

## **Policy ~~8462~~ 444 – Student Abuse and Neglect**

**Revised policy effective upon passage**

*1<sup>st</sup> reading*      July 11, 2019

*2<sup>nd</sup> reading*

*3<sup>rd</sup> reading*

**Statutory authority**      West Virginia Code 49-2-803 and 49-2-807

**Administrative Guidelines**  
(none)

The Board of Education is concerned with the physical and mental well-being of the students of this County and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

~~Each~~ Any employee or volunteer of this County who ~~knows or suspects child abuse, child neglect, serious physical abuse, sexual abuse, or sexual assault shall be responsible for reporting the suspected abuse or neglect in accordance with the Superintendent's guidelines~~ has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources (DHHR) using that department's centralized intake procedure and to the building principal and / or administrator in charge of the activity if such occurs during an extra-curricular or off-campus activity. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to the State Police and any law enforcement agency having jurisdiction to investigate the complaint. All of these notifications shall be individually required, and reporting of such a suspicion to one's supervisor or administrator in charge does not exempt the reporter from reporting to DHHR and / or law enforcement as required here. Such reporting shall be required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused or neglected or faces the threat of being abused or neglected. Additionally, any person who has reasonable cause to suspect that a child has died as a result of child abuse or neglect shall report that fact to the appropriate medical examiner or coroner.

~~Any person, official or institution that knowingly fails to report child abuse or neglect or prevents another person from doing so shall be guilty of a misdemeanor.~~

~~A staff member or volunteer who suspects child abuse or neglect, or observes a child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than forty-eight (48) hours after suspecting this abuse or neglect, report the circumstances, or cause a report to be made, to the local office of the Department of Health and Human Resources, and shall also notify the person in charge of the school or facility of such suspicion. Upon such notification, the person in charge of the school or facility may supplement the report or cause an additional report to be made. In cases where the reporter believes that the child suffered serious physical abuse, or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law enforcement agency having jurisdiction to investigate the complaint and shall secure prompt medical attention to any such injuries reported; and also may take, or cause to be taken, photographs of any areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child, said photographs or X-rays to be sent to the appropriate child protective services as soon as possible.~~

Any person over the age of eighteen (18) who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately, and not more than forty eight hours (48) after receiving such a disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law enforcement agency having jurisdiction to investigate the report.

In the event that the individual receiving the disclosure or observing the sexual abuse or sexual assault has a good faith belief that the reporting of the event to the police would expose either the reporter, the subject child, the reporter's children or other children in the subject child's household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm; however, the individual must make the report as soon as practicable after the threat of harm has been reduced. The law enforcement agency that receives a report shall report the allegations to the Department of Health and Human Resources and coordinate with any other law enforcement agency, as necessary to investigate the report.

A staff member or volunteer who receives a disclosure from a credible witness or observes any sexual contact, sexual intercourse, or sexual intrusion (as those terms are defined in W.V. Code Chapter 61, Article Eight-B) of a child on school premises, on school buses, or on transportation used in furtherance of a school purpose shall immediately, but not more than twenty four (24) hours after receiving such a disclosure or observing such conduct, report the disclosure or observed conduct to the principal, assistant principal, or similar person in charge of the school or facility. The principal, assistant principal, or similar person in charge shall be responsible for immediately, but not more than twenty four (24) hours after being made aware of such disclosure or observation, report the disclosure or observed conduct to the State Police or other law enforcement agency having jurisdiction to investigate the report. Notwithstanding the foregoing provisions of this paragraph, staff members or volunteers are not required to report consensual sexual contact, intercourse, or intrusion between students if such consensual sexual conduct does not otherwise constitute criminal sexual assault or abuse under W.V. Code, Chapter 61, Article Eight-B.

Nothing herein shall preclude the person first suspecting abuse or neglect from notifying the appropriate agencies on their own behalf, in addition to following the reporting requirements contained herein.

Any person, official, or institution participating in good faith in any act permitted or required by this policy shall be immune from any civil or criminal liability that otherwise might result by reason of those actions.

All reports of child abuse, child neglect, serious physical abuse, sexual abuse, or sexual assault shall be made immediately by telephone to the appropriate local agency, as designated above, and shall be followed by a written report within forty eight (48) hours if so requested by the receiving agency.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse, child neglect, serious physical abuse, sexual abuse, or sexual assault of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

The reporting requirements contained in this section specifically include reported, disclosed, or observed conduct involving or between students, or involving a student and school staff members or volunteers. Each principal should be mindful of the possibility of physical, mental, or sexual abuse being inflicted on a student by an employee or volunteer. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent, as well as reported as set forth in this policy.

All staff members and volunteers shall be provided with a written statement setting forth the reporting requirements contained in this policy and the administrative guidelines established by the Superintendent. All staff members and volunteers are required to provide to the County a signed acknowledgement that they have received and understand these reporting requirements and the administrative guidelines established by the Superintendent.

~~WV Code 49-2-801 through 812~~