



**Official Policy**

**7 Students**

**7.05.POL Child Abuse and Neglect Prevention and Reporting Policy**

**Effective/Revision Date:** 12/14/2023

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**POLICY**

Ogden Preparatory Academy (the “School”) takes seriously the legal responsibility of its personnel to protect the physical and psychological well-being of its students. We believe that the School's personnel have an important role to play in the elimination of child abuse, because they are in a unique position to observe children over extended periods of time on a daily basis.

**MANDATORY REPORTING**

If a School employee *has reason to believe* that a child may have been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, human trafficking, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, the employee shall immediately make an oral report to the nearest peace officer, law enforcement agency or Division of Child Family Service (“DCFS”) and to the School’s Principal or School Counselor.

1. An oral report to a principal, supervisor, school nurse, school counselor, social worker, psychologist, or other District staff does not satisfy the employee’s personal duty to report to the nearest peace officer, law enforcement agency or DCFS.
2. The oral report to the nearest peace officer, law enforcement agency, or DCFS may be made with the Principal or School Counselor present, but the person making the report must be present.
3. The reporting employee must record the name of the individual and the agency contacted to make the required report.
4. The reporting employee must complete a copy of the Youth Concern Reporting Form (Form) and provide the original copy of the Form to the School Counselor within twenty-four hours.
5. The reporting employee may retain a copy of the Form for their records provided it is stored in a secure location.
6. The School Counselor will scan and upload the Form into a secure, digital file. The secure file will be accessible to Administration and The Mental Health Team.
7. The employee or School Counselor shall notify the Building Principal of the report within one business day.
8. The Principal will preserve the anonymity of the person making the report and any others involved in any investigation.

9. If the suspected perpetrator of child abuse or neglect is a School employee, the Principal shall immediately report the allegation to the Utah State Office of Education. Steps shall be taken to assure that further abuse or neglect is prevented by the suspected perpetrator.

### **LIMITED ROLE OF SCHOOL PERSONNEL IN INVESTIGATIONS**

Investigations of reports of abuse for children seventeen (17) years of age and younger are the responsibility of DCFS. However, to determine whether or not there is *reason to believe* that abuse or neglect has occurred, school employees may (but are not required) to gather information only to the extent necessary to determine whether a reportable circumstance exists.

1. Investigations by School Employees prior to submitting a report shall not go beyond what is minimally necessary to support a reasonable belief that a reportable problem exists.
2. School employees shall not contact the child's parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
3. It is not the responsibility of the Principal or any other school employees to prove who the abuser is or that the child has been abused or neglected, or to determine whether the child is in need of protection.
4. School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
5. Notes of voluntary or spontaneous statements by the child shall be given to the investigational agency.
6. The Principal may provide the child's parents with a basic notification of the alleged incident and that a report has been made to DCFS/law enforcement. The parents should then be told that they will receive any/all additional information about the investigation from DCFS.
7. If school officials are contacted by parents about child abuse reports, school personnel shall not confirm or deny that a contact or investigation is taking place. A school employee should refer the caller to law enforcement or DCFS.
8. School officials shall cooperate with DCFS and law enforcement employees authorized to investigate reports of alleged child abuse and neglect.

### **IMMUNITY FROM LIABILITY**

Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions.

### **FAILURE TO REPORT**

An individual is guilty of a class B misdemeanor if the individual willfully fails to report the suspected abuse or neglect.

If the School has substantial grounds to believe that an educator (as defined in Utah Code §53E-6-102) has knowingly failed to report suspected abuse or neglect, the School shall file a complaint with the Utah State Board of Education.

## **TRAINING**

### Child Abuse Reporting Training

The Business Director shall distribute annually to all school employees copies of the School's procedures for reporting suspected child abuse or neglect.

### Child Sexual Abuse Prevention Training

At least every other year, elementary and secondary school employees shall complete the USBE approved training and instruction on child sexual abuse and human trafficking prevention and awareness on the following subjects:

1. Responding to a disclosure of child sexual abuse in a supportive, appropriate manner
2. Identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation
3. The mandatory reporting requirements described in this policy.

### Document History

Approved: 12/12/2012

Revised: 11/11/2021 *Expanded to comply with state law and include procedural aspects of the policy.*

Revised: 12/14/2023 *Revised to clarify storage and completion of Youth Concern Reporting Form*

### Legal References

Utah Code Ann. § 53A-6-502

Utah Code Ann. § 62A-4a-402, et seq.

Utah Administrative Rules R277-401

HB 0218