

## Notice of Employee Responsibilities for Reporting Child Abuse and Neglect

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### **What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?**

Education Code 38.004 requires the District to provide a child abuse anti-victimization program in elementary and secondary schools. District policies addressing child abuse or neglect and reporting suspected incidents are in accordance with Family Code Chapter 261. Applicable Board policies include GRA(LOCAL), DH(LOCAL), and DH(EXHIBIT). In addition, these policies are distributed to all personnel at the beginning of each school year and at regular intervals. They are addressed in the staff development of all teachers and administrators as well. For applicable legal references, see FFG(LEGAL). If you have any questions about these policies, please contact Jose Villasenor, Program Director for PK-12 Parent/Student Responsive Counseling Services, at (972) 215-5025.

### **What are my legal responsibilities for reporting if I suspect that a child has been or may be abused or neglected?**

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

### **Are there any restrictions on reporting?**

Under state law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

### **To whom do I make a report?**

Reports may be made to any of the following:

- A law enforcement agency: Irving Police Department, (972) 721-2661;
- The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1-800-252-5400) or on the Web at [www.txabusehotline.org](http://www.txabusehotline.org); or

- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to CPS, unless the report is to the state agency that operates, licenses, certifies or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Probation Commission as a report of suspected abuse or neglect in a juvenile justice program or facility.

Reporting your suspicion to a school counselor, a principal, or to another school staff member does NOT fulfill your responsibilities under the law. Furthermore, the District cannot require you to report your suspicion first to a school administrator.

**Will my report be kept confidential?**

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

**Will I be liable in any way for making a report?**

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

**What will happen if I don't report suspected child abuse or neglect?**

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board for Educator Certification may be suspended, revoked, or canceled.

**What are my responsibilities regarding investigations of abuse or neglect?**

State law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.