



Cumberland School Department Policy Manual

PERSONNEL

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REPORTING CHILD ABUSE AND NEGLECT

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BACKGROUND OF POLICY

Rhode Island General Laws §40-11-3 requires that any person who has reasonable cause to know or suspect that any child has been abused, neglected, or who has been a victim of sexual abuse by another child shall, within twenty-four (24) hours, transfer that information to the Department of Children, Youth and Families or its agent who shall cause the report to be investigated immediately. Reports are made by calling the Child Abuse Hotline at 1-800-RI-CHILD.

PURPOSE AND SCOPE

All employees of the Cumberland School Department are mandated reporters and are required to follow the law and the Protocol for Reporting Child Abuse and Neglect. Mandated reporters include teachers, paraprofessionals, principals, school custodians, bus drivers, secretaries and any other person in the school setting. As a result of these reports and referrals, protective social services will be made available to those students in an effort to safeguard their welfare and provide a means to prevent further abuse or neglect.

School employees who are mandated reporters and who fail to do so will be subject **to not only the penalties provided by law, but also to disciplinary action, up to and including dismissal.**

While educators have recognized their legal, moral and professional responsibility for reporting child abuse and neglect under §40-11-3, Rhode Island law now requires prompt reporting of any suspicion of child sexual abuse perpetrated by a person who works in or volunteers in an educational program. **The failure to report such child sexual abuse, like the failure to report child abuse or neglect, could result in criminal and civil liability for an individual teacher, school administrator, and the school district. The failure of an educator to comply with the legal responsibility to report such suspicion could also have an impact on retention of his/her professional certificate.**

RIGL §40-11-3.3 requires reporting by any person with a reasonable suspicion of child sexual abuse perpetrated by an employee, agent, contractor, or volunteer of an educational program. The required report must be made regardless of whether the child attends or at any time attended the educational program and whether or not the alleged sexual abuse occurred on school premises. Reports are to be made directly to DCYF, except when the mandated reporter is an employee, agent, contractor or volunteer of an educational program. For this subgroup of mandated reporters, the reporting protocol is described below:

THE PROTOCOL:

Who is required to report:

- I. Any employee, agent, contractor, or volunteer of an educational program who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program must immediately transfer that information to the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent. The duty to report rests with the person who has reasonable cause to know or suspect that any child has been the victim of such sexual abuse. In a school setting, the person with the duty to report includes teachers, aides, principals, custodians, school bus drivers, substitute teachers,



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secretaries, persons working as consultants, persons working as independent contractors and volunteers. Reasonable cause may result from personal observation, admission or response from a child or any communication (even if secondhand or hearsay) which would suggest to a reasonable person that a child has been the victim of sexual abuse by any of the persons described above. The victimized child need not be a current student or have been a student at the school at any time and the sexual abuse need not have occurred during the school day or have taken place on school premises. Certainty is not required- only “reasonable cause to know or suspect” that a child has been the victim of sexual abuse perpetrated by an employee, agent, contractor, or volunteer of the educational program. The report must be made to the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent.

- II. The principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent must, within twenty-four (24) hours transfer that information to DCYF, or its agent.
- III. If the report made above is to a person in charge of a public educational program, or his or her designated agent, that person shall also notify the superintendent of the public educational program. If you suspect that a child has been the victim of sexual abuse and you do not know or have a reasonable suspicion as to the identity of the perpetrator, you must report your suspicion directly to DCYF within twenty-four (24) hours by calling the Child Abuse Hotline at 1-800-742-4453 (1-800-R.I.CHILD). Reports are taken at the Child Abuse Hotline twenty-four (24) hours a day, seven (7) days a week.

When to report:

- I. The report made by the person, who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program, is required to be made immediately to the principal, headmaster, executive director, or other person in charge of the educational program or his or her designated agent.
- II. The report of the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent, to DCYF is required to be made within twenty-four (24) hours of his/her receipt of the information.
- III. The report of the person in charge of a public educational program, or his or her designated agent, to the superintendent of the public educational program, is required to be made immediately after the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent, has notified DCYF, i.e. within twenty-four (24) hours of his/her receipt of the information. Although the law does not require that notice be provided to the parent(s) or guardian of a child for whom a report has been made to DCYF under §40-11-3.3, the parent(s) of the child should also be notified by the person in charge of the educational program immediately after his or her report has been made to DCYF, i.e. within twenty-four (24) hours of his/her receipt of the information.

How to report:

- I. The report made by the person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program must be made by transferring that information verbally or in writing to the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent. The name of the child, the name and position title of the suspected perpetrator and the reason for the suspicion must be provided by the person making the report. The report must also include the name,



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title, and contact information of the person making the report and of every employee, agent, contractor, or volunteer of the educational program who is believed to have direct knowledge of the allegation.

- II. Upon receipt of this information, the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent, must immediately gather additional information for the DCYF report. The report to DCYF should include the school name, address and telephone number, contact information for the principal, headmaster, executive director or other person in charge of the educational program, or his or her designated agent; the name, title, address, and telephone number of the suspected perpetrator; and, if the child is or has been enrolled in the educational program, the full name, age and grade of the child, contact information on file at school for the child's family, including the name, address and telephone number of the child's parent(s). The principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent, must transfer all of the information received or obtained under Sections I and II to DCYF by calling the Child Abuse Hotline, 1-800-742-4453 (1-800-R.I.CHILD). Reports are taken on the Child Abuse Hotline twenty-four (24) hours a day, seven (7) days a week.
- III. The principal, headmaster, executive director, or other person in charge of a public educational program, or his or her designated agent, must transfer all of the information required under Sections I and II to the superintendent of the public educational program. The transfer of this information must be done verbally or in writing.

IMMUNITY

Any person participating in good faith in making a report pursuant to §40-11-3.3 shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report. (§40-11-4) If at any time, questions should arise with respect to the responsibility to report or the protocol for reporting, you should contact RIDE's legal office at 401-222-8979 or the DCYF Child Protective Investigator's office at 401-528-3465.

REFERENCE

(2019). Retrieved from <http://www.ride.ri.gov/Portals/0/Uploads/Documents/Inside-RIDE/Legal/GuidanceReportingChildSexualAbuseByPersonsWkVolEdProg.pdf>

[This policy replaces J-13 Child Abuse and Neglect Prevention](#)

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