

INDEPENDENT SCHOOL DISTRICT 196  
Rosemount-Apple Valley-Eagan Public Schools  
*Educating our students to reach their full potential*

Series 506.4AR Adopted August 1979 Revised January 2017

Title Reporting Suspected Maltreatment of a Minor

1. **Responsibility for Reporting** – In accordance with Minnesota statutes and District Policy 506, Student Welfare, it is mandatory for school professionals and their delegates to report suspected maltreatment of minors (neglect, or physical or sexual abuse) to the proper authorities when the individual knows or has reason to believe a child is being or has within the past three years been neglected or abused (see section 4). When maltreatment may have occurred in a school facility, the parent, legal guardian, or custodian of the child should be informed. School professionals and their delegates are also required to report if they know or have reason to know of a kidnapping or depriving another of custodial or parental rights.
  - 1.1 For the purpose of this regulation, school professionals are defined as teachers, nurses, principals, district-level directors, the superintendent, School Board members, psychologists, counselors, coaches, social workers, administrators and anyone who provides direct or indirect educational or childcare services to students.
    - 1.1.1 In case of suspected maltreatment outside the school setting, the proper authority to contact is Child Protection Intake of Dakota County Social Services and/or the local law enforcement agency. When a child is abandoned or in immediate danger, the local police department should be notified immediately.
    - 1.1.2 In case of suspected maltreatment in school, the proper authority to contact is the Division of Compliance and Assistance of the Minnesota Department of Education (MDE). Child maltreatment reports to MDE are those reports that allege abuse or neglect of children by persons responsible for a child’s care in school as defined in Minnesota Statute 626.556, Reporting maltreatment of minors, including, but not limited to, teachers, administrators, coaches, counselors, paraprofessionals and bus drivers.
  - 1.2 Any person who is required to report and who fails to report may be guilty of a crime.
  - 1.3 Any person who knowingly or recklessly makes a false report may be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees.
  - 1.4 Any person who is required to report, who knows or has reason to believe that two or more children not related to the perpetrator have been physically or sexually abused by the same perpetrator within the preceding 10 years, and who fails to report is guilty of a gross misdemeanor.
2. **Immunity from Liability**
  - 2.1 Any person who reports suspected maltreatment of a minor in good faith to the proper authorities and who exercises due care in making a report has immunity from any civil or criminal liability that otherwise might result by reason of his or her action and may not be retaliated against.

- 2.2 Any district professional who permits access by the local social services agency, law enforcement agency or the Minnesota Department of Education to the schools and who assists in good faith in an investigation (see section 5 below) has immunity from any civil or criminal liability that otherwise might result by reason of his or her action.

### 3. **Definitions**

- 3.1 *Sexual abuse* means the subjection of a child, by a person responsible for the child's care, a person who has a significant relationship to the child as defined in state law or a person in a position of authority, to:
  - 3.1.1 Any act which constitutes a violation of Minnesota Statutes 609.342 through 609.3451, Criminal sexual conduct in the first, second, third, fourth or fifth degree;
  - 3.1.2 Any act which involves a minor which constitutes a violation of Minnesota Statutes 609.321 through 609.324, Prostitution offenses or 617.246, Use of minors in sexual performance, or
  - 3.1.3 Sexual abuse includes threatened sexual abuse.
- 3.2 *Person responsible* for a child's care means:
  - 3.2.1 An individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian or other person having similar care responsibilities, or
  - 3.2.2 An individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator or other lawful custodian of a child having either full-time or short-term care, responsibilities including, but not limited to, day care, babysitting (whether paid or unpaid), counseling, teaching and coaching.
- 3.3 *Neglect* means:
  - 3.3.1 The failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical or other care required for the child's physical or mental health when reasonably able to do so;
  - 3.3.2 Failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so;
  - 3.3.3 Failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;
  - 3.3.4 Failure to ensure that a child is educated in accordance with state law;

- 3.3.5 Prenatal exposure to a controlled substance, as defined in the law, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;
- 3.3.6 Medical neglect, which includes but is not limited to the withholding of medically indicated treatment from a disabled infant with a life-threatening condition;
- 3.3.7 Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety, or
- 3.3.8 Emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child, which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.
- 3.3.9 Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his or her care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in place of medical care; except that a parent, guardian or caretaker, or a person mandated to report has a duty to report if a lack of medical care may cause serious danger to the child's health.

3.4 *Physical abuse* means:

- 3.4.1 Any physical injury, mental injury or threatened injury inflicted by a person responsible for the child's care on a child other than by accidental means, any physical injury that cannot reasonably be explained by the history of the injury, or any aversive and deprivation procedures that have not been authorized under the law regarding facilities for mental retardation and related condition.
- 3.4.2 Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in injury. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety to the child:
  - 3.4.2.1 Throwing, kicking, burning, biting or cutting a child;
  - 3.4.2.2 Striking a child with a closed fist;
  - 3.4.2.3 Shaking a child under age three;
  - 3.4.2.4 Striking or other actions that result in any non-accidental injury to a child under 18 months of age;
  - 3.4.2.5 Unreasonable interference with a child's breathing;
  - 3.4.2.6 Threatening a child with a weapon, as defined in state law;

- 3.4.2.7 Striking a child under age one on the face or head;
  - 3.4.2.8 Purposely giving a child poison, alcohol or dangerous, harmful or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination or judgment, or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances, or
  - 3.4.2.9 Unreasonable physical confinement or restraint not permitted by law, including but not limited to tying, caging or chaining.
- 3.5 *Mental injury* means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- 3.6 *Threatened injury* means a statement, overt act, condition or status that represents a substantial risk of physical or sexual abuse or mental injury.
4. **Reporting Process** – School personnel who know or have reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused in the preceding three years, or is the victim of kidnapping or deprivation of custodial or parental rights should report the situation to the principal of the school in which the child is enrolled and must call the proper authorities within 24 hours and make a written report within 72 hours (see section 4.6). The building administrator should be notified and may assist with the fulfillment of all reporting obligations. Consulting with or reporting suspected maltreatment to a supervisor or administrator does not relieve a staff member of the obligation to report suspected maltreatment to appropriate authorities when warranted.
- 4.1 In the case of suspected neglect or physical or sexual abuse outside of school, the principal, school nurse and/or reporter may discuss the situation with the child or youth and emphasize that the school is not interested in accusing or punishing anyone, but rather is interested in helping ensure that the maltreatment does not continue.
  - 4.2 In the case of suspected abuse or neglect occurring outside of school, the proper authority to contact is the Child Protection Intake of Dakota County Social Services and/or the local law enforcement agency.
  - 4.3 In the case of suspected abuse or neglect occurring within the school, the proper authority to contact is the Division of Compliance and Assistance at the Minnesota Department of Education. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred and the nature of the conduct that may constitute maltreatment.
  - 4.4 In case of suspected kidnapping or depriving another of custodial or parental rights, the proper authority to contact is the local police department or the county sheriff.

- 4.5 When a school employee knows or has reason to believe a child has died as a result of neglect or physical or sexual abuse, the employee shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department or county sheriff.
- 4.6 The school employee reporting the suspected neglect or abuse must follow the oral report with a written report. The report must be submitted to the proper authorities on Procedure 506.4.1P, Suspected Child Maltreatment Reporting Form – Dakota County **or** 506.4.2P, Maltreatment of Students Reporting Form – MDE, no more than 72 hours (exclusive of weekends and holidays) after the oral report. The school principal shall assist with the completion of the written report.
  - 4.6.1 Procedure 506.4.1P, Suspected Child Maltreatment Reporting Form – Dakota County, should be FAXED or mailed to Dakota County Children and Family Intake, 14955 Galaxie Avenue, Apple Valley, MN 55124, FAX: 952-891-7192, phone 952-891-7549 OR to the local law enforcement agency. Copies should be forwarded to the school's Confidential File, Suspected Maltreatment of a Minor.
  - 4.6.2 Procedure 506.4.2P, Maltreatment of Students Reporting Form – MDE, should be forwarded to the Minnesota Department of Education, Student Maltreatment Program 1500 Highway 36 West, Roseville, MN 55113-4266, FAX: 651-797-1601, 24-hour reporting line: 651-582-8546, or email: [mde.student-maltreatment@state.mn.us](mailto:mde.student-maltreatment@state.mn.us). Copies should be forwarded to the school's Confidential File, Suspected Maltreatment of a Minor and to the Director of Human Resources.

## **5. Interview with Students by Agency Officials**

- 5.1 Local Social Services and Law Enforcement Agencies – Each local social services and law enforcement agency has specific statutory authority to interview at school, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator.
  - 5.1.1 When the local social services or law enforcement agency determines that an interview should take place on school property, written notification must be received by school officials before the interview.
    - 5.1.1.1 Such notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
    - 5.1.1.2 If the interview is to be conducted by the local social services agency, the notification shall be signed by the Dakota County Social Services director or his or her designee.
  - 5.1.2 Except when the alleged offender is believed to be a school official or employee, the time, place and manner of the interview on school premises shall be within the discretion of the school administrator, but any such conditions must be reasonable and the interview must be conducted not more than 24 hours after receipt of the notification unless another time is agreed to between district officials and the local social services or law enforcement agency. The local welfare or law enforcement agency shall have the exclusive authority to determine who

may attend the interview. Every effort shall be made to reduce disruption of the child's educational program, other students and school staff when an interview is conducted on school premises.

- 5.1.3 School officials may not disclose to the child's parent, legal custodian or guardian the contents of the interview notification or any other related information regarding the interview until notified in writing by the local social services or law enforcement agency that the investigation or assessment has been concluded.
- 5.2 Minnesota Department of Education – The Minnesota Department of Education, or a local welfare agency to which MDE has designated the authority to assess or investigate a report, has specific statutory authority to interview any children who are or have been in the care of a facility under investigation and their parents, guardians or legal custodians.
  - 5.2.1 Prior to any interview, the commissioner of the agency shall notify the parent, guardian or legal custodian of a child who will be interviewed, as specified in state statute.
  - 5.2.2 If reasonable efforts to reach the parent, guardian or legal custodian of a child in an out-of-home placement have failed, the child may be interviewed if there is reason to believe the interview is necessary to protect the child or other children in the facility. Information must then be provided by the agency to the parent, guardian or legal custodian as soon as possible after the interview.
  - 5.2.3 MDE will contact school administrators before visiting a school, and will carry an identification card to show their affiliation with MDE.
- 5.3 Interviews with students during school hours by agency officials must follow these guidelines:
  - 5.3.1 Investigating officers must remain in the administration office;
  - 5.3.2 The educational program of the student must not be disrupted by calling him or her out of class or making him or her miss class, unless such an interruption is unavoidable;
  - 5.3.3 The interview must be conducted in a private room or area where confidentiality can be maintained;
  - 5.3.4 The local social services or law enforcement agency shall determine the people who may attend the interview, and
  - 5.3.5 District personnel should take no action in the investigative process.
- 5.4 Interviews with district employees may take place at the request of the investigating agency.
  - 5.4.1 A school employee is entitled to have his or her legal counsel present when meeting with a MDE investigator. The legal counsel must personally represent the employee. The school district's attorney is not permitted to attend an investigative interview on behalf of a school employee.
  - 5.4.2 The school district may in its sole discretion provide a personal attorney for the employee, so long as that attorney does not also represent the school district. The employee's union may also provide a personal legal counsel to represent the employee in the interview. The union steward or similar union official does not have a right to

be present because the MDE investigators are not representing the employer.

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- References:**
- Minnesota Statute 245.825, Adversive and Deprivation Procedures; Licensed Facilities and Services
  - Minnesota Statute 518B.01, Domestic Abuse Act
  - Minnesota Statute 609.342 through 609.3451, Criminal sexual conduct in the first, second, third, fourth or fifth degree
  - Minnesota Statute 609.02, Criminal Code, Definitions
  - Minnesota Statute 609.2242, Domestic assault
  - Minnesota Statute 609.25, Kidnapping
  - Minnesota Statute 609.26, Depriving another of custodial or parental rights
  - Minnesota Statute 609.321 through 609.324, Prostitution offenses
  - Minnesota Statute 609.379, Permitted actions
  - Minnesota Statute 617.246, Use of minors in sexual performance prohibited
  - Minnesota Statute 626.556, Reporting of maltreatment of minors
  - "Further Information On Child Abuse Reporting Requirements," memo from Cindy Lavorato, Assistant Commissioner, and Thomas J. Lombard, manager, Monitoring and Compliance, Department of Children, Families and Learning, November 29, 1999
  - "Changes to the Maltreatment of Minors Reporting Act, Minnesota Statutes 626.556," memo from Barbara Johndahl, program supervisor, Department of Children, Families and Learning, November 29, 2000
  - Changes to the Maltreatment of Minors Reporting Act and The Minnesota Government Data Practices Act," memo from Barbara Jondahl, Program Supervisor, Maltreatment of Minors Program, and Tammy L. Pust, Assistant Commissioner, Office of Public Affairs and Policy Development, Minnesota Department of Children, Families & Learning, September 5, 2002