

AMEND BOARD REPORT 05-0126-PO3
ADOPT A NEW POLICY ON THE REPORTING OF CHILD ABUSE AND CHILD NEGLECT

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board amend the 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 (including administrators and both certificated and non-certificated school employees), 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.

"Principal" for the purpose of this policy includes principals, supervisors and their designees.

~~"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. Training**

1. All employees are required to complete an online training module, "Recognizing and Reporting Child Abuse: Training for Mandated Reporters" which can be accessed from the following link <https://www.dcfstraining.org/manrep/index.jsp>.

- a. Employees hired before August 1, 2008, shall complete the online training by December 31, 2008.

b. Employees hired after August 1, 2008, shall complete the online training within one month of their date of hire.

2. Employees who complete the training shall retain for their records a copy of the certificate that is generated upon completion of the training. Upon request, an employee shall provide this certificate to his/her principal to verify that this training requirement has been met.

B. Identifying Signs of Child Abuse/Neglect

Based upon the training they have received, CPS employees shall use their best efforts to identify students who are abused or neglected. CPS employees shall not, however, ask any student to remove any item of clothing, other than a coat, jacket or similar item of outerwear, to check for signs of child abuse.

C. Reporting and Documenting

A. 1. 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~~ call the DCFS Hotline at 1-800-252-2873 (1-800-25-ABUSE). NOTE: A mandated reporter's legal obligation is not satisfied by notifying his/her supervisor or principal of his/her suspicion.

B. 2. 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. 3. If the mandated reporter notifies his/her principal that they have the mandated reporter has called the Hotline to report suspected abuse by a school employee, volunteer or contractor, he or she shall also the principal shall complete a CPS Incident Report form and deliver it to his/her principal or supervisor.~~

~~D. 4. Within 48 hours after making a DCFS Hotline call, the mandated reporter shall fax a written confirmation of his/her oral Hotline report ("written confirmation") 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. 5. 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. 6. 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 court-appointed attorney or guardian *ad litem*.

7. A mandated reporter shall cooperate fully with DCFS Division of Child Protection (DCP) investigators. If subpoenaed to testify in any court or administrative proceeding, an employee shall notify his/her supervisor of the subpoena. The requirements for a paid court attendance leave are specified in Board Rule 4-14.

D. Hotline Reports "Unfounded" by DCP

1. A mandated reporter is entitled to receive information about findings made and actions taken by DCP as a result of his/her Hotline report, including any steps taken to protect the child.

2. Within 10 days of receipt of notice that DCP has "unfounded" his/her Hotline report, a mandated reporter, who believes the determination was inaccurate, may request a review by a Multi-Disciplinary Review Committee within DCFS. If a mandated reporter believes that a student continues to be abused, neglected, or is in danger, within five days of receiving notice that his/her Hotline report was unfounded, the mandated reporter shall contact the Law Department (773-553-1700) to request a review of the DCFS investigation.

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 (3-1624).~~

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.~~

III. RESPONSIBILITIES OF PRINCIPAL, SUPERVISOR OR DESIGNEE ("PRINCIPAL")

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. A principal shall assist any mandated reporter who suspects child abuse/neglect in calling the DCFS Hotline. Under no circumstances shall any principal 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 shall:

a. Call the Chicago Police Department at 9-1-1, 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 and the police report (if available).

3. The principal may:

a. Notify the Area Office or other designated oversight office of the Hotline call, in his/her discretion.

b. Call the Office of Specialized Services (773-553-1800), if he/she believes that any child needs crisis intervention or other supportive service.

B. For Suspected Child Abuse/Neglect By CPS Employees/Volunteers/Contractors

1. A principal shall assist any mandated reporter who suspects child abuse/neglect in calling the DCFS Hotline. 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. Notification. A principal, who is notified by a mandated reporter or by DCFS that a report has been made to the Hotline that a school employee/volunteer/contractor abused or neglected a child, shall:

- a. Prepare a CPS Incident Report.
- b. Call the Chicago Police Department at 9-1-1, if he/she believes that the child needs medical attention or is the victim of a crime.
- c. Forward the DCFS written confirmation, the CPS Incident Report, and the police report (if available) to the Office of School Safety and Security (773-553-6900).
- d. Call the Office of Specialized Services (773-553-1800), if he/she believes that any child needs crisis intervention or other supportive service as a result of suspected abuse/neglect.

C. Cooperating with Division of Child Protection (DCP) Investigation

1. Emergency Student Interviews. If a DCP investigator comes to the school to interview a student who is the subject of a child abuse/neglect report, or a student who is a witness to abuse/neglect, the principal shall:

- a. Documentation. Ask the investigator to complete the Student Interview Request Form and follow the Procedures for Interviewing CPS Students, Board Report 08-0723-PO1, as amended or otherwise modified.
- b. Assistance. If the student has an impairment that may affect his/her ability to participate in the interview, such as a disability or language barrier, advise the interviewer of the impairment and offer assistance in the interview.
- c. Student/Victim. Upon receipt of the completed Student Interview Request Form, make the student/victim and any student who lives with the victim available and give the investigator a private space to interview the student(s). Parental consent for the interview is not required or permitted. It is not recommended that the student interview take place in the principal's office. Children who are abused and neglected often believe they are at fault, and conducting the interview in the principal's office can reinforce this inaccurate belief.
- d. Student/Witness. Upon receipt of the completed Student Interview Request Form for a student/witness who is not the subject of the Hotline report, contact the parent to request consent for the interview. A student/witness shall be made available for a DCP interview at school **only if** parental consent is granted.
- e. Staff Presence. CPS employees may request to be present for DCP interviews with students, but the DCP investigator has sole discretion to grant or deny that request.

2. Protective Custody. If a DCP investigator or police officer takes protective custody of a student at school, the principal/designee shall:

- a. Ask the DCP investigator/police officer for a contact name and telephone number;
- b. Attempt to notify the parent/guardian that protective custody has been taken, and provide contact information to the parent/guardian; and
- c. Document the action taken in the student's temporary student record.

3. **CPS Employee Interviews.** When a DCP investigator comes to a school to speak with an accused 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.

D. Requests for School Records, Subpoenas and Court Orders in Relation to Reports of Abuse/Neglect

1. **School Records.** A DCP investigator may review a document from the student's school records in only two circumstances:

a. When DCFS has been appointed as temporary custodian or guardian of the student; or

b. In an emergency, when the principal determines that review of a particular school record is necessary to protect the health or safety of the student. Within three working days of the emergency release of a school record, the student's parent will be notified in writing that the record was released, the date of release, and the name and title of the person to whom it was released.

2. **Subpoena to Testify.** Any supervisor whose supervisee receives a subpoena to testify in juvenile court or in a DCFS administrative hearing shall grant the employee a court attendance leave in accordance with Board Rule 4-14.

3. **Subpoena/Court Order for Records.** When the school receives a subpoena or court order for records, the principal shall promptly fax the subpoena or court order to the Law Department (773.553-1701). The principal shall collect all documents he/she believes are responsive to the subpoena or court order and shall send these materials through the mail run to the Law Department. The Law Department will respond to the subpoena or court order.

E. Upon Notification of the Result of the DCFS Investigation

1. If the school receives written notice that a Hotline report about a student was "indicated" by DCFS, the principal shall direct the school clerk to place the notice in the student's temporary school record.

2. If the school receives written notice that a Hotline report about a student was "unfounded" by DCFS, the principal shall direct the school clerk to remove any documentation of the report from the student's school record and return that documentation to DCFS.

IV. INTERNAL REPORTING AND INVESTIGATIONS OF EMPLOYEES, VOLUNTEERS AND CONTRACTORS SUSPECTED OF CHILD ABUSE/NEGLECT

A. Notification. When the Office of School Safety and Security receives notice of suspected abuse/neglect by an employee/volunteer/contractor, it shall disseminate notice as follows:

1. For reports involving an employee/volunteer who works in a school, notify:

a. The Management Support Director or other designated oversight office;

b. The Office of Elementary Areas and Schools (OEAS) or the Office of High School Programs (OHSP), as applicable;

c. The Law Department; and

d. The Office of Communications.

2. For reports involving an employee/volunteer who does not work in a school, but has contact with children, notify:

- a. The Department Head;
- b. The Law Department; and
- c. The Office of Communications.

3. For reports involving a private contractor, notify:

- a. The OEAS, OHSP, Department Head, as applicable;
- b. The Law Department; and
- c. The Office of Communications.

B. District Investigators

1. Investigators from the Law Department or Office of the Inspector General may investigate allegations of child abuse or neglect by employees, volunteers or contractors.

2. Principals/supervisors/contractors shall cooperate with investigators from the Law Department and the OIG ("District investigators") by making their employees/volunteers available for interviews, participating in requested interviews and providing requested information and documentation.

3. Employees/volunteers/contractors shall cooperate fully with District investigators. Employees who fail to cooperate are subject to discipline in accordance with the Board's Employee Discipline and Due Process Policy.

C. Removing Employees/Volunteers/Contractors from Contact with Students Pending an Investigation

1. Employee/Volunteer. Department Heads, OEAS or OHSP, as applicable, shall confer with the Law Department's Supervisor of Employee Discipline to decide whether to remove the accused employee/volunteer from contact with students pending the investigation. If a decision to remove is made, appropriate notice shall be sent to the employee/volunteer.

2. Contractor's Employees. Department Heads, OEAS or OHSP, as applicable, who oversee the contractor, shall confer with the Law Department's Supervisor of Employee Discipline to decide whether to remove the accused contractor's employee from contact with students pending the investigation. When a removal decision is made, the contractor's supervisor or personnel department will be notified that its employee may not have contact with CPS students or access to Board premises pending an investigation.

IV. V. PENALTIES

A. Mandated reporters who fail to report suspected child abuse or neglect shall be subject to discipline, up to and including dismissal by the Board of Education. The Board reserves the right to discipline employees, pursuant to the Board's Employee Discipline and Due Process Policy, for incidents of child abuse or neglect which are substantiated by CPS District investigations, even if the reports about those incidents are determined to be "unfounded" by DCFS.

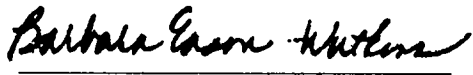
B. Any Principal ~~CPS supervisor~~, who discourages a mandated reporter from reporting his/her suspicion of child abuse/neglect to DCFS, or who asks a mandated reporter to change his/her report, shall be subject to discipline, up to and including dismissal by the Board of Education.

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.

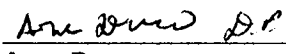
LEGAL REFERENCES: 325 ILCS 5/3, 5/4.02, 5/7.4; 105 ILCS 5/21-23, 10/6, 23 Ill. Adm. Code 375.60.

Approved for Consideration:



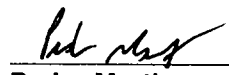
Barbara Eason-Watkins
Chief Education Officer

Respectfully submitted:



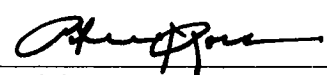
Arne Duncan
Chief Executive Officer

Noted:



Pedro Martinez
Chief Financial Officer

Approved as to Legal Form: 



Patrick J. Rocks
General Counsel

CANTS 5
Rev. 10/00

State of Illinois
Department of Children and Family Services

**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