to ensure an interview by DCF or local or state police, school personnel must attempt to notify the parents or guardians of the child, except where the alleged abuse involves the parents or guardians.

Preparation for the Interview

If DCF determines that a school interview is appropriate, the DCF social worker shall be required to notify the Assistant Superintendent of Pupil Personnel Services prior to the school visit with as much advance notice as possible. The DCF social worker shall provide the Assistant Superintendent of Pupil Personnel Services or Building Administration with DCF identification

and the administration shall retain a copy of such identification. If the DCF social worker is not known to school personnel, a verifying call to the local DCF office shall be made. If deemed appropriate by DCF or the administration, the parent or guardian of the child will be notified prior to the interview. DCF personnel are solely responsible for scheduling such interviews. If the DCF social worker does not arrive as scheduled and school personnel decide that the retention of the child beyond the school day is necessary to protect the child's physical well-being, school personnel must attempt to notify the parents or guardians of the child that the child will be late, except where the alleged abuse involves the parents or guardians.

The Interview

To ensure confidential communication, the school administration shall provide a private place to interview the child. As part of the investigative process, the DCF social worker may request that school personnel be present during the interview. In all cases, the school administration shall request that an appropriate staff member (as assigned by the school principal or his/her designee) be present during the interview. The investigation is to be conducted solely by the DCF social worker.

Legal References:

Section 10-151

Section 17a-101 *et seq.*

Section 17a-101q, Statewide Sexual Abuse and Assault Awareness and Prevention Program

Section 17a-103

Section 46b-120

Section 53a-65

Public Act 18-17, "An Act Requiring Behavior Analysts to be Mandated Reporters of Suspected Child Abuse and Neglect."

Public Act 18-67, "An Act Concerning Minor Revisions to the Statutes of the Department of Children and Families and Establishing a Pilot Program to Permit Electronic Reporting by Mandated Reporters"

Policy References:

Policy 4118.25/5141.4

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WESTON PUBLIC SCHOOLS
Weston, Connecticut