

Mandated Reporting of Child Neglect or Physical or Sexual Abuse

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to fully comply with Minnesota Statutes requiring school personnel to report suspected child neglect or physical or sexual abuse.

B. It shall be a violation of this policy for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the 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.

III. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 121A.58 (Corporal Punishment)

Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)

Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)

Minn. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)

Minn. Stat. § 260C.007, Subd.4, clause (5) (Child in Need of Protection)

Minn. Stat. § 609.02, Subd.6 (Definitions–Dangerous Weapon)

Minn. Stat. § 609.341, Subd. 10 (Definitions–Position of Authority)

Minn. Stat. § 609.341, Subd. 15 (Definitions–Significant Relationship)

Minn. Stat. § 609.379 (Reasonable Force)

Minn. Stat. § 626.556 *et. seq.* (Reporting of Maltreatment of Minors)

Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances) 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)