



Book	Policy Manual
Section	8000 Operations
Title	STUDENT ABUSE, ABANDONMENT, AND NEGLECT
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#### 8462 - **STUDENT ABUSE, ABANDONMENT, AND NEGLECT**

Any person, including teachers, administrators, support personnel, and other District and school personnel, who knows, or has reasonable cause to suspect that a child or a student has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, adult, other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Florida Department of Children and Families ("DCF") in a manner prescribed by this policy.

In addition, any person, including teachers, administrators, support personnel, and other District and school personnel who knows, or has reasonable cause to suspect that a child or student is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, shall report such knowledge or suspicion to the Department of Children and Families.

Any person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in F.S. 775.082, 775.083, or 775.084.

Prohibiting or delaying an employee or subordinate from making a report of known or suspected child abuse or neglect may constitute a violation of law even if the supervisor intends to make the report themselves.

Although reports of known or suspected child abuse or neglect should always be made by the person first learning of the incident, persons with additional information regarding the incident must provide the information to the appropriate authority as outlined in Florida State statutes and this policy.

#### **Immunity from Liability**

Under Florida law, any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action. Further, no school district employee may be subjected to detrimental changes in employment status by reason of his or her making such report.

#### **General Definition of Child Abuse**

Child abuse includes harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of a parent, legal guardian, adult household member, legal custodian, caregiver, or other person responsible for the

child's welfare including an employee of any school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution legally responsible for the child's care. Harm to a child's health or welfare can occur when the parent or other person responsible for the child's welfare inflicts, or allows to be inflicted, upon the child physical, sexual, or mental injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Child abuse includes the neglect and abandonment of a child.

In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child:

- A. the age of the child;
- B. any prior history of injuries to the child;
- C. the location of the injury on the body of the child;
- D. the multiplicity of the injury; and
- E. the type of trauma inflicted.

### **Examples of Abuse, Neglect, and Abandonment**

**Physical Injury** - the result of willful acts that produce injuries.

**Mental Injury** - an injury to the intellectual or psychological capacity of a child as evidenced by discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

**Neglect** - depriving a child, or allowing a child to be deprived of, necessary food, clothing, shelter, or medical treatment, although financially able to provide such care, or permitting a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired.

**Sexual Abuse** - allowing the commission of sexual battery or lewd and lascivious acts, against or in the presences of the child or sexually exploiting the child.

**Abandonment** - making no provision for the child's support and failing to establish or maintain a substantial or positive relationship with the child.

**Child in Need of Supervision and Care** - when a child that has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

**Additional Categories of Abuse** - Exploiting a child, or allowing a child to be exploited (hiring and employing; infliction of pain or suffering); exposing a child to a controlled substance or alcohol; using mechanical devices, unreasonable restraints, or extended periods of isolation to control children; engaging in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child; negligently failing to protect a child from inflicted physical, mental, or sexual injury caused by the acts of another; allowing a child's sibling to die as a result of abuse or neglect.

Additional definitions of child abuse can be found in F.S. 39.01.

### **Child Abuse Reporting Procedures**

Complete the following procedures when reporting suspicion of child abuse, abandonment, neglect, or that a child is in need of supervision and care:

- A. Immediately report suspected abuse to the twenty-four (24) hour, toll-free DCF Central Abuse Hotline at 1-800-96- ABUSE (22873) or online at <https://www.myflfamilies.com/service-programs/abuse-hotline/report-online.shtml>. New allegations of child abuse require the immediate reporting of suspecting child abuse, neglect, and abandonment regardless of a child's current placement under the supervision of DCF.

The report should include the child's name, home address found in the Integrated Student Information System (ISIS) and on the Student Data Card, parent/guardian information, and any other identifiable information that will assist DCF in locating the child.

A determination should be made as to who perpetrated the abuse and where the incident occurred for appropriate law enforcement notification, and then no further questioning of the child by School Board employees shall take place.

Advise the Florida Abuse Hotline operator of whether the student is in school on the day that the report is made.

- B. Immediately notify (305) 995-COPS (2677) and the school site administrator that the abuse has been reported to the DCF Central Abuse Hotline.
- C. If the incident of suspected abuse alleges that a school board employee is the offender, follow the steps outlined above. Additionally, the site administrator must contact the Office of Professional Standards (OPS).
- D. School-site employees shall not contact the child's parent or guardian, including anyone who is in a parental relationship to a student or any person exercising supervisory authority over a child in place of the parent. The representative from DCF or law enforcement agency will contact the parent/guardian.
- E. Board employees shall not contact the alleged perpetrator. A representative from DCF or law enforcement will contact the alleged perpetrator.
- F. Maintain confidentiality of the report and suspected abuse at all times, notwithstanding providing information to officials for purposes of the investigation.
- G. Simply notifying a school site or work supervisor does not relieve the employee from the mandatory reporting requirements. School or other District personnel who are informed of suspected abuse, abandonment, and neglect are also obligated to report to the central abuse hotline.

No employee of the District shall be subject to reprisal or discharge because of his/her actions in reporting abuse, abandonment, or neglect pursuant to law and this policy.

No Board employee may agree, as a condition of receiving information about child abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other person, that the Board employee will not report this information as required by law and this Board policy.

#### **Post-Reporting Procedures**

- A. The person who reports the alleged abuse shall remain at the school and an appropriate Board employee shall remain with the child until a representative from DCF or law enforcement arrives on campus. At that point questioning of the child may resume, but only at the direction of either the DCF or law enforcement agency.
- B. In the event a report of suspected child abuse is made after regular school hours and a school administrator is unavailable because the report occurred after hours, the Board employee must be sure to inform the school administrator the following morning. Please note that the DCF Central Abuse Hotline must always be called.
- C. Do not maintain records or reports made pursuant to this policy as part of the student's educational record.
- D. Any school teacher or other school official or personnel who reports a case of child abuse may, at the time s/he makes the report, request that the department notify him/her that a child protective investigation occurred as a result of the report and may also request a written summary of the outcome of the investigation. DCF shall mail such a notice to the reporter within ten (10) days after completing the child protective investigation.
- E. After a call has been made to the hotline, all issues and concerns pertaining to the report should be directed to School Operations at 305-805-4600. Any issues and concerns occurring after business hours should be directed to 305-995- COPS (2677).

#### **Students Who Have Not Been Picked Up From School Or After School Care**

- A. If a student has not been picked up from school after dismissal, the principal or after school care manager shall make every effort to contact the parent/guardian or other authorized individuals listed on the Student Data /Emergency Contact Card.
- B. After two hours have passed from the regularly scheduled dismissal time, the principal may contact **1-800-96-ABUSE** (22873) to report the incident. This step should only be taken when all efforts have been exhausted with regard to contacting the parent/guardian or other authorized individuals on the student data card.

**DCF/Law Enforcement Investigations of Child Abuse****A. Arrival On Campus:**

Upon arriving on campus, all personnel from DCF will be required to produce their State issued identification. School personnel shall examine and verify the identity of the DCF representative and may call the Abuse Hotline to confirm but shall not make a photocopy of the ID or request any additional identification document or information. Because immediate investigation of child abuse is critical, every effort must be made to prevent delay in verification.

Upon the initiation of an investigation by DCF and/or law enforcement agency, no additional investigation should be initiated by any school-site personnel. Depending on the nature of the allegations, a representative from one or both of

those agencies has the authority to conduct an interview with a student on school premises during the school day and may come to school to do so. Upon arriving on campus the representative from DCF and/or law enforcement agency shall advise the principal of that agency's presence and purpose. Upon the presentation of proper identification, these individuals must be given access to the student.

**B. Interviewing Students**

A school staff member known to the child may be present during the interview only under the following conditions if:

1. A representative from DCF or law enforcement believes that the school staff member(s) could enhance the success of the interview, and a school-site administrator has informed the alleged abused child that the child may have a staff member present and the child chooses to do so.
2. When a determination has been made to conduct an interview on school grounds, it should be conducted in an area that ensures confidentiality and avoids embarrassment to the student.

**C. Removal of Students From Campus**

If the representative from DCF or law enforcement agency determines that the student is to be removed from school, this shall be done as inconspicuously and expeditiously as possible. Court orders shall not be required to commence an investigation or remove a child. The agency that removes the student from school shall be responsible for contacting that student's parent(s) or guardian(s).

A DCF employee who removes a child from campus must sign the student out of school pursuant to District policies and procedures.

Under no circumstance shall an alleged student witness be removed from the school or a school sponsored activity or event.

**D. Records and Information Sharing**

Access to any records or information reasonably necessary to ensure appropriate services for the child or for the safety of the child should be provided to DCF/law enforcement. Such records and information are otherwise confidential and may be shared with DCF/law enforcement only through an interagency agreement and in accordance with Federal and State law.

**Penalties For Failure To Comply With Mandatory Reporting Requirements**

- A. Any employee who is required to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.
- B. A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in F.S. 39.201 and 794.024 is guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or 775.083.

- C. A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Any employee who fails to abide by this policy may be subject to disciplinary action, up to and including dismissal from employment.

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Legal

- [F.S. 39.01](#)
- [F.S. 39.201](#)
- [F.S. 39.202](#)
- [F.S. 39.203](#)
- [F.S. 39.204](#)
- [F.S. 39.205](#)
- [F.S. 39.206](#)
- [F.S. 39.303 \(DELETE\)](#)
- [F.S. 1001.41 \(DELETE\)](#)
- [F.S. 1006.061](#)
- [F.S. 1012.98\(12\)](#)