

June 27, 2018

AMEND BOARD REPORT 08-0723-PO2
POLICY ON THE REPORTING OF CHILD ABUSE, AND CHILD NEGLECT AND
INAPPROPRIATE RELATIONS BETWEEN ADULTS AND STUDENTS

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education (the Board) amend Board Report 08-0723-PO2, the Policy on the Reporting of Child Abuse and Child Neglect.

HISTORY OF BOARD ACTION: PURPOSE: ~~To~~ This policy was originally enacted by the Board to provide a comprehensive framework for policy on the reporting of suspected cases of child abuse and child neglect by school personnel and others responsible for the child's welfare of children (Board Report 08-0723-PO2). The current amendments are recommended to (a) reflect changes in Illinois law and in the Board's electronic incident reporting system (b) communicate clear expectations that all employees must protect students by reporting any interactions or behaviors which suggest that an adult has or had an inappropriately intimate relationship with a child or may be grooming a child, even if the employee does not have reasonable suspicion that sex abuse is occurring or has occurred; and (c) require mandated reporters to immediately call the DCFS Hotline and then notify the reporter's principal/supervisor or Network Chief/Chief Officer when they have a reasonable suspicion of child abuse or neglect.

POLICY TEXT:

I. DEFINITIONS

A. 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, volunteer, vendor or contractor at the child's school, or any other person responsible for the child's welfare:

1. 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;
2. b. commits or allows to be committed a sex offense against such the child;
3. c. commits or allows to be committed an act of torture upon such the child;
4. d. inflicts excessive corporal punishment;
5. commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude or human trafficking upon a child; or
6. allows, encourages or requires a child to commit an act of prostitution.
5. e. commits or allows to be committed female genital mutilation; or
6. f. causes illegal controlled substances to be sold, transferred or given to a child when the child is under the age of 18.

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

C. "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.

D. "Grooming" is behavior an adult uses to build an emotional connection with children to gain their trust and break down their inhibitions for the purpose of sexual abuse. An adult may be "grooming" a child or engaging in inappropriately intimate behavior with a child when the adult creates isolated, one-on-one interactions with a child (e.g., transporting a child without the written authorization of the principal and the parent, texting or direct messaging); gives gifts to a particular child (e.g., money, clothing); crosses physical boundaries (e.g., touching, giving prolonged frontal hugs, or making the child sit on the adult's lap).

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

II. RESPONSIBILITIES OF EMPLOYEES ~~MANDATED REPORTERS~~

A. Training

1. All Board employees are required to complete the Department of Children and Family Services (DCFS) 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 should use their Chicago Public School (CPS) email address when registering for the training. ~~hired before August 1, 2008, shall complete the online training by December 31, 2008.~~

b. All E employees hired after August 1, 2008, shall complete the online training within one month of their date of hire and every year thereafter.

c. 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 the certificate to his/her their principal/supervisor to verify that this training requirement has been met.

2. The Chief Executive Officer, or his/her designee, shall create, disseminate and train all appropriate employees on Guidelines for Investigating Allegations of Child Abuse prior to September 1, 2018, and shall revise such Guidelines as necessary to enhance the protection of students.

B. Identifying Students who are Abused or Neglected ~~Signs of Child Abuse/Neglect~~

Based upon the training they have received, CPS Board employees shall use their best efforts to identify students who are abused or neglected. CPS Board 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.

When sexual abuse or sexual exploitation is suspected, principals are permitted to question students solely to gather information to request a formal investigation by district investigators. Principals are not trained investigators and should not repeatedly question students or challenge their responses.

C. Reporting and Documenting Reasonable Suspicions of Child Abuse or Neglect

1. A mandated reporter who has reasonable cause to believe that a child known to him/her the reporter in his/her the reporter's official capacity may have been abused or neglected ~~shall is~~

required to immediately 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 the reporter's supervisor or principal of his/her the reporter's suspicion.

2. After notifying the Hotline, a mandated reporter may then choose, but is not obligated, to must inform his/her the reporter's principal/direct 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 principal/supervisor, or the mandated reporter fears retaliation from their principal/supervisor, after calling the Hotline, the mandated reporter may choose, but is not obligated, to must notify the Network Chief/Chief Officer alleged abuser's supervisor of the report.

3. If/When the mandated reporter notifies his/her the reporter's principal/supervisor that the mandated reporter has called the Hotline to report suspected abuse or neglect by a school employee, volunteer or contractor, the principal/supervisor shall complete a CPS an Incident Report form in the Board's electronic incident-reporting system.

4. Within 48 hours after making a DCFS Hotline call, the mandated reporter or the principal/supervisor shall upload fax a copy of the written confirmation of his/her the reporter's oral Hotline report ("written confirmation") into the Board's electronic incident-reporting system, to DCFS at 312-808-4330 using the DCFS form attached to this policy.

5. A mandated reporter shall not notify a parent, guardian, family or household member suspected perpetrator of allegations or investigations of suspected child abuse or / neglect by a parent, guardian, family or household member. Notification will be handled by DCFS or the police.

6. A mandated reporter shall preserve confidentiality by discussing the reporter's his/her suspicions only with the alleged victim; the mandated reporter's supervisor; the school nurse or social worker; district investigators; 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 investigators from the DCFS Division of Child Protection (DCP). Any employee If subpoenaed to testify in any court or administrative proceeding, an employee shall notify the employee's his/her supervisor of the subpoena. The requirements for a paid court- attendance leave are specified in Board Rule 4-14.

D. Providing Support to Students Who Are Abused or Neglected

1. If the principal or designee determines that the child needs medical assistance, the principal or designee must call the Chicago Police Department at 9-1-1.

2. If the principal or designee determines that it is not safe for the child to return home, the principal or designee must not allow the child to go home until DCFS has interviewed the child.

3. The principal shall:

a. Assign a school mental health professional to support the student and contact the Crisis Management Team.

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 any police report (if available).

E. Reporting and Documenting Grooming and Inappropriately Intimate Behaviors

1. An employee who witnesses any interaction or receives credible information suggesting that an adult may be grooming a child is required to follow the steps in paragraph C on mandated reporting to DCFS.

2. If the employee does not have reasonable suspicion that grooming, sex abuse or sexual exploitation has occurred or is occurring, or is not sure if their observations and/or information constitute reasonable suspicion of abuse, the employee must report information indicating inappropriately intimate interaction or behaviors to the principal/supervisor or the Network Chief/Chief Officer as soon as possible.

3. Upon receipt of such a report, the principal/supervisor or Network Chief/Chief Officer must determine if there is reasonable suspicion of grooming, sex abuse or sexual exploitation, and must immediately report any reasonable suspicion to DCFS as outlined in paragraph C.

4. If there is not reasonable suspicion of grooming, sex abuse or sexual exploitation, the supervisor must complete an Incident Report in the Board's electronic incident-reporting system detailing the alleged inappropriately intimate interaction or behavior by an adult. The Incident Report shall include the information reported to him/her which led to the Incident Report, why he/she does not believe grooming, sex abuse or sexual exploitation has occurred, as well as any additional relevant information he/she possesses.

FD. Unfounded 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 the reporter's his/her Hotline report, including any steps taken to protect the child.

2. Within 10 days of receipt of notice that DCPFS has "unfounded" the reporter's 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 the mandated reporter believes that a student continues to be abused, neglected, or is in danger, the mandated reporter shall contact the Law Department (773-553-1700) as soon as possible but no later than 48 hours after within five days of receiving notice that the 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. If the case involves grooming, sex abuse or sexual exploitation, the Law Department will forward the matter to the Office of the Inspector General.

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

A. For Suspected Child Abuse or / Neglect Occurring off School Premises, by a Family Member, Guardian, Parent's Paramour, or Other Caretaker Who Is Not a School Employee Does Not Work or Volunteer at the School

~~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 the reporter's his/her report of suspected child abuse/neglect to DCFS.~~

2. Upon learning of a Hotline call, the principal shall:

a. Enter an Incident Report in the Board's electronic incident-reporting system.

b. 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., call the Chicago Police Department at 9-1-1 and do not allow the child to go home until DCFS has interviewed the child.

c. 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 any 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 or / Neglect by CPS Employees, / Volunteers, or / Contractors

1. A principal shall assist any mandated reporter who suspects child abuse or / 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 the reporter's his/her report of suspected child abuse or / 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. Enter an Prepare a CPS Incident Report in the Board's electronic incident reporting system.

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., call the Chicago Police Department at 9-1-1.

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.

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

1. **Emergency Student Interviews. Student Interviews.** If a DCP investigator comes to the school to interview a student who is the subject of a child abuse or / neglect report, or a student who is a witness to abuse or / neglect, the principal or designee shall: follow the Procedure for Interviewing Students in Chicago Public Schools, Board Report 08-0723-PO1.

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. **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.

3. **Protective Custody.** If a DCP investigator or police officer takes protective custody of a student at school, the principal or / 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 Board's incident reporting system and 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.~~

HD. Requests for School Records, Subpoenas and Court Orders in Relation to Reports of Abuse or / 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 or designee shall promptly provide a copy of fax the subpoena or court order to the Law Department (773-553-4704). The principal or designee shall collect all documents he/she that believes are responsive to the subpoena or court order and shall provide send these materials through the mail-run documents to the Law Department. The Law Department will respond to the subpoena or court order.

IE. 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.

IIIV. INTERNAL REPORTING AND INVESTIGATIONS OF EMPLOYEES, VOLUNTEERS AND CONTRACTORS SUSPECTED OF CHILD ABUSE OR / 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~~

BA. District Investigators

1. Investigators from the Law Department or Office of the Inspector General (OIG) ("authorized investigators") may investigate allegations of child abuse or neglect by employees of the Board, employees of a private vendor or contractor, or volunteers.
2. Principals, / supervisors, vendors, or / contractors shall cooperate with authorized investigators from the Law Department and the OIG ("District investigators") by making their employees and / volunteers available for interviews, participating in requested interviews and providing requested information and documentation.
3. Employees, / volunteers, vendors, and / contractors shall cooperate fully with District authorized investigators from the Law Department and the OIG. Employees who fail to cooperate are subject to appropriate discipline in accordance with the Board's Employee Discipline and Due Process Policy.

CB. Removing Employees, / Volunteers, Vendors, and / Contractors from Contact with Students Pending an Investigation

1. Board Employees / and Volunteers. The direct supervisor of the Board employee / or volunteer: Department Heads, OEAS or OHSP, as applicable who is alleged to have abused or neglected a student shall confer with the Law Department's Supervisor of Employee Discipline to decide

whether to remove the accused employee or / volunteer from contact with students pending the investigation. When an allegation is made of an adult sexually abusing a student, the adult will be removed from contact with students pending the results of an investigation. When a removal decision is made, appropriate notice shall be sent to the employee or / volunteer.

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

V. PENALTIES

A. Mandated reporters who fail to report suspected child abuse, ~~or neglect,~~ grooming or any other inappropriately intimate interactions or behaviors between an adult and child shall be subject to discipline, up to and including dismissal. 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 District investigations, even if the reports about those incidents are determined to be "unfounded" by DCFS.

B. Any Principal or other Supervisor who discourages a mandated reporter from reporting his/her suspected suspicion of child abuse or / neglect to DCFS, or who asks a mandated reporter to modify change the reporter's his/her report, shall be subject to discipline, up to and including dismissal.

C. The State Superintendent of Education may suspend for up to five years or revoke the license of any educator who willfully fails to report suspected child abuse or neglect. 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 or / neglect is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

VI. DELEGATION

The Board delegates to the Chief Executive Officer or his/her designee authority to create guidelines to implement and enforce this policy.

Legal References: ~~325 ILCS 5/3, 5/4.02, 5/7.4~~; 105 ILCS 5/21B-75-23, 105 ILCS 10/6, 325 ILCS 5/3, 5/4.02, 5/7.4; 705 ILCS 405/2-3; 23 Ill. Adm. Code 375.60.

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