

**RESCIND BOARD REPORT 00-0823-PO4 AND ADOPT A NEW POLICY ON
THE REPORTING OF CHILD ABUSE AND CHILD NEGLECT**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board adopt a new Policy on the Reporting of Child Abuse and Child Neglect.

PURPOSE: To provide a comprehensive policy on the reporting of suspected cases of child abuse and child neglect by school personnel and others responsible for the child's welfare.

POLICY TEXT:

I. DEFINITIONS

An "abused child" means a child whose parent, immediate family member, parent's paramour, any individual residing in the same home as the child, any employee or contractor at the child's school, or any other person responsible for the child's welfare:

- a. inflicts, causes to be inflicted, allows to be inflicted, or creates a substantial risk of, physical injury by other than accidental means, which causes or would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
- b. commits or allows to be committed a sex offense against such child;
- c. commits or allows to be committed an act of torture upon such child;
- d. inflicts excessive corporal punishment;
- e. commits or allows to be committed female genital mutilation; or
- f. causes illegal controlled substances to be sold, transferred or given to a child under age 18.

A "neglected child" means any child who is not receiving the proper or necessary nourishment or medically-indicated treatment including food or care other than remedial care necessary for the child's well being, or other care necessary for his or her well-being including adequate food, clothing, or shelter, or a child who is abandoned by his or her parents or other persons responsible for the child's welfare without a proper plan of care.

"Mandated reporters" include all school personnel, educational advocates assigned to a child pursuant to the School Code, social workers, registered nurses, licensed practical nurses, recreational program personnel, registered psychologists, psychiatrists, physicians, and others who have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child.

"School personnel" means anyone working for or with the Chicago Public Schools, which includes all Board of Education employees and employees of contractual providers of services to the Chicago Public Schools.

II. RESPONSIBILITIES OF MANDATED REPORTERS

- A. A mandated reporter who has reasonable cause to believe that a child known to him/her in his/her official capacity may have been abused or neglected shall immediately notify the DCFS Hotline at 1-800-252-2783 (1-800-25-ABUSE). A mandated reporter's legal obligation is not satisfied by notifying his/her supervisor or principal of his/her suspicion.
- B. After notifying the Hotline, a mandated reporter may then choose to inform his/her supervisor (whether the principal, Management Support Director (MSD), department head, or other individual acting in a supervisory capacity) of the report. If the alleged abuser is the mandated reporter's supervisor, after calling the Hotline, the mandated reporter may choose to notify the alleged abuser's supervisor of the report.

- C. If the mandated reporter notifies his/her principal or another supervisor that they have called the Hotline to report suspected abuse by a school employee or contractor, he or she shall also complete a CPS Incident Report form and deliver it to his/her principal or supervisor.
- D. Within 48 hours after making a DCFS Hotline call, the mandated reporter shall fax a written confirmation of his/her oral Hotline report to DCFS ("written confirmation") at 312-808-4330 using the DCFS form attached to this policy. The DCFS written confirmation form is also found on the DCFS website at <http://www.state.il.us/DCFS/docs/cants5.pdf>.
- E. A mandated reporter shall not notify a parent, guardian or suspected perpetrator of allegations or investigations of suspected child abuse/neglect. Notification will be handled by DCFS or the police.
- F. A mandated reporter shall preserve confidentiality by discussing his/her suspicions only with the alleged victim; the mandated reporter's supervisor; the school nurse or social worker; any employee of DCFS, the Police Department or the State's Attorney's Office; and the child's attorney or guardian *ad litem*.

III. RESPONSIBILITIES OF PRINCIPAL OR OTHER SUPERVISOR WHO IS NOTIFIED BY THE MANDATED REPORTER OR BY DCFS OF A HOTLINE CALL

- A. For Suspected Child Abuse/Neglect Occurring Off School Premises, By a Family Member, Guardian, Parent's Paramour, or Other Caretaker Who is Not a School Employee
 - 1. Under no circumstances shall any principal or other supervisor discourage any mandated reporter from calling the DCFS Hotline, or ask any mandated reporter to change his/her report of suspected child abuse/neglect to DCFS.
 - 2. Upon learning of a Hotline call, the principal or other supervisor **shall**:
 - a. Call the Chicago Police Department at 911, if he/she believes that the child needs medical assistance or that it may be dangerous for the child to return home.
 - b. Notify each of the child's teachers of the Hotline call and maintain in the child's school record a copy of the written confirmation, the police report (if available), and any letter from DCFS that the report was "indicated" or "undetermined."
 - c. Upon receipt of a notification from DCFS that a report has been "unfounded," remove from the child's school record any document referencing that report.
 - 3. The principal or other supervisor **may**:
 - a. Notify the Area Instructional Officer or MSD, in his/her discretion.
 - b. Call the Office of Specialized Services, if he/she believes that any child needs crisis intervention or other supportive service.
- B. For Suspected Child Abuse/Neglect By School Personnel
 - 1. Under no circumstances shall any principal or other CPS supervisor discourage any mandated reporter from calling the DCFS Hotline, or ask any mandated reporter to change his/her report of suspected child abuse/neglect by any school employee or contractor.

2. The principal or other CPS supervisor who is notified by the mandated reporter or by DCFS that the Hotline has been called due to suspicion that a child was abused or neglected by any school employee or contractor **shall**:
 - a. Prepare a CPS Incident Report, if the mandated reporter has not done so.
 - b. Call the Chicago Police Department at 911, if he/she believes that:
 - i. the child needs medical attention; or
 - ii. an individual who works at the school has committed a crime against a child.
 - c. Fax the written confirmation, the CPS Incident Report, and the police report (if available) to:
 - i. the MSD (for school-based employees) or Department Head (for non-school-based employees);
 - ii. the Law Department's Supervisor of Employee Discipline (3-1702);
 - iii. the Office of Communications (3-1621).
 - d. Call the Office of Specialized Services, if he/she believes that any child needs crisis intervention or other supportive service as a result of suspected abuse/neglect.
3. Investigation. When a DCFS Division of Child Protection investigator comes to a school to speak with an accused employee, the principal or his/her designee shall:
 - a. Notify the accused employee that he or she is entitled to have his/her supervisor, association, union representative, and/or attorney present at any interview or meeting the accused attends.
 - b. If the accused is a teacher, ask the investigator to question the teacher, to the extent possible, when the teacher is not conducting a class. If the investigator asks to interview another school employee, ask that questioning occur so as to minimize disruption of the school day.
 - c. Ensure that the DCFS investigator informs the accused employee of his/her due process rights and of the steps in the investigation process, including, but not necessarily limited to, the right of the school employee, subject to the approval of DCFS, to question the accuser about the allegation (if the accuser is age 14 or older); his/her right to review the specific allegations that gave rise to the investigation; his/her right to review all materials and evidence submitted to DCFS in support of the allegation; and his/her right to present countervailing evidence about the accusations.


IV. PENALTIES

- A. Mandated reporters who fail to report suspected child abuse or neglect shall be subject to discipline by the Board of Education. The Board reserves the right to discipline employees, pursuant to the Board's employee discipline policy, for incidents of child abuse or neglect which are substantiated by CPS investigations, even if the reports about those incidents are determined to be "unfounded" by DCFS.
- B. Any CPS supervisor, who discourages a mandated reporter from reporting his/her suspicion of child abuse/neglect to DCFS, or who asks a mandated reporter to change his/her report, shall be subject to discipline by the Board of Education.

- C. Any Illinois teaching or administrative certificate or endorsement may be suspended for a period not to exceed one calendar year by the regional superintendent or for a period not to exceed five calendar years by the State Superintendent of Education upon evidence that the holder willfully failed to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.
- D. Any mandated reporter who willfully fails to report suspected child abuse/neglect is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

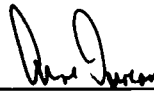
LEGAL REFERENCES: 325 ILCS 5/3, 5/4.02, 5/7.4; 105 ILCS 4/21-23.

Approved for Consideration:



Barbara Eason-Watkins
Chief Education Officer

Approved



Arne Duncan
Chief Executive Officer

Noted:



John Maiorca
Chief Financial Officer

Approved as to Legal Form: 



Ruth Moscovitch
General Counsel

**WRITTEN CONFIRMATION OF SUSPECTED CHILD ABUSE/NEGLECT REPORT:
MANDATED REPORTERS**

DATE: _____

ABOUT: _____

Child's Name

Child's Birth Date

If you are reporting more than one child from the same family please list their names and birth date in the space provided on the reverse side of this form.

Street Address City Zip Code

Parent/Custodians: _____
Name

Address (if different than the child's address)

This is to confirm my oral report of _____, _____, made in accordance with the Abused and Neglected Child reporting Act (325 ILCS 5 et seq). Please answer the following questions. (If you need more space, use the back of this page.)

1. What injuries or signs of abuse/neglect are there?
2. How and approximately when did the abuse/neglect occur and how did you become aware of the abuse/neglect?
3. Had there been evidence of abuse/neglect before now? Yes No
4. If the answer to question 3 is "yes," please explain the nature of the abuse/neglect.
5. Names and addresses of other persons who may be willing to provide information about this case.
6. Your relationship to child(ren)
7. Reporter Action Recommended or Taken:

PLEASE CHECK THE APPROPRIATE RESPONSE:

- I saw the child(ren)
- I heard about the child(ren) From whom? _____
- I **have** **have not** told the child's family of my concern and of my report to the Department.
- I am **willing** **NOT willing** to tell the child's family of my concern and of my report to the Department.
- I **believe** **do NOT believe** the child is in immediate physical danger.

(Name Printed) (Signature)

(Title) (Organization/Agency)

INSTRUCTIONS ON REVERSE SIDE

INSTRUCTIONS

The Abused and Neglected Child Reporting Act states that mandated reporters shall promptly report or cause reports to be made in accordance with the provisions of the ACT.

The report should be made immediately by telephone to the IDCFS Child Abuse Hotline (800-252-2873) and confirmed in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial report.

MAILING INSTRUCTIONS

Mail the original to the nearest office of the Illinois Department of Children and Family Services, Attention: Child Protective Services.

2 nd Child's Name (If Any)	2 nd Child's Birth Date
3 rd Child's Name (If Any)	3 rd Child's Birth Date

DCFS is an equal opportunity employer, and prohibits unlawful discrimination in all of its programs and/or services.