Child Abuse and Neglect Policy for:
MATCH CHARTER PUBLIC SCHOOL

General Information

Massachusetts law requires that any person who is legally required to report suspected child abuse or neglect (a “mandated reporter”) who has reasonable cause to believe that a child under the age of 18 is suffering physical or emotional injury resulting from (1) abuse, including sexual abuse, (2) neglect, including malnutrition, or (3) physical dependence on an addictive drug at birth, shall immediately report this abuse or neglect to the Department of Children and Families (DCF) (either via the local area offices telephone directory or via the statewide DCF Child Abuse/Neglect Reporting Line, 1-800-KIDS-508 or the 24-hour reporting hotline: 1-800-792-5200).

Within 48 hours of the initial oral report, mandated reporters are required to notify DCF in writing. The report form can be found at http://www.mass.gov/eohhs/docs/dcf/child-abuse-reporting-form.pdf and should be sent by registered mail, with return receipt requested, to the appropriate DCF area office. A new report form must be completed for each new injury or re-injury.

In addition, a mandated reporter who has knowledge that a child under the age of 18 has died or suffered serious bodily injury as a result of abuse or neglect must make a report to the district attorney for the county in which the death occurred and the office of the chief medical examiner, and may make a report to DCF.

A mandated reporter who suspects the abuse or neglect of a child and fails to make a report is subject to criminal penalties. A mandated reporter who makes a report of suspected child abuse or neglect in good faith is immune from liability in any criminal or civil action filed in connection with the report so long as the reporter did not inflict the abuse or neglect.

Who must report?

Mandated reporters include medical practitioners and technicians, public and private school teachers and administrators, guidance counselors, attendance officers, psychologists, social workers, day care workers, foster parents, police and court officers, firefighters and others.

Any other person may report a case of child abuse or neglect when there is reasonable cause to believe that a child is suffering physical or emotional injury as a result of abuse or neglect.

For the sake of clarity, all employees of Match Charter Public School, The Match Foundation, Inc., and The Charles Sposato Graduate School of Education, Inc. (collectively, “Match Education”) who fall under the definition of a “Mandated Reporter” above are considered mandated reporters under this policy.

What to report?

Mandated reporters must report to DCF the suspected abuse or neglect of a child under the age of 18 by a person responsible for the child’s health or welfare, including personnel at Match Education.

Abuse
Abuse means the non-accidental commission of any act by a caretaker upon a child that causes, or creates a substantial risk of, physical or emotional injury. This includes:

- physical, mental, or emotional injury by other than accidental means, i.e., beatings, cuttings, burns, broken bones, multiple bruises;
- physical dependency on an addictive drug at birth, and
- an act by a caretaker involving a child that constitutes a sexual offense in MA or any sexual contact between a caretaker and a child under the care of that individual.

Neglect

Neglect is the failure of a caretaker either deliberately or through negligence or inability to take actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, guardianship, or other essential care, provided that such inability is not due solely to inadequate economic resources or the existence of a handicapping condition.

Immunity

Any person who makes a good faith report of abuse or neglect shall not be held liable in any civil or criminal action by reason of that report so long as the reporter did not cause the abuse or neglect.

Mandated reporters are required by law to share any relevant information about a student that DCF determines is relevant to its investigation of a case of suspected abuse or neglect, including student record information, without obtaining parental consent.

DCF is prohibited from disclosing the name of a reporter to the victim’s family unless ordered by a court or required by statute such as when DCF is required to provide the 51A report to the District Attorney or other law enforcement.

Consequences for violations of the reporting requirement

Any mandated reporter who fails to report suspected abuse or neglect of a child, or knowledge of a death or serious bodily injury resulting from child abuse or neglect, and any person who knowingly files a frivolous report will be subject to penalties as prescribed by law.

Prohibition of retaliation

Retaliation or discrimination against any employee for filing a good faith report of abuse or neglect, including a report of abuse or neglect by personnel at Match Education, or who testifies or is about to testify in any case involving child abuse or neglect, is strictly prohibited.

Any Match Education employee who perpetuates, inflicts, or causes the abuse of any child, or who otherwise violates this policy, including the prohibition against retaliation, will be subject to discipline, up to and including termination.

Procedures for Reporting Suspected Child Abuse and Neglect Cases
A Match Education employee who suspects the abuse or neglect of a child under the age of 18 shall immediately:

1. Report his or her concerns to the principal of the child’s school and confer with the school nurse. The nurse will be responsible for examining and documenting the child’s physical condition immediately.

2. The principal will obtain the data to be used when reporting a case of suspected child abuse to DCF through discussions with school administrators, teachers, student support personnel, and a review of appropriate educational and health records.

3. After collecting the relevant information, the principal, in consultation with the reporting employee, the nurse, and others as necessary, will determine whether there is reasonable cause to believe that the child may be suffering from abuse or neglect.

4. In the case of a disagreement concerning the need to report, the principal may not substitute his or her judgment for that of any mandated reporter. Although the agreement of all professionals involved is desirable, the principal MUST report to DCF even if he or she believes that the mandated reporter is mistaken in suspecting abuse or neglect. Failure to file a report as mandated by law will subject the principal (or other mandated reporters who fail to meet their statutory obligations) to disciplinary action.

5. To make a report of child abuse or neglect, the principal should immediately call the Screening Area Office of the DCF to report the case, or, if after 5:00 PM, the DCF Hotline number at 1-800-792-5200. The child who is the subject of the report may not be sent home from school before the verbal report has been made.

6. Within 48 hours of the initial oral report, the principal will send written notification to the DCF area office by registered mail. A confidential copy of the written notification form should be retained in the office of the principal or his or her designee.

7. If it is determined that an employee of Match Education has perpetrated or caused the abuse or neglect of a child, the offending employee will be subject to discipline, up to and including termination. If a Match Charter Public School employee who is an educator is terminated as a result of an internal investigation regarding the abuse or neglect of a student, the principal will report the matter within 30 days to the Commissioner of Elementary and Secondary Education. In addition, Match Education personnel should take prompt and effective steps to investigate an allegation that an employee has sexually harassed a student as per the Match Charter Public School Non-Discrimination and Harassment Policy.

8. The principal, in consultation with others as necessary, will decide whether, how, when, and by whom the family and child will be notified of this report. Although Match Charter Public School is not required by law to notify the family, such notification is recommended unless the child could be placed at risk of further abuse or neglect. DCF and the police can provide guidance in making this determination.
9. DCF investigators who meet with personnel at Match Charter Public School should be asked to identify themselves and to verify their assignment to the case. School-based staff should encourage them to interview the child at home in the presence of his or her parent or guardian, unless the report has been filed against the child’s parent or guardian. In this latter case, the interview of the child may be conducted in school in the presence of the principal or his or her designee and Match Charter Public School personnel should not inform the child’s parents or guardians that the child was interviewed by DCF.

10. Certain cases reported to DCF (such as sexual abuse and exploitation, serious physical abuse, and others) will be referred by DCF to the police and the District Attorney’s Office for investigation. In these circumstances, these agencies will typically conduct a multidisciplinary team investigation. This investigation will typically include interviews with the alleged victim(s), alleged perpetrator(s), and witness(es). Relevant investigative information will be provided to Match Charter Public School when appropriate, and as permitted by law.

11. Throughout the reporting, investigation, and follow-up process, school documentation must be maintained in a way that ensures confidentiality. Accordingly, reports of suspected abuse or neglect will not be part of a child’s educational record, but will instead be maintained separately. Match Charter Public School shall maintain files of the reports of suspected abuse or neglect for no more than five years.

12. The principal of each school will designate a representative who will ensure that, in the event of the absence of the principal, the above reporting procedures are followed as required by law.

13. In the event that the principal is the suspected offender, the principal’s direct supervisor shall assume the principal’s roles under this policy.

EMERGENCY PROTOCOL

In the event of a clear emergency where the life or safety of a child is in imminent danger, the principal or other mandated reporter should IMMEDIATELY notify the appropriate DCF area office and file the required 51A report. After 5:00 PM, the reporter should use the Child Abuse Hotline, at 1-800-792-5200. A written report must be filed within 48 hours.

DCF may take a child into immediate temporary custody, without parental permission or prior notice, if DCF has reasonable cause to believe that this action is necessary to protect him or her from further abuse or neglect. Emergency responses by DCF may include law enforcement, depending upon the nature of the incident reported. If DCF seeks to exercise this authority in the school setting, the principal shall:

1. verify the DCF representative’s identification in the student record;
2. contact the DCF representative’s immediate supervisor to verify the need for the DCF action; and
3. maintain a log, which should be filed with the office copy of the 51A report, of the action, the DCF employee(s) and area office involved; and other pertinent information related to the suspected abuse or neglect.
For more information about the obligation to report cases of suspected abuse or neglect, please see the Department of Elementary and Secondary Education advisory at http://www.doe.mass.edu/lawsregs/advisory/082010childabuse.html