PROGENY ACADEMY

POLICY #414: MANDATED REPORTING OF SUSPECTED CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE

I. PURPOSE

To ensure required reporting of suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

A. When school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years, the school personnel must immediately report their knowledge or belief.

B. The Director will establish and maintain regulation that:

- Define relevant terminology
- Prescribes reporting procedures
- Prescribes the investigation process
- Prescribes dissemination training regarding this Policy and Regulation

I. DEFINITIONS

A. "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

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 of event.

B. "Child" means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) 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. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. "Mandated Reporters" means any school staff who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.

E. "Neglect" means: the commission or omission of 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 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;

2. Failure to protect a child from conditions or actions, which seriously endanger the child's physical or mental health when reasonably able to do so;

3. Failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for their 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 their child with sympathomimetic medications;

5. Prenatal exposure to a controlled substance used by the mother for a non-medical 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's 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. 4, clause (5);

7. Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

8. Emotional harm from a pattern of behavior which 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 include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

F. "Nonmaltreatment mistake" means: (1) at the time of the incident, the individual Was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both

in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.

G. "Physical Abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care 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 by 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, which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which 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 which result in any non-accidental 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 poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or 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.

H. "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 neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

I. "School Personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or childcare services.

J. "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 in Minn. Stat. § 609.341, Subd.15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd.10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse, which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).

K. "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.

L. "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 employees or agents, 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.

M. "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 subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

II. REPORTING PROCEDURES

A. A mandated reporter, as defined herein, shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to Hennepin County Child Protection, Brooklyn Center Police Department, county sheriff, tribal social services, or tribal police department. The reporter will include their name and address in the report. If the mandated reporter receives a court order or subpoena, they are to contact the District's attorney for consultation.

B. Immediate Danger - If it is known or suspected that a child is in immediate Danger (such as recent sexual assault or a serious physical assault) or the child is abandoned, call Hennepin County Child Protection or the Brooklyn Center Police Department (i.e. School Liaison Officer). If the School Liaison Officer is not available, police dispatch should be contacted using 911.

C. No Immediate Danger - If the child is not in immediate danger, but there is reason to believe a child has been maltreated, Hennepin County Child Protection should be contacted.

D. The mandated reporter must file a written report within 72 hours of the oral report, excluding weekends and holidays. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter. Child Protection will direct the reporter where to fax the report. The written report is to be forwarded to the Administration office, where a copy will be maintained. This report shall be private data.

E. In situations where there is uncertainty regarding whether you should make a report, Hennepin County Child Protection should be contacted. The child protection staff will help determine if a report should be made.

F. A mandated reporter who know or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the Brooklyn Center Police Department or county sheriff.

G. With the exception of a health care 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 substances 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.

H. The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the reporting agencies listed in the appendix there is no requirement to file more than one report. However, if the initial report of child maltreatment in schools is not made to MDE, a report should also be made to MDE.

I. 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.

J. Submission of a good faith report under Minnesota law and this policy will not Adversely affect the reporter's employment, or the child's access to school.

K. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this Policy 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, and the reckless making of a false report may result in discipline. The court also may award attorney's fees.

L. District personnel should inform their direct supervisor regarding reporting matters. This information sharing is not in lieu of maltreatment reporting responsibilities on the part of mandated reporters. In addition, any individual may make a voluntary report to a child protection agency.

III. INVESTIGATION

A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The investigating agency may interview the child, the person or persons responsible for the child's care, the alleged perpetrator, or any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at a District school. The interview may take place outside the presence of a District official. 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. District 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.

B. When the investigating agency determines that an interview should take place on District property, written notification of intent to interview the child on District property will be received by District 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 statutory authority to conduct an interview on District property. This notification shall be private data.

C. Except where the alleged perpetrator is believed to be a school official or employee, the time, place, and manner of the interview on District premises shall be within the discretion of the District 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 District 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 District 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 District employees when an interview is conducted on District premises.

D. Where the alleged perpetrator is believed to be a District official or staff, the District shall conduct its own investigation independent of Minnesota Department of Education and, if involved, the local welfare or law enforcement agency.

E. Upon request by Minnesota Department of Education, the District shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a District facility, pursuant to an assessment or investigation of a maltreatment report of a student in the District. The District 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.

IV. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

All records regarding a report of maltreatment, including any written report or notification of intent to interview which was received by the District as described above in paragraph III B, shall be destroyed by the District only when ordered by the agency conducting the investigation or by a court of competent jurisdiction. Written reports to Child Protection will be kept in the Student Services Department.

V. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse also may 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.

VI. DISSEMINATION OF POLICY AND TRAINING

A. This policy shall be reviewed with each District staff at the time of entering into the person's employment contract.

B. The District will develop methods of discussing this policy with staff.

C. This policy shall be reviewed at least annually for compliance with state law.

ADOPTED: September 12, 2020
Reviewed/Revised: January 22, 2022; October 15, 2022; August 14, 2026

APPENDIX
REFERRAL RESOURCE CONTACT NUMBERS

Supervisor of Health Services 952-681-6518 Hennepin
Police Department 763-569-3333 (Brooklyn Center)
Department of Education 651-582-8546

REPORTING PROCEDURE SUMMARY

A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to Hennepin County Child Protection or the Brooklyn Center Police Department.

Immediate Danger
If you know or suspect that a child is in immediate danger (such as recent sexual assault or a serious physical assault) or the child is abandoned, contact Hennepin County Child Protection or the Brooklyn Center Police Department. (i.e. School Liaison Officer). If School Liaison Officer is not available, call police dispatch using 911.

No Immediate Danger
If the child is not in immediate danger, as soon as you have reason to believe a child has been maltreated, contact Hennepin County Child Protection. The mandated reporter must file a written report within 72 hours of the oral report, excluding weekends and holidays. Child Protection will direct reporter where to fax the report. The report is to be kept in the Assistant Superintendent's Office.

If you are unsure
If you are unsure whether you should make a report, call Hennepin County Child Protection. The child protection staff will help you decide if a report should be made based on the information you provide. If the mandated reporter receives a court order or subpoena, they are to contact the District's attorney for consultation.