

PROCEDURE WSD511

WINOOSKI SCHOOL DISTRICT

CHILD ABUSE AND NEGLECT REPORTING

To comply with [33 VSA Chapter 49, Subchapter 2, 4911-13: Reporting Abuse of Children](#), it is required that any Winooski School District (WSD) mandated reporter who reasonably suspects abuse or neglect of a child must make a report to the local Family Services Division (FSD) of the Department for Children and Families (DCF) by calling 1-800-649-5285.

I. Definitions:

1. A *"mandated reporter"* is any:
 - Health care provider, including any chiropractor, dentist, emergency medical personnel, hospital administrator, intern, licensed practical nurse, medical examiner, osteopath, pharmacist, physician, physician assistant, psychologist, registered nurse, resident physician, and surgeon;
 - Individual who is a) employed by a school district or an approved or recognized independent school or b) contracted and paid by a school district or an approved or recognized independent school to provide student services, including any school superintendent, school principal, headmaster of an approved or recognized independent school, school teacher, student teacher, school librarian, and school guidance counselor;
 - Agency of Human Services employee, contractor, or grantee who has contact with clients;
 - Camp administrator, counselor, and owner, including any residential and nonresidential camp and recreational program;
 - Childcare worker, clergy member, mental health professional, and social worker; and
 - Police officer and probation officer.
2. *"Reasonably suspect abuse or neglect of a child"* means that you need only suspect that abuse or neglect might have taken place to make a report.
3. An *"abused or neglected child"* :

One whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. It also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.
4. *"Serious physical injury"* means, by other than accidental means:
 - Physical injury that creates any of the following:

PROCEDURE WSD511 - CHILD ABUSE AND NEGLECT REPORTING

Page 2

- o A substantial risk of death;
 - o A substantial loss or impairment of the function of any bodily member or organ;
 - o A substantial impairment of health; or
 - o Substantial disfigurement; or
 - Strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person (33 VSA §4912(17)).
5. *“Risk of harm”*: A significant danger that a child will suffer serious harm by other than accidental means, which harm would be likely to cause physical injury or sexual abuse, including as the result of:
- A single, egregious act that has caused the child to be at significant risk of serious physical injury;
 - The production or pre production of methamphetamines when a child is actually present;
 - Failing to provide supervision or care appropriate for the child’s age or development and, as a
 - Failing to provide supervision or care appropriate for the child’s age or development due to use of illegal substances, or misuse of prescription drugs or alcohol;
 - Failing to supervise appropriately a child in a situation in which drugs, alcohol, or drug paraphernalia are accessible to the child; and
 - A registered sex offender or person substantiated for sexually abusing a child residing with or spending unsupervised time with a child (33 VSA § 4912(14)).
6. *“Sexual abuse”*: Consists of any act or acts by any person involving sexual molestation or exploitation of a child, including:
- Incest;
 - Prostitution;
 - Rape;
 - Sodomy;
 - Lewd and lascivious conduct involving a child;
 - Aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child;
 - Viewing, possessing, or transmitting child pornography, with the exclusion of the exchange of images between mutually consenting minors, including the minor whose image is exchanged;
 - Human trafficking;
 - Sexual assault;
 - Voyeurism;
 - Luring a child; or
 - Obscenity (33 VSA § 4912(15)).

II. Reporting Procedures: The procedures for reporting suspected child abuse or neglect in our school district are:

1. Any WSD mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 33 VSA § 4913-14 within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed. No one, including supervisors and managers, may prevent a mandated reporter from making a report within the

PROCEDURE WSD511 - CHILD ABUSE AND NEGLECT REPORTING

Page 3

required timeframe. Calling law enforcement is not the same as reporting suspected abuse or neglect to FSD. You must notify FSD directly. To report child abuse or neglect, call 1-800-649-5285

2. **Group Reporting:** If more than one individual within an organization needs to make a report about the same information or incident, FSD strongly recommends they report as a group — by phone or in writing. The same 24-hour time limit applies.
 - The best way to ensure a staff or team has met their legal responsibility is by having everyone with direct knowledge of the information in the room together when the report is made. The names of everyone who is in the room making the report should be clearly communicated to FSD.
 - Another option is for one person to draft a written report and have everyone involved sign it.
 3. The WSD mandated reporter is required to notify a WSD administrator as soon as possible when they reasonably suspect abuse or neglect of a child.
 4. The Winooski School District (WSD) shall allow on-site school investigations by FSD/DCF without parental notification or permission, whenever the building administrator determines that there is a clear and present danger to the child. The building administrator will decide who will be present during the investigative interviews and may designate a school employee to be present during these interviews. A building administrator or designee may terminate the interview if the conduct of the investigator is objectionable or considered harmful to the child. The reporter may also be present if this would help to support the child.
 5. The FSD/DCF investigator generally shall not have access to the educational records of the student without parental consent. The investigator shall be provided with information from the educational records without parental permission only when such information is clearly relevant to determining whether the child is being abused and/or neglected. The building administrator will make this determination.
 6. A copy of the Child Abuse Report shall be retained in a secure school district file kept by the building administrator. This file should be kept accessible only to those individuals involved in making the report and kept separate from the education records of the student.
- III. Liability:** A person who files a report in good faith has immunity from any criminal or civil liability. Failure of a mandated reporter to report can result in criminal prosecution and a fine of up to \$500. If a mandated reporter failed to report with the intent to conceal the abuse or neglect, the penalty increases to up to six months in prison and a fine of up to \$1,000 (33 VSA §4913).
- IV. Training and Support for Staff Members:** A child protection team shall be established by the building administrator. The purposes of this team include: raising awareness about child abuse and neglect and providing training and support for other staff members. The team shall not be constituted to serve as an alternative to reporting. A child protection team does not have the same rights and powers as multidisciplinary teams empaneled under 33 VSA, § 4918.

Reviewed and Updated: December 19, 2022