

R277. Education, Administration.

R277-401. Child Abuse-Neglect Reporting by Education Personnel.

R277-401-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 62A-4a-403, which requires individuals to report suspected child abuse or neglect to appropriate authorities; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to clarify:

(a) the Board's support for taking early protective measures towards allegations of child abuse by education personnel whose daily contact with children places them in a unique position to identify and refer suspected cases of abuse or neglect; and

(b) the role of all school employees in reporting and participating in investigations of suspected child abuse and neglect.

R277-401-2. Definitions.

(1) "Abused child" has the same meaning as defined in Subsection 78A-6-105(2).

(2) "DCFS" means the Utah Division of Child and Family Services.

(3) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(4) "Neglected child" has the same meaning as defined in Subsection 78A-6-105(36).

R277-401-3. Policies and Procedures.

(1) Each LEA shall develop and adopt a child abuse-neglect policy, which shall include, at a minimum, the following provisions:

(a) an LEA employee shall cooperate with social service and law enforcement

agency employees authorized to investigate charges of child abuse and neglect, including:

(i) allowing appropriate access to students;

(ii) allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;

(iii) making no contact with the parents or legal guardians of children being questioned by DCFs or law enforcement authorities; and

(iv) maintaining appropriate confidentiality;

(b) an LEA shall preserve the anonymity of those reporting or investigating child abuse or neglect; and

(c)(i) any school employee who knows or reasonably believes that a child has been neglected, or physically or sexually abused, shall immediately notify the nearest peace officer, law enforcement agency, or DCFS.

(ii) If a school employee reasonably suspects child abuse or neglect, it is not the responsibility of the school employee to prove that the child has been abused or neglected, or determine whether the child is in need of protection.

(iii) Investigation by education personnel prior to submitting a report should not go beyond that necessary to support a reason to believe that a reportable problem exists.

(2) An LEA policy may direct a school employee to notify a school official of suspected neglect or abuse, but any such requirement shall clarify that notifying a school official does not satisfy the employee's personal duty to report to law enforcement or DCFS.

(3) Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions, as provided by law.

(4) An LEA shall annually notify an employee of the employee's legal responsibility to report suspected child abuse or neglect to appropriate authorities as described in Section 62A-4a-403.

KEY: child abuse, reporting, students, employee

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)