



ST. CROIX PREPARATORY ACADEMY MANDATED REPORTING OF CHILD MALTREATMENT POLICY Policy #414

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child maltreatment.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school to fully comply with Minn. Stat. Ch. 260E requiring school personnel to report suspected child maltreatment.
- B. It shall be a violation of this policy for any school personnel to fail to immediately report instances of child maltreatment when the school personnel knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.

III. DEFINITIONS

- A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
 - 1. Is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. If occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.
- B. "Child" means person under age 18 and, for purposes of Minn. Stat. Ch. 260C (Juvenile Safety and Placement) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. "Egregious harm" means harm under Minn. Stat. § 260C.007, Subd. 14, or a similar law of another jurisdiction. Minn. Stat. § 260C.007, Subd. 14, states that "egregious harm" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county where a termination of parental rights action is otherwise properly venued. Egregious harm includes, but is not limited to: (1) conduct towards a child that constitutes a violation of Minn. Stat. §§ 609.185 to 609.2114, Minn. Stat. § 609.222, Subd. 2, Minn. Stat. § 609.223, or any other similar law of any other state; (2) the infliction of "substantial bodily harm" to a child, as defined in Minn. Stat. § 609.02, Subd. 7a; (3) conduct towards a child that constitutes felony malicious punishment of a child under Minn. Stat. § 609.377; (4) conduct towards a child that constitutes felony unreasonable restraint of a child under Minn. Stat. § 609.225, Subd. 3; (5) conduct towards a child that constitutes felony neglect or endangerment of a child under Minn. Stat. § 609.378; (6) conduct towards a child that constitutes assault under



Minn. Stat. §§ 609.221, 609.222, or 609.223; (7) conduct towards a child that constitutes solicitation, inducement, or promotion of, or receiving profit derived from prostitution under Minn. Stat. § 609.322; (8) conduct towards a child that constitutes murder or voluntary manslaughter as defined by United States Code, title 18, section 1111(a) or 1112(a); (9) conduct towards a child that constitutes aiding or abetting, attempting, conspiring, or soliciting to commit a murder or voluntary manslaughter that constitutes a violation of United States Code, title 18, section 1111(a) or 1112(a); or (10) conduct toward a child that constitutes criminal sexual conduct under Minn. Stat. §§ 609.342 to 609.345 or sexual extortion under Minn. Stat. § 609.3458.

- D. “Facility” means (1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under Minn. Stat. §§ 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or Minn. Ch. 144H, 245D, or 245H; (2) a school as defined in Minn. Stat. § 120A.05, Subds. 9, 11, and 13; and Minn. Ch. 124E; or (3) a non-licensed personal care provider organization as defined in Minn. Stat. § 256B.0625, Subd. 19a.
- E. “Immediately” means as soon as possible but in no event longer than 24 hours.
- F. “Maltreatment” means any of the following acts or omissions: (1) egregious harm under section III.C (and Minn. Stat. § 260E.03, Subd. 5); (2) neglect under section III.I (and *id.* Subd. 15); (3) physical abuse under section III.K (and *id.* Subd. 18); (4) sexual abuse under section III.N (and *id.* Subd. 20); (5) substantial child endangerment under section III.O (and *id.* Subd. 22); (6) threatened injury under section III.P (and *id.* Subd. 23); (7) mental injury under section III.H (and *id.* Subd. 13); and (8) maltreatment of a child in a facility.
- G. “Mandated Reporter” means any school personnel who knows or has reason to believe a child is being maltreated, or has been maltreated within the preceding three years.
- H. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- I. “Neglect” means the commission or omission any of the acts specified below, other than by accidental means:
 - 1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so;
 - 2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 - 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child’s own basic needs or safety, or the basic needs or safety of another child in their care;



4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications;
5. prenatal exposure to a controlled substance as defined in state law used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, ~~or~~ medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;
6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a person responsible for the child's care that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

- J. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- K. "Physical Abuse" means any physical injury, mental injury (under Minn. Stat. § 260E.03, Subd. 13), or threatened injury (under Minn. Stat. § 260E.03, Subd. 23), inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under Minn. Stat. § 125A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, executive director or school employee as allowed by Minn. Stat. § 121A.582.

Actions that are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) striking a child



who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child (i) poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child, or (ii) other substances that substantially affect the child's behavior, motor coordination, or judgment; that result in sickness or internal injury; or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379, including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- L. "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.
- M. "School Personnel" means professional employee or professional's delegate of the school who provides health, educational, social, psychological, law enforcement or child care services.
- N. "Sexual Abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined by Minn. Stat. § 260E.03, Subd. 21) or by a person in a current or recent position of authority (as defined by Minn. Stat. § 260E.03, Subd. 16) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, sexual extortion, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a child that constitutes a violation of Minnesota statutes prohibiting prostitution, use of a minor in a sexual performance, or child sex trafficking. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- O. "Substantial child endangerment" means that a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following: (1) egregious harm under Minn. Stat. § 260E.03, Subd. 5; (2) abandonment under Minn. Stat. § 260C.301, Subd. 2; (3) neglect under Minn. Stat. § 260E.03, Subd. 15, paragraph (a), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect; (4) murder in the first, second, or third degree under Minn. Stat. §§ 609.185, 609.19, or 609.195; (5) manslaughter in the first or second degree under Minn. Stat. §§ 609.20 or 609.205; (6) assault in the first, second, or third degree under Minn. Stat. §§ 609.221, 609.222, or 609.223; (7) solicitation, inducement, and promotion of prostitution under Minn. Stat. § 609.322; (8) criminal sexual conduct under Minn. Stat. §§ 609.342 to 609.345; (9) sexual extortion under Minn. Stat. § 609.3458; (10) solicitation of children to engage in sexual conduct under Minn. Stat. § 609.352; (11) malicious punishment or neglect or



endangerment of a child under Minn. Stat. §§ 609.377 or 609.378; (12) use of a minor in sexual performance under Minn. Stat. § 617.246; or (13) parental behavior, status, or condition that mandates that the county attorney file a termination of parental rights petition under Minn. Stat. § 260C.503, Subd. 2.

- P. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has (1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; or (4) committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

IV. REPORTING PROCEDURES

- A. The Minnesota Department of Education (MDE) is responsible for screening and investigating allegations of child maltreatment in schools and the school shall make its initial report of any allegations of child maltreatment in schools directly to the appropriate department at MDE. Reports of allegations of child maltreatment occurring outside of schools shall be made to the appropriate local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department.
- B. A mandated reporter shall immediately report the information to the local welfare agency, police department, county sheriff, tribal social services agency, tribal police department, or agency responsible for assessing or investigating the report. The reporter will include his or her name and address in the report. At the time the report is made, the reporter shall notify their building Principal or building supervisor of the report. The Principal or building supervisor shall notify the Executive Director. If the report involves the Principal or building supervisor, the reporter shall notify the Executive Director directly. If the report involves the Executive Director, the reporter shall notify the Principal or building supervisor, who shall notify the School Board Chair.
- C. An oral report shall be made immediately by telephone or otherwise. The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter. A copy of the written report shall be provided to the building Principal or building supervisor, who shall provide a copy of the written report to the Executive Director. If the written report involves the Principal or building supervisor, the reporter shall provide the written report to the Executive Director directly. If the written report involves the Executive Director, the reporter shall provide the written report to the Principal or building supervisor, who shall provide the written report to the School Board Chair.
- D. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school



facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- E. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- F. With the exception of a healthcare professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- G. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- H. The school shall not retaliate against a mandated reporter for reporting in good faith, or against a child with respect to whom a report is made, because of the report.
- I. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy may be subject to discipline, up to and including discharge. Minnesota law also provides that anyone who knowingly or recklessly makes a false report shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees.

V. INVESTIGATION

- A. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. When it is possible and the report alleges substantial child endangerment or sexual abuse, the interview may take place outside the presence of the alleged offender and may take place prior to any interviews of the alleged offender. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child.



- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged offender is believed to be a school official or employee, the time, place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.
- D. Where the alleged offender is believed to be a school official or employee, the school shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. DATA PRACTICES AND MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. A written notification provided to the school to interview a child on school property shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child.
- B. The name of the reporter of maltreatment shall be confidential data while the report is under assessment or investigation and after the assessment or investigation is completed.
- C. A local welfare or child protection agency, or the agency responsible for assessing or investigating the report of maltreatment, shall provide relevant private data on individuals to a mandated reporter who made the report and who has an ongoing responsibility for the health, education, or welfare of a child affected by the data, unless the agency determines that providing the data would not be in the best interests of the child. A reporter who receives private data on individuals under this subdivision must treat the data as private data.



- D. All records regarding a report of maltreatment, including any notification of intent to interview that was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the assessment or investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
- B. The Executive Director will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed regularly for compliance with state law.

ADOPTED BY THE BOARD ON: 09/2004

REVISED BY THE BOARD ON: 07/18/23