An Investigative Study Detailing Statutes, Policies, And Regulations For The Secondary Administrator When Dealing With The Abused Or Neglected Child

Barbara Jean Chilson
University of Nevada, Las Vegas

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An investigative study detailing statutes, policies, and regulations for the secondary administrator when dealing with the abused or neglected child

Chilson, Barbara Jean, Ed.D.
University of Nevada, Las Vegas, 1987

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AN INVESTIGATIVE STUDY DETAILING STATUTES, POLICIES, AND REGULATIONS FOR THE SECONDARY ADMINISTRATOR WHEN DEALING WITH THE ABUSED OR NEGLECTED CHILD

by

Barbara J. Chilson

A dissertation submitted in partial fulfillment of the requirements for the degree of

Doctor of Education

in

Educational Administration and Higher Education

Department of Educational Administration and Higher Education
University of Nevada, Las Vegas
June, 1987
The dissertation of Barbara J. Chilson for the degree of Doctor of Education in Educational Administration and Higher Education is approved.

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University of Nevada, Las Vegas
July, 1987
ABSTRACT

This study compared and contrasted administrative duties and responsibilities within six Western states when confronted with the problem of child abuse or neglect. Investigated were statutes, policies, and preventive and post-traumatic measures within the five largest school districts from each of the six states.

To conduct the investigation, six states which represented the Western region of the United States were selected. The five districts were chosen based upon student enrollment. Individuals within each district were contacted ranging from a school nurse to the director of pupil personnel. A series of five questions were presented:

1. What were the current district procedures in the cases of child abuse or neglect?

2. What were the immediate and long-term responsibilities of the secondary administrator within your district when an abused or neglected child had been identified?

3. How did your district differ from the others in your state in the handling of abused or neglected children?

4. Was there a problem with "reluctancy to report" on behalf of teachers and administrators?
5. How did state law translate into district policy for administrators?

Upon completion of the questionnaire, each individual was asked to mail policies, procedural guidelines, and any preventive and post-traumatic instructions that were used when dealing with child abuse or neglect.

One exemplary district was selected from each state to be presented in this study. That district was selected based upon its progressive or comprehensive approach to child abuse and neglect.

The following recommendations were offered: (1) that existing services be kept alive, provide new ones, and keep informing the parents of the students of what was available to them and what their choices were; (2) that an integration and interconnection of professionals within the schools be utilized to work with the students, teachers, and administrators; and (3) that child care was to be reassessed; instead of being considered only as a preparation for school, it would be seen as an ongoing intellectual and social opportunity.
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CHAPTER 1

Introduction

In undertaking this study, it was discovered at the outset that child sexual abuse and neglect were difficult to define in terms of the administrator and the role of the administrator in dealing with the student both prior to the abuse and upon the student's return to the educational environment from a temporary shelter. This definition was so difficult, in fact, that it was determined that there was no set of standards acceptable to all or even most professionals familiar with the problems of abuse and neglect. Because of the startling frequency at which sexual abuse and neglect occurred, a number of different definitions were formulated for practical use.

Every state had one or more definitions of sexual abuse and neglect in its laws which established official reporting procedures and defined jurisdiction. Various agencies then developed their own operational definitions for reporting cases. Definitions of abuse and neglect were based on assumptions regarding the development and dependent nature of children. Included among these assumptions was that until children were considered physically and mentally mature, they were dependent on adults for survival.

Most definitions of sexual abuse and neglect had common elements which described the parents' or guardians' unacceptable
acts or omissions, the intent behind the acts or omissions, and
the negative effect they may have had on the child.

Although society generally places the responsibilities on the child's parents, at the same time society grants to parents certain basic rights: To raise their children in accordance with their personal and religious beliefs, to preserve privacy in their homes, and to make decisions for their children until they are of age (U.S. Department of Health and Human Services, 1984, p. 1).

Sexual abuse and neglect laws were intended to place important restrictions on these rights. Children may not be harmed or threatened with harm as a result of their parents' behavior.

The values of the community influenced local definitions of sexual abuse and neglect because these values tended to affect the attitudes of adequate care and protection of the child. The school and the administrator were in the watchful eye of the community, which necessitated adaptation of their behaviors to the values and philosophies of the individual community. However, the duties and responsibilities of the administrator became so numerous as to appear unmanageable and contrary to effective educational leadership. "Schools have become increasingly complex, with the demands upon the principal greater than ever; yet, the principal has less authority today than a decade ago" (Perkins, 1978, p. 3).

While the phenomena of child sexual abuse and neglect were not recent societal occurrences, only recently were they given national attention. Commencing in 1962, state legislatures began enacting legislation designed to deal with the problems of child sexual abuse and neglect, and in 1974, a federal statute,
The Child Abuse Prevention and Treatment Act, was enacted. (A complete list of the statutes of the six Western states of Arizona, California, Nevada, New Mexico, Oregon, and Washington presented in this study were to be found in the Appendices.)

The purpose of this legislation was to provide federal financial assistance to states that had implemented programs for identification, prevention, and treatment of instances of sexual abuse and neglect.

Statement of the Problem

The purpose of this study was to describe the responsibilities of the secondary school administrator with regard to preventive and post-traumatic child abuse. Identification of the differing educational needs faced by abused and neglected children was also examined.

Pursuant to the above problem, the following questions were answered:

1. What were the current statutes within the states of Arizona, California, Nevada, New Mexico, Oregon, and Washington that dictated specific responsibilities with abused or neglected children?

2. How did state laws translate into district policy for administrators, and did current secondary-level programming allow for existence of a preventive and post-traumatic program; if so, what was being done by the six states for implementation?

3. Were administrative policies of the six states based on research in the supporting areas of psychology and counseling?
4. Did administrative policies and practices of these selected states conform with the research and recommendations by professional agencies such as the National Association of Secondary School Principals (NASSP)?

Significance of the Problem

Reporting the sexual abuse of a child was not considered the end of the protective process but rather the beginning. With the awareness and reporting of sexual abuse and neglect on the increase, administrators had become better informed concerning the need for educational intervention. Treatment, rehabilitation, strengthening of family life, prevention, and meeting the needs of the child were factors considered for future time frames. Traditionally, the role of the administrator in sexual abuse and neglect was terminated with a report.

During initial legislation, child abuse and neglect required only physicians to report instances of suspected abuse or neglect. In subsequent legislation, in addition to medical personnel, other professionals were often required to report instances of abuse and neglect. By 1983, forty-nine states mandated that teachers report to certain authorities suspected instances of child abuse or neglect. Only Vermont did not require teachers to report suspected instances of child abuse or neglect, and included teachers or administrators in a category of permissible reporters.
Legislation requiring the reporting of child abuse and neglect by certain professionals had resulted in significantly increasing the number of cases reported to the authorities. For example, since New York enacted mandatory reporting, the number of cases reported by professional groups increased from 3 percent to 44 percent of total cases reported. Unfortunately, despite ample opportunity to observe and monitor their students in a continuing and consistent manner, teachers were particularly reluctant to report suspected instances of child abuse and neglect (Salmon, 1986).

The significance of addressing the problem cited herein was illustrated by the following conditions:

1. There were no current awareness programs available to meet the educational, emotional, and physical needs of the abused or neglected child on the secondary level (Davis, 1984).

2. Current curriculum guides allowed for the education and re-education of students involved in drug and alcohol abuse yet failed to meet the needs of the abused or neglected child (Broadhurst, 1984).

3. Schools needed to be actively involved in an effort to reduce the incidence of child abuse and neglect (Perkins, 1978).

4. In accordance with the Education For All Handicapped Children Act (P.L. 94-142), many schools formed professional teams to develop these individual education plans for handicapped children. These teams usually included a psychologist, social worker, speech therapist, reading
specialist, and many others. Children who had been abused or neglected were also children with special needs. It would have been beneficial for these children to have been exposed to professionals with the proper credentialed background (Broadhurst, 1984).

Delimitations of the Study
This study was delimited by the following factors:
1. The nature of the study was descriptive.
2. The study was determined by the amount of research and information available regarding the administrator and his responsibilities in dealing with the problem of abuse and neglect in today's schools.
3. Only those statutes, policies, and regulations that dealt with the abused or neglected child were analyzed.
4. The foundation of the conclusions was based upon the amount of returned information received from the five largest districts within each of the six Western states.

Assumptions of the Study
The following assumptions were made regarding this study:
1. Statutory protection and legal identity were essential aspects of protection for school administrators.
2. Programs that dealt with the abused or neglected child were currently non-existent or in the fundamental states of development.
3. In most districts, specific regulations and guidelines
were currently the only resources available for administrative use on a daily basis.

4. The reporting of abuse and neglect was on the increase with perhaps a direct and common link to the increasing and unsolved problem of the student drop-out rate.

Method of Research

Agencies such as WE CAN, Inc. (Working to Eliminate Child Abuse and Neglect), the American Humane Association, the Rape Crisis Center, the Legislative Council Bureau, the Las Vegas Metropolitan Police Department, State Welfare Division, and the Clark County Juvenile Court Services-Protective Services supplied an ample amount of information regarding the current legislation and state statutes directly affecting the abused or neglected child. Various individuals within the community were interviewed, and valuable information obtained was used in the suggestion of future implementation of preventive and post-trauma programs.

The following questions were exemplary of those asked:

1. Was there a problem with child abuse and neglect within society?

2. Were incidents of abuse and neglect on the increase, or were more teachers, parents, neighbors, etc., coming forth with suspected reports?

3. Did the secondary schools have the responsibility of providing preventive and post-trauma abuse and neglect programs?

4. Was there a correlation between the increased drop-out
rate of secondary students and abuse or neglect?

5. If the preventive and post-trauma programs were introduced into the secondary schools, who was most qualified to teach those programs?

Research was also done at the Clark County Law Library located on South Third Street in Las Vegas, Nevada. Findings verified the state statutes for each of the six Western states used in the study. Legislation and its implications for secondary administrators were also focused upon.

ERIC (Educational Resources Information Center) searches were obtained to verify and update the role and functions of the administrator in dealing with the abused or neglected child in the educational setting. Descriptors such as child abuse, child neglect, sexual abuse, secondary education, high schools, and administrator were frequently used as entries.

Lastly, five districts (the largest five, based on enrollment) were contacted in the states of Arizona, California, Nevada, New Mexico, Oregon, and Washington requesting district policy and administrative procedure in cases of abuse and neglect. The following questions were used to obtain the needed information:

1. What were the current district procedures in cases of child abuse and neglect?

2. What were the immediate and long-term responsibilities of the secondary administrators within the district when an abused or neglected child was identified?
3. How did the district differ from others in the handling of abused or neglected children?

4. Was there a problem of "reluctancy to report" on behalf of administrators or teachers?

5. How did the state law translate into district policy for administrators?

Theoretical Base

Many theories had been put forth regarding the role of the administrator who dealt with administrative problems in various educational settings. The theory of this study was that of the formal organization as viewed by Bidwell (1965), whose work, based on empirical research on the public schools, made two basic assumptions about the nature of schools: (1) Schools were client-serving organizations; and (2) the central goal of schools was to prepare students for adulthood.

Bidwell (1965) continued by stating that the "school system is responsible for a uniform product of certain quality" and "... must routinize the variability of its service procedures" (p. 974). Bidwell felt that the division of labor within the school system was twofold, temporal and functional, and made two statements concerning the division of labor:

1. The elementary level, in which the content is to be learned, is relatively undifferentiated. The teacher is responsible for almost all instruction. The temporal dimension is the one significant basis for a division of labor.
2. In the higher grades, where the curriculum is most important and specialized, the functional principal is in a critical role, and the teachers
interact with the students through a specialty (p. 975).

In conclusion, Bidwell stated: "The problem of dealing with variability in students is vested in the classroom teacher; however, the problem of adhering to universalistic criteria is vested in the administration" (Bidwell, 1965, p. 975).

Research on the high school as a small society revealed that the students' dominant orientations were toward the non-academic sectors of school activity. In comparing Bidwell (1965) with the research on this topic, it was evident that he made a comparison of the success of young people to their level of success within the school, especially in their secondary educational experiences. He made many references to the fact that students' "dominant orientations were towards the non-academic sectors of school activity" (p. 975). If students' individual rights and freedoms were challenged, their success was bound to be limited or even nonexistent.

Definition of Terms

Abused Child - the product of child abuse. Any person under the age of eighteen years of age in the charge of a caretaker who is non-accidentally injured by an act of omission or commission.

Aggression - behavior that is characterized by offensive acts or attacks; action or activity carried out on the child in a forceful manner.

Caretaker - anyone responsible for the health and well-being of
a child. A caretaker may be a parent, guardian, foster parent, teacher, babysitter, or other person charged with the care of the child.

**Commission** - a willful or volitional act.

**Extended Diagnosis** - the use of social, emotional, economic, or other environmental factors which tend to confirm or deny suspected cases of child abuse.

**Gross Examination** - physical examination without the aid of radiologic instruments or surgical entry.

**Group Care** - a children's residential group home that has the physical capacity, plans, and resources to care for a selected group of children on a twenty-four-hour basis. Group homes are single dwellings in which there is on-going family life.

**Home Management** - to assist all eligible individuals to obtain formal training and instruction in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, child-rearing, and health maintenance upon request.

**Omission** - the act of neglecting or leaving undone; neglect of duty, failure to act, etc.

**Protective Services Intervention** - activities necessary to protect a child from abuse, neglect, or exploitation to insure that no further harm will come to the child including: investigation of complaints, home evaluation, referral for services, or removal of the child from the home if needed.
Psychological Injury - that which adversely affects the emotional or intellectual well-being of a child.

Shelter Care - short-term family care in a community-based, physically unrestricted facility pending judicial disposition for those children who cannot remain in their present home due to unacceptable conditions.

Short-Term Shelter Care - temporary care for a period, generally not to exceed fourteen days; in most cases, this allows staff time to adequately protect and evaluate the child and his family and to recommend child and family planning to the court in order for the court to make a disposition in the best interests of the child.

Therapeutic Diagnosis - the identification of a disease or a pathological state by removal of the patient from his usual setting, providing controlled treatment in a hospital or other therapeutic milieu, and comparing and contrasting observed differences.

Withdrawal - the act of retreating physically or emotionally to a less exposed position, characterized by a low frequency of social interaction.

Organization of the Study

A brief description of information presented in this dissertation followed. Chapter 1 included an introduction, statement of the problem, significance of the problem, delimitations of the study, assumptions of the study, method of research, theoretical base, and definition of the terms.
Chapter 2 presented a review of literature concerning federal statutes, rights and duties, when reporting child abuse and neglect, the NASSP guidelines, suggested implementation of educational programs for preventive and post-traumatic children, and the responsibilities of the secondary administrator as mandated by the current statutes. Chapter 3 discussed the research procedures. Chapter 4 presented statutes, legislation, and current operational procedures for administrators in each of the six states, when dealing with abused or neglected children. Chapter 5 included a brief restatement of the problem, a summary of the research, conclusions, and recommendations for further studies.
CHAPTER 2

Review of Literature

The foundation of this study was based upon the following question:

To what extent were secondary administrators responsible for the prevention and post-trauma support for the abused and neglected child?

The review of the related literature examined the following aspects of the secondary administrator and his role in the problem of child abuse and neglect:

Part I: Federal statutes, rights and duties when reporting child abuse and neglect.

Part II: Procedural guidelines developed by the National Association of Secondary School Principals (NASSP) for use by secondary administrators.

Part III: Suggested implementation of educational programs dealing with the abused or neglected child in both the preventive and post-trauma phase.

Part IV: The role and responsibilities of the secondary administrator as mandated by the current statutes on abuse and neglect.
Part I: Federal Statutes, Rights and Duties When Reporting Child Abuse and Neglect

The duties of the secondary administrator assumed many different directions; however, the following statement synthesized the essence of his identity:

The title of the principal is an appropriate designation for the chief administrator of a single school. This does not mean that his responsibility is limited to a particular building but rather to an organizational segment of a program, a level of instruction, or a group of grades housed in one building, a building complex, or two or more buildings substantially distant from each other. Modifiers of the title might apply to the other grade level or to the organizational or operational plan. Hence, the general concept of the building principal, supervising principal, house principal (when a large school is subdivided into smaller, parallel, and largely autonomous units), elementary principal, intermediate principal, junior high principal, secondary principal, and, indicating the part-time nature of the position in some small schools, the teacher-principal (Deighton, 1971, p. 211).

The evolution of the title and the job responsibilities was not always progressive or definite. Ensign wrote in 1923:

The high school principal in its present broad functions is an institution of today. It has no history. It has not yet established itself so that there is a standardization of its duties and responsibilities. Yet, in its origin, it is the oldest of our educational offices (p. 405).

Clearly, the legal rights and duties of the administrator had changed throughout the years. The standards to which he must adhere were revised and redefined throughout history.

At the federal level, there were pertinent standards and regulations directly applicable to reporting child abuse and neglect by educators. They included the Draft Federal Standards for Child

In 1973, the NCCAN issued their Draft Federal Standards. These standards were not regulations with which an agency must comply; rather they were standards of good practice to be followed by any agency wishing to have an effective, well-balanced child abuse and neglect prevention and treatment program (Broadhurst, 1984).

The Draft Federal Standards represented the culmination of a long process of review and analysis of current practice. They encompassed a broad range of topics such as reporting procedures, treatment approaches, prevention programs, and coordination of public and private programs, and included guidelines for achieving change (Broadhurst, 1984).

The Federal Family Educational Rights and Privacy Act of 1974 (FERPA), which governs the release of information from school records, does not bar the reporting of suspected child abuse and neglect by educators. In the majority of cases, however, educators will be relying not only on school records, but their own personal knowledge and observations when reporting a case of suspected child abuse and neglect. Since no school records are involved in these cases FERPA does not apply. In a small number of cases, however, it may be necessary to consult school records in order to determine whether a report of suspected child abuse or neglect should be made. Ordinarily, parental consent is required before information contained in school records can be released. However, there are exceptions which can apply in the case of suspected child abuse or neglect. Prior parental consent is not required when disclosing information from school records if a "health or safety emergency" exists.
It is the position of NCCAN and the Fair Information Practice Staff (the DHEW unit which administers FERPA) that child abuse and neglect generally may be considered a "health or safety emergency" if the state definition of child abuse and neglect is limited to situations in which a child's health or safety is endangered. Further, NCCAN and the Fair Information Practice Staff have agreed that responsibility for determining whether a "health or safety emergency" exists must be made by the school official involved, on a case-by-case basis. Thus if a school official determines that an emergency exists, information contained in school records can be disclosed without parental consent and without violating the provisions of FERPA (Fraser, 1977, pp. 43-44).

Another exception to the prior consent rule existed if the release of information contained in school records was made to "State and local officials or authorities to whom such information is specifically required to be disclosed pursuant to State Statute adopted prior to November 19, 1974" (Fraser, 1977, p. 44).

Most state child abuse and neglect reporting statutes required reporting by educators to state or local authorities and were enacted prior to November, 1974. Thus, in the majority of the states, release of information from school records to state or local Child Protective Services (CPS) agencies was permitted under FERPA. Educators and administrators were to check with legal counsel to be certain whether a particular state enacted a reporting law prior to November 19, 1974. A final exception to the prior parental consent rule was provided in FERPA, Section 99. This section provided that any information contained in school records might be released without parental consent to "comply with a judicial order or lawfully issued subpoena; provided that . . . (the school) makes a reasonable effort to notify the parent . . . in advance of compliance" (Fraser, 1977, p. 45).
Each of the fifty states, the District of Columbia, and the U.S. territories had child abuse and neglect reporting statutes. While each of these laws differed from the others in one or more ways, all shared a common framework. In general, state reporting statutes defined child abuse and neglect and specified who was to report it, to whom it was to be reported, and the form and content of the report. Because of the wide diversity of laws, particularly with regard to the definition of child abuse and neglect, and because of the need for accuracy, administrators were encouraged to obtain a copy of their own state's reporting statute.

Some state statutes varied with respect to when a report was to be filed. Reports were to be made immediately, within a twenty-four-to-forty-eight-hour time period, or during some other time frame. In some instances, more than one report was required, for example, a written and oral report, and each report was to have its own specified time period. Again, it was necessary to check state statutes to be certain which provisions applied in a given jurisdiction (Broadhurst, 1984).

In some states, administrators and teachers were required to report suspected child abuse and neglect cases directly to a specified agency. In other states, some teachers were required to report to their principal who, in turn, was required to make the official report. Some statutes specified which course reporting took in a given jurisdiction (Broadhurst, 1984).
Part II: Procedural Guidelines Developed by NASSP for Use by Secondary Principals

The school had frequently served as a focal point for services to children and families. The expertise needed to assess special needs and to design programs to fit those needs already existed within the schools. However, these needs were not the needs of the abused or neglected child.

While reporting child abuse and neglect and improving services to families were effective means of preventing child abuse and neglect from recurring, the major thrust of prevention was to stop child abuse and neglect from occurring at all. Schools were in a unique position to address this particular problem through school-based programs, school community programs, and individual action.

The regular school program offered opportunity to support the abused or neglected child. The negative self-image and concepts common among these children could be offset by positive school experiences, a sense of achievement and accomplishment. The feeling of isolation abused and neglected children frequently experienced could be counteracted by provision of increased contact with classmates and the chance to meet and make new friends. Warm and sympathetic teachers, counselors, and administrators allowed children to see adults in a caring, positive, and supportive role.

For the older child who was physically abused, school might have been his only recourse. And yet it was this very source of
help that so often let him flounder and return to his home day after day to be the continued victim of abuse (Fraser, 1977).

The school-aged child was somewhat forgotten and pushed into the background in previous studies of child abuse. The strong emphasis was on the battered baby, the child of three years of age and under. The school could have provided a resource for early case finding that would have permitted the development of a therapeutic, family-oriented program. The major question was: If a child of school age were abused or subjected to incest, was the school system prepared and willing to provide help to the child and his family through an adequate and effective system of reporting? Since its inception, the school program was the greatest source of uncovering these problems in many school districts. Any program was meaningless, if there was poor communication between the school and the agency to whom it was to report. Numerous responses had indicated a type of bitterness on the part of school personnel who had reported a case of abuse only to have it ignored or improperly handled by welfare departments or the police (Knapp, 1983).

An administrator in a large metropolitan school district was interviewed as to how the problem of abuse is handled in a large school system. He said that he felt, generally, school children are not abused at home because the parents know that the child is old enough to "snitch" on them and, therefore, would get them in trouble. He felt that parents would fear this risk, so they rarely would touch the child. A colleague in this administrator's office stated that abuse did not occur; besides, there was no sense in doing anything about it since a judge in court would feel that parents can do what they want with their own children. These two responses came from the officials who are responsible for educating the teachers within their school system about the problem of abuse (Reskow, 1973, p. 49).
Concerning the role of the school and child abuse, NASSP stated: "The fact that abused and neglected children may be found in every community across the nation is compelling reason for educators to become involved in child abuse and neglect treatment and prevention" (NASSP, 1980, p. 1).

By May of 1980, all states but one had reporting statutes that mandated reporting by teachers, and/or "other school personnel" and/or "any other person." The importance of the role of the school and its principal was made quite clear by the NASSP:

Schools are the only places in which children are seen daily over periods of time by professionals trained to observe their appearance and behavior. Not only does the school setting offer a continuum of time for observation, it offers the unique opportunity to compare and contrast behaviors which are unusual with those which are not unusual (NASSP, 1980, p. 2).

Lastly, the NASSP addressed the question of faculty responsibility:

Another key area of concern for the principal is whether there is a legal duty to "instruct" his faculty on the requirements of child abuse and neglect statutes. To date this question has not been specifically addressed by the courts, but it is clear that the administrator has a moral and legal responsibility to see students in school protected and a professional responsibility to improve the competence of his staff (NASSP, 1980, p. 3).

Current standard operating procedure. School personnel had been forced to accept their responsibility to the abused children enrolled in their system. Their early involvement had frequently been the establishment of an effective therapeutic program. A standard operating procedure in many states included the following:
1. Special training programs for teachers and administrators to enable them to recognize suspected cases of physical abuse.

2. Specific instructions given to the teacher to report all suspected cases to a stated individual in his school.

3. Examination of the child by a local physician who would interview the parents and report the case to the proper agency.

4. Communication between the administrator and the proper agency for the purpose of developing a therapeutic plan.

5. A follow-through system established by the school to make certain that the case was handled properly and the therapeutic plan is working ("Child Abuse and Neglect," 1981).

Following was a state-by-state listing of those tables indicating "who must report" and "reporting procedure" provided by the NASSP.
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Part III: Educational Programs Dealing with the Abused or Neglected Child in Both Preventive and Post-Trauma Treatment

Reporting was the beginning, not the end, of the child protective process. Traditionally, the role of the administrator or educator had stopped with the reporting. Increasingly, administrators and educators were providing assistance and support to various agencies by sharing relevant information about specific families and the children after they had been reported; by providing services for the child, parent, and the family; and by participating on a multi-disciplinary team.

The school had become one of the most important institutions in the life of the child and for the family as well. Currently, administrators were trained to possess the needed expertise to assess the special needs of the abused child. However, implementing any type of educational program from a temporary shelter was nonexistent.

Parents involved in child abuse and neglect were frequently lonely, isolated, and experiencing periods of great personal or family stress. Some schools and community agencies provided programs and services which could directly benefit these parents. These services were also made directly available to the teachers. These programs included:

1. Parent education programs which emphasized the unique skills of parenting and assisted parents to understand that parenting skills were learned, not instinctive.

2. Early childhood programs which emphasized the process of child development.
3. Counseling programs that ranged from job skill counseling and programs in alcoholism and drug abuse that assisted parents in the use of alternatives to physical punishment as a form of discipline.

4. Adult education programs that included high school completion, high school equivalency, occupational training, and leisure-time activities and recreation programs.

5. "In-house" programs, on the secondary level, for the prevention and post-treatment of abused or neglected children.

In The Maltreatment of the School-Aged Child, Breton spoke specifically of the school's role in the coordination of child protection efforts.

In the literature on child abuse and neglect there is a growing recognition of the need for school-based child-protection efforts. . . . There is also a burgeoning of awareness of the necessity for schools to link up with neighborhood-based natural helping networks. . . . Child-protection teams are seen as the most effective mechanism through which school staff can be helped to detect, report, and participate in the treatment of child abuse and neglect, whereas linking up with neighborhood networks is seen as a method of primary prevention of child maltreatment.

To advocate these two types of efforts on behalf of children is to demand that schools, already expected to meet many different needs of children, apart from their needs to learn, take on yet additional functions. If we make this demand, we must be ready to prevent problems of system overload. Therefore, ways must be found to facilitate the incorporation of these child-protection functions into the traditional educational system.

One effective way is to assign to an individual the responsibility of coordinating these functions. Without such coordination, functions will be unnecessarily
duplicated and may even operate at cross purposes. For instance, an in-school child-protection team may spend hours trying to figure out who, in the community, could best serve as a parent aide to an abusive mother while a neighborhood group connected to the school could propose a number of such persons within a matter of minutes.

To further facilitate the incorporation of new functions into a system, it is important that their coordination be done without unduly upsetting the system—in other words, it must be done at minimum cost. In the present context, this implied finding someone, within the school staff, who will most naturally step into the role of coordinator, and whose appointment as such will be accepted by the staff. But as this person will be coordinating the efforts of a school-based inter-professional team and neighborhood-based natural helping networks, she will need to be accepted not only by the school staff but also by various groups and natural helpers in the community. This means she must be capable of moving freely from school to community, be as familiar with and knowledgeable about one milieu as the other, and especially have as much credibility in one environment as in the other.

School social workers, public health nurses, counselors, teachers, and psychologists increasingly operate at the interface of schools and their communities. . . . According to a recent survey, school social work today is in transition from a predominantly clinical casework approach to solving students' problems to that of home-school-community liaison and educational counseling with the child and his parents.

Depending on circumstances, any of these professionals could take on the coordinating function just described. To do so, however, they must expand their perception of their role to include this specific function (Breton, 1980, p. 111).

Breton (1980) continued to speak of the role that the "coordinator" played in relation to neighborhood "natural helping networks":

To play an effective role in relation to the natural helping networks that exist in the school's neighborhood, the coordinator must recognize their potential as a means of preventing child abuse and neglect. Furthermore, she must be prepared to perceive and relate to natural helpers as peers, without which her interaction will come to naught, as Collins and Pancoast point out in their study of the "Day Care Neighbor Service": "The welfare worker
remarked that . . . she did not become cognizant of the helping potential of Mrs. C., and Mrs. Y., until she began to work with them as colleagues."

Convinced of the preventive potential of natural helping networks and ready to treat natural helpers as equals, the coordinator can then take on a number of tasks which will result in productive interactions with these networks. These tasks should include consulting with groups and individuals in the neighborhood, supporting the development of, and leading community groups, enabling community participation in school programs, working on behalf of existing groups for the use of school space, and reaching out in the community to detect natural helpers and natural helping networks (p. 111).

The coordinator is also in a position to be a consultant to both groups and individuals.

The coordinator will want to offer her services as a consultant to groups and individuals in the community, either on an intermittent or on a regular basis, in a manner similar to that of professionals acting as consultants to Parents' Anonymous groups. . . . The key here is role flexibility: the coordinator must be prepared to interact with natural helping networks in the way both she and they judge appropriate, remembering that natural-help groups can act "as self-sufficient programs, concurrent treatment programs [or] as sources of information and users of consultation." . . . This consultive role will be instrumental in fostering a climate of goodwill between school and community, for people do welcome expert help and advice when it is not imposed on them. The coordinator can share her expertise in such areas as the use of small-group processes, helping networks to iron out interactional problems, resource information and referral, helping groups and individuals to get connected with various welfare and social institutions, and personal and family counseling (p. 112).

Lastly, Breton (1980) recognized that we, as administrators, must use the community and the experts therein as active participants in applying educational preventive and post-trauma treatment programs.

Recognizing the helper-therapy principle, which states that those who help are helped most, . . . the coordinator will endeavor to find ways of introducing people from the neighborhood into appropriate school programs. This could
mean asking women to serve as lunch ladies, working in
the cafeteria and overseeing the lunch period, or
inviting talented individuals, unemployed young people,
or isolated mothers, for instance, to help out with arts-
and-crafts classes, or getting the known nurturers or
mothering types to act as aides in day-care programs or
to participate in classes on child management.

In any given community, there are many capable individu­
als who would be willing to help the local school
fulfill its purpose. It is usually the neighborhood
natural helping networks who know about these individuals
and who are able to reach them. Therefore, the co­
ordinator should use the networks as sources of
information and enlist their help in planning and
organizing the participation of members of the community
in various school programs. For such joint community-
school efforts to be successful, the idea of community
participation must be accepted by both parties. Promoting
such an idea will be a major task of the coordinator.

Furthering the idea of community participation in school
programs is one aspect of the public-relations function
the coordinator must assume. The other is advocating the
use of school space by community groups. The school
principal may have to be convinced that these groups will
act responsibly and not damage school property: this is
a common concern on the part of principals. On the other
hand, some groups may have negative feeling toward an
institution they perceive as powerful and authoritarian
and be reluctant to meet in a school.

But self-help groups often have difficulty finding an
appropriate meeting place, and the neighborhood school
certainly appears more normal and less threatening an
institution than, for example, a social-work agency or a
mental-health center. Therefore, if it is possible for a
school to provide space for groups, the coordinator should
make the necessary arrangements to ensure that the
possibility becomes a reality (Breton, 1980, p. 113).

Part IV: The Role and Responsibilities of the Secondary
Administrator as Mandated by the Current Statutes on Abuse and
Neglect

Public schools functioned because of the cooperation and teamwork
of administrators, teachers, counselors, and other support personnel.
For schools to be effective in fighting the rising tide of abuse and
neglect, educators at all levels had to function in accordance with the statutes and regulations which applied to them.

In recent years, counselors joined other school personnel in acknowledging that child abuse was a serious and fairly wide-spread problem which often required immediate attention in the school setting. A number of theories were put forth by counselors, developmental psychologists, and other mental health professionals to account for the entire pattern of child abuse, which was usually perpetrated by parents.

The first comprehensive effort to view child abuse as a syndrome was credited to a counselor, C. Henry Kempe, who published an article on the problem in 1962. Six years later, Kempe and another researcher edited a major work on the battered-child syndrome. Their finding: "The subject is clearly multidisciplinary: of equal concern to psychologists, pediatricians, social workers, nurses, teachers, and specialists in the mental health professions" (Martin, 1976, Preface, p. XV). They were truly the initiators of research efforts aimed at uncovering the family dynamics that led to abusive or potentially abusive conditions.

Belkin (1981), in Practical Counseling in the Schools, cited several definitions of child abuse that were currently in use by several researchers:

There is no clear-cut, universally accepted definition of child abuse. Generally, however, care is taken to distinguish between the physically abused— or "battered"—child, and the child who is psychologically neglected, but not physically assaulted by the parents. A number of operational definitions have been suggested for research purposes. In one study, . . . a narrow definition was used: "A 'battered' or 'abused' child was defined as any child under ten years of age
hospitalized because of physical injuries believed to have been caused intentionally by a parent, other household member, or a regular caretaker.

In many studies, however, child abuse is defined more broadly to include severe neglect as well as assault. . . . Although this poses a certain problem inasmuch as the evidence against the abusive parent usually emphasizes the violent physical assault in which the parent loses control as a result of experiencing rage, the broader definition is more helpful in efforts to help the abused child in the school setting. It is the child who is the victim of severe parental neglect that makes it to the school, while the physically beaten child lies in the hospital or clinic recovering from an "accident" (Belkin, 1981, p. 85).

In order for a counselor to effectively have intervened in this situation, it was most helpful for him to have some understanding of the psychological profile of the abusive parent. General descriptions such as "highly disturbed individuals who themselves were severely abused in childhood"; "the parent is usually insecure, violent, unable to control anger"; "projects his own inadequacies on his own child"; "poor self-image"; and lastly, "have unrealistic expectations of their children" were cited by Belkin (1981).

Fairchild (1986), in *Crisis Intervention for School-Based Helpers*, provided a list of seven specific behaviors exhibited by parents for school counselors to monitor:

1. Parents take an unusually long time to seek medical attention for their children.
2. Parents display a marked reluctance to share information about their children.
3. Parents are unusually difficult to locate. Often parents fail to keep appointments either at home or at school with school personnel.
4. When appointments are kept with school officials, the parents are frequently under the influence of alcohol or drugs.
5. Parents have no apparent friends, neighbors, or family members to turn to for support, or for assistance during a period of crisis.
6. One or both of the student's parents demonstrate an inability to maintain physical and emotional control during stressful situations.
7. The youngster's parents are unusually antagonistic, hostile, or vague when talking about the child's health history or health problems. The same concern applies when a parent is unusually hostile or vague when discussing a student's attendance problems (p. 172).

Much of what school counselors offered adults who mistreated their children was educational in nature. Parent education programs were easily developed within the school system and offered to adults either during school hours or in the evening. Four common components appeared throughout most of the literature that was included in that educational curriculum:

1. Normal childhood development.
2. Alternatives to violence as a problem-solving mechanism.
3. Use of positive reinforcement.
4. Communication skills.

The school counselor was rarely in a position to counsel the parents. Most, if not all, of the counseling took place with the students.

Two types of student counseling were prevalent: (1) individual counseling, and (2) group counseling. In an individual setting, there were several important factors which had to be kept in mind when working with abused or neglected students that differed from working with students experiencing other problems. First, most abused students believed to some extent that they were the cause of the abuse which had occurred. It was quite normal for an abused child to indicate to the counselor that he or she deserved the beating. It was also helpful to acknowledge any
problematic behaviors of the student which might have precipitated the incident. However, one had to also discuss with the student other more acceptable means of discipline which might have been employed. Secondly, because the abused student was having to adjust at home to unrealistic parental expectations, the counselor should have helped the student verbalize these expectations. Students needed to understand the limits of their capabilities, to realize that these limitations were normal, and then be encouraged to perform to their limits.

The issues of trust and confidentiality were consistently evident when working with battered children. Obviously, the abused child's capacity to trust had likely been impaired. Most were not in a position to immediately trust an adult, especially with information equivalent to "telling on" their parents. The students also had reservations about confidentiality and feared further punishment would take place if the trust was violated by the counselor. It was difficult for the school counselor who was bound to report any instance of suspected abuse or neglect to the proper authorities to balance these two responsibilities. As a counselor, it was best to approach this situation openly and directly. However, children needed to be reminded of their rights to confidence and to confidentiality.

Most of the advantages of group counseling for adults also applied to children. Particularly useful for students were activities that involved discussion; this seemed to be especially important for those students who had difficulty expressing
themselves verbally. Group discussions could be rewarded relative to quantity and quality of participation and interaction, following group rules, and helping with group tasks. Research suggested that it worked best if the entire group had opportunities to earn rewards as a group as well as individually. This "reward" aided in the development of a group closeness or bonding. The bonding, then, frequently extended to other school activities and permanent friendships.

Clearly, school counselors who worked with abused students had to be prepared to provide understanding and support for all persons involved in the problem, even the abuser. The abuser was acting out feelings of worthlessness and rejection and the inability to form satisfying relationships. It was a common and natural reaction for the counselor to feel tremendous anger and hostility toward the accused attacker; however, these feelings had to be recognized and resolved if school counselors were to relate to their students in a helpful and effective manner.

Deutsch (1983), in Child Services on Behalf of Children, confirmed the importance of interaction via the school counselor to keep the student out of the "special education" arena or the "handicapped classroom":

WHAT COUNSELING CAN DO

Ask elementary classroom teachers to estimate the number of students in their rooms who are experiencing learning, emotional, or behavioral problems. Ask these teachers to predict how many of the approximately 30 students in each class will experience serious trouble with the law or other adjustment problems in the future. Multiply these figures by the number of classrooms throughout the United States. The estimates will be
overwhelming. We can change these statistics if we become more effective helpers.

Counseling with children is a growing area of interest for people in the helping professions. Developmental theorists have studied children's growth and development and the effect of childhood experiences on the adult. Child psychiatry has focused on seriously disturbed children. However, children experiencing learning, social, or behavioral problems not serious enough to be classified as severely disturbed have been largely overlooked. Counseling can be a tool for preventing "normal" problems from becoming more serious and resulting in delinquency, school failure, and emotional disturbance. It can be a method for creating a healthy environment to assist children in coping with the stresses and conflicts of their growth and development. Counseling can also be a major remedial force for helping children in trouble through appraisal, individual or group counseling, parent or teacher consultation, or environmental changes.

The principles of counseling with children are the same as those used with adults; however, the counselor needs to be aware of the world as it is seen by the child client. The counselor must adjust counseling procedures to consider the child's cognitive level, emotional and social development, and physical abilities. Each child is a unique individual with unique characteristics and needs.

Childhood should be a time for healthy growth, for establishing warm and rewarding relationships, for exploring a widening world, for developing confidence in self and others, for learning and experiencing. It should contain some fun and carefree times. And it should also provide a foundation and guidance for the maturing person (p. 102).

The following "Cycle of Prevention" showed how the counselor could play a key role in the prevention of child abuse. Two cycles existed--the cycle of prevention and the cycle of abuse.
Figure 9.1 Cycle of prevention as compared to cycle of abuse. We see in this Queensboro Society chart the causative cycle of child abuse and the complex cycle of prevention, in which the counselor can play a key role.

Obviously, administrators and other school authorities were not unaffected. It was recently reported, to cite one example, that parents of eleven students at a Los Angeles school had sued the school district for $110 million in a child abuse case. Their claim was that school and district administrators waited as long as a year before reporting to the appropriate authorities that they suspected a teacher at a school of molesting a number of third-grade students.

The teacher had pleaded "not guilty." Criminal charges had been filed. Administrative action against the teacher was delayed until the outcome of the court's decision. The parental suit against the teacher was resolved by an out-of-court settlement; however, the point was that litigation against schools, teachers, and administrators which arose out of alleged child abuse was on the rise.

The following example illustrated another way in which child abuse has affected school administrators:

One day, while teaching her class, Mrs. W. noticed some red marks on the neck of one of the male pupils. During a free period she took the student to the school district's child development specialist (CDS). When asked about the marks, the child first said that a cat had scratched him. When the CDS questioned his explanation, the child stated that his mother had choked him, as she had done on other occasions. The CDS informed the principal, who instructed him to report the incident to the Children's Services Division. Acting on the report of suspected child abuse, the division temporarily placed the child in a foster home and initiated proceedings against the parents. At the hearing, the allegation that the mother had physically abused the child was not substantiated by a physician's examination or the child's testimony. The child's parents then sued the principal, the teacher, the child development specialist, and the school district for
damages caused by the unsubstantiated child abuse report. The defendants relied on a state statute, which in part states:

Any public or private official having reasonable cause to believe that any child with whom (the official) comes in contact in an official capacity has suffered abuse, or that any person with whom the official comes in contact in an official capacity has abused a child shall report or cause a report to be made to the Children's Services Division. Anyone participating in good faith in making of such a report and who has reasonable ground for the making thereof shall have immunity from any liability, civil or criminal (Zirkel and Gluckman, 1986, pp. 46-48).

The trial court summarily voted in the defendants' favor, and the intermediate appellate court confirmed that decision. The court reasoned that the plaintiff-parents raised no issue concerning the good faith or reasonable grounds for the teacher's taking the child to the CDS, the CDS's decision to report the matter to the principal, or the principal's reliance on the CDS's conclusion.

From this case, five questions seemed to frequent all areas of research:

1. Was child abuse governed by federal or state legislation?

Child abuse was governed by state legislation. The federal government's National Child Abuse Prevention and Treatment Act, enacted in 1974, defined child abuse and neglect, but provided only funding and registry assistance, not legal sanctions. The federal government also developed a Model Child Protection Act as a form of encouragement for states to adopt mandatory reporting of suspected child abuse.

All of the states adopted reporting requirements, if the abuse or neglect resulted in physical injury. All but a small minority
of states also required reporting of suspected abuse that took the form of sexual exploitation resulting in mental or emotional injury.

Legislative changes were not uncommon in this area due to the increasing awareness of and pressure from the public. Pennsylvania, for example, went so far as to require prospective employees of all schools to present documentation of any conviction for crimes relevant to child abuse, or a statement from the state police of an absence of such a record. School administrators were further prohibited, under the threat of civil liability of up to $2,500, from offering employment to persons later found to have committed such offenses. Administrators were often asked to check periodically with the appropriate agencies or counsel to ascertain the status of their own state's law.

2. If, in the opening account of the Los Angeles case, a fellow-educator was suspected of having committed the child abuse, did the administrator have the responsibility to similarly report the case?

Yes, the administrator had a responsibility to report the case. Most state child abuse statutes required reporting of cases where the suspected perpetrator was a fellow public employee. Regardless of legislation, a case could also be made that an administrator had a common-law duty to take appropriate action in such instances or face a suit for negligence.

3. How much "certainty" was it necessary to have before child abuse or neglect was reported?

No state required absolute certainty. Every state provided
qualified immunity from civil or criminal liability that might arise from the reporting of suspected child abuse or neglect. Because of the protective purpose of the legislation, and the practical difficulties of proof, the typical qualification or standard was "reasonable suspicion" and "good faith."

4. Did reporting requirements typically apply to both the public and private officials?

Reporting requirements did not typically apply to both officials. Once again, the state requirements and statutes varied from state to state. Some states specified narrower categories such as "educators" or "school counselors."

5. What penalty was usually incurred for violation of these reporting procedures?

The majority of statutes provided a criminal penalty, a fine, or even a jail sentence for failure to report. Regardless of state statutes, administrators had a legal and moral obligation to take appropriate action when they reasonably suspected child abuse, which included, but was not limited to, reporting suspicion to the child protection agency. Suits for damages were successfully brought against medical personnel for such failure to report. While failure to meet this duty had not yet resulted in the award of civil damages against educators or administrators, the threat had existed for quite some time (Zirkel and Gluckman, 1986, pp. 46-48).

A thorough review of all state statutes showed that educators and administrators had a legal and moral responsibility to report child abuse and neglect. In the majority of states, the statute
included all educators; however, there were exceptions. For example, some states exempted speech therapists, while the State of Georgia required school administrators, but not teachers, to report cases of abuse and neglect. The types of abuse that were to be reported were more varied, but all states required the reporting of physical abuse.

In most states, reports could be made orally to the mandated agency (usually called the Department of Social Services or the Department of Children and Family Services). Many communities had hot lines to receive telephone reports. In many jurisdictions, the law permitted teachers and other school personnel to report to the principal or to the principal's designated agent, oftentimes a teacher. This person, in turn, was responsible for notifying the appropriate authorities.

In a Phi Delta Kappan article, Beezer (1985) spoke of the "case law" and the protection educators were afforded when they acted in good faith. Beezer cited two recent United States Supreme Court decisions:

You are a high school guidance counselor and have started a discussion group that deals with students' problems at home and in school. In a private conversation, a student from the group raises the issue of foster care because she wants to leave home for a while. Her reason is that her parents drink too much and have violent arguments. You phone a mental health worker at the county welfare department, who looks into the family situation and tells you that some information exists that might provide sufficient grounds to seek a dependency petition, so that the student could be placed in foster care. A meeting is held at your school, attended by the mental health workers, a chemical dependency counselor from the welfare office, the student, and you. Later that day, the others engage in a series of discussions at the county attorney's office, which you do not attend.
The county attorney prepares petitions for commitment for the student's parents. They are arrested and committed to a detoxification center for three days and then released. When they are arrested, the parents have not been drinking and do not resist. Subsequently, they file a lawsuit for violations of their civil rights on grounds of false arrest and imprisonment. You are one of the defendants (p.434).

Beezer (1985) raised important questions about the responsibilities of educators and administrators when they reported cases of child abuse and neglect and the protection to which they were entitled.

The court first rejected the parents' argument that the counselor had initiated the commitment proceedings. The evidence showed that the student first raised the idea of foster care. Furthermore, there was no proof that the counselor encouraged the student to fabricate stories about her parents' drinking that could be used as a basis for providing foster care. Because the counselor had a duty under the laws of Minnesota to report suspected cases of child abuse and neglect, and because there was no evidence that she had not acted in good faith, the court ruled that she was not liable (p. 435).

The second case also involved a guidance counselor from the public school system:

A high school counselor in Pennsylvania conducted eight interview sessions with Alexander Roman, a 10th grade student. The first session was initiated by the student, but the counselor encouraged the other sessions. During that time, Roman's mother knew of the sessions, but did not ask that they be stopped. Evidence later surfaced that indicated that Roman's mother was neither aware of the magnitude of the sessions nor the kinds of questions that were being asked.

The counselor then suggested to the parents that Roman seek mental health counseling. When they did nothing to support her suggestions for counseling, she made an oral referral to the county children's services office. After a thorough investigation, the office filed a petition to have Roman adjudicated a dependent under the Pennsylvania Juvenile Act. This petition was denied. The parents then sued, claiming, "A violation of their First Amendment rights to maintain their family privacy without unreasonable government interference and control."
The federal district court ruled in the counselor's favor for many reasons, the most important being that she had qualified immunity under the Child Protective Services Law because she was required to report to the county welfare agent when a child exhibits evidence of serious physical or mental injury. Secondly, the court considered that the counselor had acted in good faith to maintain her immunity (Beezer, 1985, pp.435-436).

Both of these cases had major implications for educators and administrators. Based on a United States Supreme Court ruling came the "Good-Faith" decision. Basically, that immunity for the educator would defeat any legal action against the teacher as long as the teacher in question did not violate "clearly established statutory or constitutional rights of which a reasonable person would have known" (Beezer, 1985, p. 434).

The research showed that schools should be playing a greater part in the recognition of abuse and provision of services to the abused child and his family. Such a contribution would be in keeping with Bidwell (1965) and his "client serving organizations," fundamental to the well-being of the whole child. Oftentimes, delays in language and motor development have retarded the educability of the abused child. Isolation and hopelessness were portrayed by abused children who should have been assisted by their schools and most importantly, their teachers.

As stated by Volpe, Breton, and Mitton (1980) in The Maltreatment of the School-Aged Child:

As the major social institution concerned with the development of children, it seems natural that schools should assume a major responsibility in facilitating, reporting, and participating in the delivery of services to the abused (p. 3).
The best statistics available indicated that child abuse and neglect were serious problems in the United States. Estimates of the actual number of incidents ranged between one and two million per year. Furthermore, while some two-thirds of the victims of abuse and neglect were school-age children, educators accounted for fewer than one-third of the reports.

Research suggested that the main reasons for this low number of reports were that educators: (1) have reported only severe injuries; (2) have lacked diagnostic capabilities; (3) were reluctant to get involved for fear of prosecution by parents or guardians; and (4) lacked confidence that a report would "do any good" (Beezer, 1985, pp. 434-436).

Teachers had no legal responsibility for investigation and intervention in child abuse cases. Nonetheless, teachers played an important role in these processes. Probably no other person apart from the parent or guardian had such consistent access to the child. Thus, teachers might provide invaluable information to investigators. They were in a position to know about the child's pattern of attendance, eating habits, dress, observable injuries, his ability to function at grade level, and his ability to get along with his peers.

As part of the investigation and intervention process, educators could also have participated in community child protection teams. As a member of the team, the educator was in a position to identify the needs of an abused child and help in the planning of
the appropriate educational plan. Similarly, the educator was able to suggest appropriate alternatives for the parents.

Educators had become increasingly sensitive to the confidential nature of school records. It was once believed that the 1974 Federal Family Educational and Privacy Act, also known as the Buckley Amendment, prohibited educators from reporting abuse or neglect or participating in subsequent investigations. This belief was rejected by the Fair Information Practice Staff and by the National Center on Child Abuse and Neglect (NCCAN) in the U.S. Department of Health and Human Services. According to NCCAN, the Buckley Amendment and its regulations covered only the school records; the regulations did not apply to reports of suspected abuse and neglect based upon the educator's personal knowledge or observations. Even if school records were referred to in the reporting process, they could be used. Under the law, school records could be used in an emergency to "protect the health and safety of the student" (Broadhurst, 1986, pp. 10-11).

After a report of suspected child abuse was made, it was important for the teacher to remain supportive of the student, the school, and administrative policy. Broadhurst (1984) cited six areas where teacher/family relationships could be strengthened:

1. Honesty with the child, the parents, and the family about the teacher's concern for the family.

2. An explanation that he was legally required to report suspected child abuse or neglect.
3. Assurance and reassurance to the child that he or she was not to blame for what happened.

4. Information to the child about what would happen next; a visit from a social worker, an examination, etc., to relieve the child's anxiety.

5. Refusal on the teacher's part to blame, accuse, or belittle the parents or adult caregivers in front of the child.

6. Communication of an intent to help, not hurt, the family (Broadhurst, 1986, pp. 11-12).

Volpe, Breton, and Mitton (1980) spoke specifically of how the teacher and the administrator were on the "front line":

The teacher is on the front line. Seeing the child every day the educator may be the first to detect the signs of abuse. Teachers must learn the symptoms of child abuse; they must know when to be suspicious. The kind of information made available by Robert P. Bates regarding indicators of abuse and some of the nuances of medical examination and diagnosis should be more commonly known to the teacher as well as the administrator. This sort of information is important because only in school does the child regularly come into contact with a professional trained in observation and assessment. The child whose basic needs for security and safety are unmet may be unable to function optimally in the classroom. Maltreatment may foster retarded development and competence. Concomitant low self-esteem may be manifest in learning and behavior problems. Paul G. R. Patterson and Michael G. G. Thompson provide a working definition of the most profound assault on self-esteem, emotional abuse. They advocate the use of the term emotional neglect, any act which inhibits a child from reaching his maximum potential. The functional definition derived from this term points to manifestations of dysfunction that the child experiences in coping and adaptation. Teachers, all school personnel, and administrators are challenged by this definition to examine their programs and the extent their classrooms and institutions contribute to this form of child maltreatment (p. 7).
This situation became complicated by the fact that many believed the adolescent had "provoked" the punishment and was partially responsible for his injuries. However, the uncertainty surrounding this issue had enabled inquiry into the problem to remain open and understanding to be provided to both the parents or caretakers and the adolescent. Unfortunately, this uncertainty had made reporting and response more difficult for all school personnel. In conclusion, Volpe, Breton, and Mitton (1980) believed that "teachers and administrators must go beyond merely identifying and reporting abuse and should be prepared to assist in treatment, remediation, and prevention" (p. 7).

Another school staff member, the school nurse, also performed a specific role in effectively intervening on behalf of abused children. It was the teacher or school nurse who usually reported suspected cases to the principal, who then made the official report to the proper social, legal, or medical agency.

Volpe, Breton, and Mitton (1980) wrote specifically of the role of the school nurse:

The nurse can also act as a resource person for both teachers and administrators. Oftentimes, both have a limited understanding of the problem of abuse and its various manifestations. By discussing the types of indicators of abuse the nurse can help the teacher become sensitive to the problem. Since teachers see children every day they are actually the front-line professionals for identification of abuse in the schools. In most jurisdictions, however, the nurse is the only professional routinely in the school who has the legal right to physically examine a child. Consequently, the nurse can assist in checking out the suspicion of abuse (p. 137).
Volpe, Breton, and Mitton (1980) also cited H. R. Leavell's description of the nursing role:

Public health nurses are concerned with three levels of illness: primary, secondary, and tertiary. Primary prevention includes health promotion and specific illness prevention; secondary prevention refers to early detection and prompt treatment of the illness, resulting in limitation of disability; tertiary prevention includes rehabilitation. In terms of the specific health hazard in child abuse, these levels would be to prevent the maltreatment of children, to detect it early enough to limit disability, to assist in the rehabilitation of the child and the family if maltreatment has occurred (p. 137).

Such a broad focus justified and supported the community-health nurse's involvement with the problem of child abuse at all stages of prevention. Moreover, a nurse had the necessary background for such involvement.

There were some things that had to change if the needs and the treatment of exploited children were to be met. First and foremost, children needed the reassurance that, "Yes, you are going to be protected"; yes, you are going to be believed; yes, you are going to accomplish something; and yes, we within the educational system will try to turn you around and change your attitude." To an educator, any one of these promises was a "tall order" and, of course, it took resources. If reunification of the family brought about a change in daily attendance, then other arrangements had to be made available to that student. Most important was the ability to respond to the immediate needs of these students, their basic needs for food, clothing, and shelter or safety.

The first decision to be made was to determine what was best for that child. Was the child to stay in the home? If not, he
might have been forced to change schools. Oftentimes, as was the case within Clark County, the courts made the decisions about the child's living arrangements. As was discussed, some districts allowed specific administrators to intercede and make recommendations on behalf of the child. Questions then had to be asked, such as, "Was the parent willing to take the minimum responsibility necessary to protect that child, and further, was the parent willing to cooperate with the authorities in the treatment of the child?"

It was evident from recent studies conducted throughout the country that abused children experienced considerable physical and emotional suffering and that their educational development was impaired in a variety of ways for a variety of reasons. An urgent need existed for resources to be allocated to longitudinal studies of these children, longitudinal studies of an interdisciplinary nature, which would provide and enable specific types of assessments to be made regarding the long-term effects of various types of intervention and would alert all professionals within the educational environment to any ongoing special treatment needs of abused children. Such an approach had the potential of enabling the educational system to learn more about what happened to abused children when they returned to the school, and perhaps equally as important, to help these students themselves understand parenthood. It was evident that only by obtaining more insight into the mechanisms underlying abnormal intergenerational patterns of
parenting would educators be able to break the cycle of violence so often detectable in these families.

In the last decade, concern about early identification and protection of abused children increased dramatically. This concern was reflected in the Department of Health and Social Security memoranda on non-accidental injury which consistently emphasized that the safety of the child had to be, in all circumstances, of paramount importance and offered a "blueprint" for a national service. Now was the time to encourage professionals to extend their teaching of and concerns with the needs and rights of abused children.

In an article entitled, "Development of Children from Abusive Families," Jones (1977) spoke of the needs of children:

The child's needs vary with age but a thread runs through——the need for "object constancy," for the certainty of having someone else who is important to you whatever happens, without which the future will always remain uncertain and unpredictable so that the child, especially the "separated child," is insecure and feels deprived. The child is deprived of what is now called nurturance and later of that balanced mixture of discipline and stimulation which is essential to the build-up of independence and eventually maturity (p. 61).

The problem of providing the child with "good parents" becomes a necessary safeguard for the child's right to health and happiness. If left with his own biological parents after abuse, the absence of evidence of further abuse or injury becomes an insufficient guide. In many abusing families the abused was also the neglected child. Oftentimes, the parents need instruction from the community in how to be "effective, loving parents." For children in the school-age years, teachers can form a valuable pool of helpers from which to draw. For younger children, nursery schools can provide a good environment in which mothers can learn, but at present the places are occupied by children whose mothers think that their children need them and often the educational element is lacking. Day fostering can relieve mothers of the strain of continuous responsibility, but in all these
environments the staff must be aware of the family's problems and needs. Child-minding should be more than a convenience and should make a positive contribution to the child's development as well as helping to show the mother how to cope with her problems (pp. 68-69).

With regard to foster homes, it was commonly felt among educators and community professionals that much more could be done to include fostering in the treatment of the whole family. The foster parents were advised to be prepared, so as to act and be recognized as part of the caring team.

Older children, who had lived all their lives in violent families, were excluded from school because of their own violent behavior and lack of discipline. If, as seemed likely, these children were inviting abuse as a form of testing out, then these children became candidates for self-mutilation, overdoses and delinquency, and psychiatric units for their treatment were required. Such deviant behavior as truancy, delinquency, and drug overdose was common in the history of abusing parents. Deficient nurturance or outright rejection were features of the child murderer's background.

Fairchild (1986), in Crisis Intervention Strategies for School-Based Helpers, described the frustrations that educators often faced when abused children were not being treated: "It is quite common for school personnel to watch a youngster in this environment grow angrier and more frustrated with life as he or she passes through the grades when his or her needs at home are not being met" (p. 170).

Fairchild (1986) continued to blame the educational environment when educators failed to acknowledge the needs of the students. He described them as indicators of abuse; when cases of abuse were left
unrecognized, unacknowledged, or untreated, and were not meeting the needs of the abused child. The following was a list of "areas of concern" that he stated school-based helpers must learn to recognize:

1) Child is unusually fearful of adults and/or parents.
2) Child repeatedly comes to school with an array of unexplained cuts, bruises, burns, etc.
3) Child demonstrates abnormally extreme behaviors; aggression, destruction or extremely passive and withdrawn behavior.
4) Student exhibits sudden changes in behavior and learning ability, especially in the adolescent population.
5) Habitual truancy.
6) Student often arrives at school without breakfast or a lunch. Student may also lack appropriate clothing for the weather conditions.
7) Student consistently dresses in garments with long sleeves, turtlenecks, and refuses to change into gym clothes during physical education.
8) Student consistently displays a reluctance to go home after school, preferring instead to stay after school for a variety of reasons.
9) Student relates to school personnel that he or she is left home alone after school for lengthy periods of time.
10) Parents display an obvious lack of interest in school-related activities, or in school/academic performances of the child.
11) Student continually arrives at school dirty, or wearing clothing that is soiled or tattered. Some suggest that educators need to be concerned about children who arrive in clothing which is too small. It is suggested here though that many families cannot afford new clothes for all family members, and that school-based helpers should not react to this situation alone.
12) Student complains to classmates or teachers about numerous beatings and unduly harsh punishment.
13) Student arrives at school consistently smelly, has bad teeth, has hair falling out, or has recurring head lice.
14) Student is thin, emaciated, and always tired and lacking energy; evidence of malnutrition and dehydration (pp. 170-171)

Fairchild (1986) approached the topic of direct treatment and needs response:

School-based helpers with a sound fundamental understanding of abusive and neglectful family systems are in an excellent position to be of help to families who are in
need of education and proper parenting skills. School helpers may not be as threatening to parents as are caseworkers with child protective services, and the helper may already have a positive relationship with the students. If this is the case, the school-based helper can intervene immediately with the children. Children, too, may harbor feelings of resentment and anger at caseworkers, for even though the children want the abusive behavior to cease, they probably did not realize that family breakdown or incarceration of a family member could be the result. Even when a school official has been involved in identifying and reporting the abuse or neglect to the authorities, it is still suggested that the pre-existing relationship between the helper and the child makes positive intervention likely. Being available on a daily basis to help and meet that child’s needs enhances the potential for intervening with the child during the period of crisis. School-based helpers should not, however, limit their role to that of crisis intervention with the school-aged child. School personnel can help through treatment responses designed to impact children or adults in individual, group, or family situations. Of equal, if not greater, importance is the school’s potential for the development of programs and the intervention designed to prevent child abuse and neglect (pp. 179-180).

Mouzakitis and Varghese (1985) addressed the problem of the planning dilemmas that existed in many areas of the continuing effort to meet the needs of the abused or neglected child. In the report of their research in Social Work Treatment with Abused and Neglected Children, they stated:

The child welfare reforms included in PL 96-272 provide for important changes in the functioning of child abuse victims and their needs. The new reforms, however, do not address long-standing planning problems related to access and coordination of the network of services for abused and neglected children and their families (p. 381).

"Network" was referred to as "the interaction of social agencies within the social welfare complex" (p. 381).

Mouzakitis and Varghese (1985) used the work of H.L. Wilensky and C. N. Lebeaux to demonstrate the structure of social services in
an industrial society. Wilensky and Lebeaux showed how a complicated pattern of services evolved based on specialization of five programs: public assistance, clinical social work, children or the aged, government or voluntary organizations, and geographic location of service boundaries. They offered one of the earliest critiques of the growing pattern of sub-fields and specializations leading the problems of inaccessibility and fragmentation of service.

A former secretary of Health, Education, and Welfare graphically illustrated access and coordination problems in the social welfare complex:

Since 1961 the number of different . . . programs has tripled, and now exceeds 300. Fifty-four of these programs overlap each other; 36 overlap programs of other departments. This almost random proliferation has fostered the development of a ridiculous labyrinth of bureaucracies, regulations and guidelines. The average state now has between 80-100 separate service administrations and the average middle-sized city has between 400-500 human services providers, each of which is more typically organized in relation to a federal program than in relation to a set of human problems (Mouzakitis and Varghese, 1985, pp. 381-382).

The secretary continued to cite the complex fragmentation and lack of congruity that was taking place within all of the regulations and interpretive guidelines. He made note that eligibility for each program was not performed with any sense of order. Eligibility was determined without reference to the possible relationships of one program to another. He concluded with the comment: "In general, confusion and contradiction are maximized" (Mouzakitis and Varghese, 1985, p. 384).
Although studies indicated that more than 85 percent of all children had multiple problems, the single services provided independently of one another were unlikely to result in changes in the child's dependency status. Mouzakitis and Varghese (1985) stated that it was "not uncommon for metropolitan-area social service directories to have hundreds of entries with overlapping descriptions of service functions" (p. 384). They continued to blame the social agencies for haphazard and random movement and treatment of abused or neglected children.

The need for network and coordination of fragmented community services had been recognized for decades. Prior to the turn of the century, efforts were made to eliminate waste and duplication in the provision of financial assistance to the needy through more businesslike efficiency and coordination of charitable organizations. In the post-World War II period, it was discovered that 6 to 7 percent of a city's multi-problem families "overused" 50 percent or more of all community services. During the 1950's, a shift in concern from client overuse of services to client underuse of services led to "aggressive casework," intensive service units, and inter-agency coordinating mechanisms such as the inter-agency case conferences. The War on Poverty under the Economic Opportunity Act of 1964 emphasized new service strategies based on improved system linkage and coordination of services through decentralized multi-service and one-stop neighborhood centers.
The higher the risk of child maltreatment and family disorganization, the greater was the need for simultaneous and sequential control of services by child welfare agencies. Abuse and neglect were not controlled by the uncoordinated intervention of single agencies. The failure to coordinate agency efforts assured that complex family problems were not satisfactorily managed. Mouzakitis and Varghese (1985) best summed up the problem:

Inconsistency between court systems and child welfare agencies neutralizes agency efforts to secure guardianship and permanent plans for children; failure to follow through with after-care service undermines substantial treatment investments made with children while in institutional care. Services to children in placement to the exclusion of service to the child's parent results in fragmentation of the family (p. 384).

Martin (1974) was also impressed by the considerable variation in the reporting and handling of abused students. He questioned why some children were so disturbed, while others seemed only minimally affected by an abusive environment:

Some portrayed problems such as delays in language, speech, or reading, others have learning disabilities; some adapt by being good students, while others can be oppositional, withdrawn, or depressed. The abusive syndrome is found so often in the background of school dropouts and delinquents, and yet some students manage to escape this pathway of antisocial behavior (p. 139).

Martin (1974) discussed six factors which he felt played a part in determining the outcome of abused children:

1. The Equipment of the Child

Martin pointed to historians and scholars who felt that abused and neglected children were "genetically different."
Their abuse and neglect were inherent as opposed to environmental. He referred to those studies done on newborn babies. Those who were held more than others appeared happier and more contented, while those who did not experience human contact were viewed as being restless and agitated. Martin (1985) made an analogy to students' "intelligence" as a source of survival:

It has been one of our observations that intelligence is one variable in the child which may increase the child's chances of survival in an abusive home. Consider some of the adaptive patterns of abused children. One is the uncanny ability of children to be able to read and anticipate the moods and reactions of adults about them. To survive, the child learns when he is in danger, and what options are open to him to avoid that danger. The psychological and cognitive capacities of the child then are one variable which will limit or certainly partially define the consequences of the abusive environment on his physical and psychological development (p. 139).

2. Neurological Damage to the Child

Martin (1985) did see a relationship between the developmental years of abused children and any neurological damage as opposed to his environment. "Neurological damage or dysfunction do relate to emotional growth and development" (p. 139). He cited statistics that indicated that 25 to 50 percent of abused children have varying degrees of damage or dysfunction of the central nervous system.

3. Important Others in the Child's Life

"There has been, appropriately enough, primary emphasis on the family in understanding growth and development of children" (Martin, 1985, p. 140). Martin explained the importance of "others" in our own lives who had been important figures in
influencing our own development; both physically and emotionally. When histories of abused children were taken, the relationship of the child to his family members, especially his parents, was focused upon.

4. Biological Considerations in Addition to Neurological Damage from Trauma

"Even when potentially damaging biological events are in the child's background, the effect of the economic and social level of the family plays a critical role in the degree to which the biological event will affect the child" (Martin, 1985, p. 140).

Martin referred to C. M. Drillien and her study of prematures. She did see a correlation between the subsequent intelligence of the child and the socio-economic status of the family with whom the child grew up. It was Martin's (1985) belief that child abuse and neglect, while occurring across class lines, was considerably more common in poor and socially disadvantaged families than in more advantaged homes. This belief suggested that abused children had a considerably greater chance of having a poor and inadequate education.

5. Malevolent Environmental Influence

Martin believed that the abusive environment affected the child in a multitude of areas, not just the physical trauma alone. He cited five areas which he stated were frequently found in abusive homes: medical and nutritional neglect, significant psychiatric disturbance of one or both parents, sexual abuse, maternal or parental deprivation and/or neglect, and social and/or
economic disadvantages. Martin stated that "the child's development can and will be influenced in a negative way by any one of these conditions, whether or not abuse is present in the home" (Martin, 1985, p. 141).

6. Effects of Treatment

"The effects of the therapeutic intervention for the abused child and his family would, and certainly can, have considerable impact on the subsequent development of the child" (Martin, 1985, p. 142). Martin felt quite strongly that our treatment of abused or neglected children was painfully inadequate. "Our treatment interventions are one of the most significant factors which must be considered in understanding the developmental delays, emotional disturbances, needs, and the miseries of the child" (p. 142).

In conclusion, recent reforms in child services were designed to shift the goals of the child welfare agencies. The history of child welfare was one of substitute care rather than prevention, maintenance, or emphasis on meeting the needs of children with their own families or in other permanent arrangements. Success in the shift of the child services toward prevention of placement required increasing attention to serious deficits in the structure of child services, in the home, school, and the community.
CHAPTER 3

Research Design

Description of Research Design

A variety of informational sources provided data for this study. Community agencies such as WE CAN, Inc., the American Humane Association, the Rape Crisis Center, the Legislative Council Bureau, the Las Vegas Metropolitan Police Department, State Welfare Division, and the Clark County Juvenile Court Services-Protective Services supplied information regarding current legislation that directly affected the abused or neglected child. Individuals within the community were interviewed for their suggestions on the implementation of programs for prevention and treatment of child abuse. Research on local and national statutes was done at the Clark County Law Library in Las Vegas, Nevada. ERIC searches obtained every three or four months updated data on the role and functions of the administrator in dealing with abused or neglected children in the educational setting. In addition, five districts in each of the six states were questioned as to their policies and administrative procedures in the case of abuse or neglect.

Selection of Study Sample

In addition to the State of Nevada, five Western states based on their proximity to Nevada were selected. Within each
state, five districts according to student enrollment were chosen.

Arizona's five largest districts were:
1. The Tucson Union School District - Enrollment, 58,573
2. The Mesa Public School District - Enrollment, 57,889
3. The Paradise Valley Union School District - Enrollment, 25,206
4. The Phoenix Union School District - Enrollment, 21,896
5. The Scottsdale Union School District - Enrollment, 21,000.

California was divided into five counties:
1. Los Angeles County - Enrollment, 1,000,200
2. Orange County - Enrollment, 342,090
3. San Diego County - Enrollment, 317,154
4. Santa Clara County - Enrollment, 221,240
5. San Bernardino County - Enrollment, 205,901.

Nevada's top five districts were:
1. Clark County School District - Enrollment, 95,412
2. Washoe County School District - Enrollment, 33,721
3. Carson City School District - Enrollment, 5,568
4. Elko County School District - Enrollment, 5,005

New Mexico's top five districts were:
1. Albuquerque Public Schools - Enrollment, 74,431
2. Las Cruces Public Schools - Enrollment, 16,431
3. Gallup Public Schools - Enrollment, 11,913
4. Santa Fe Public Schools - Enrollment, 11,205
5. Roswell Public Schools - Enrollment, 9,390.
Oregon's top five districts (also referred to as counties) were:

1. Multnomah County - Portland 1-J - Enrollment, 81,897
2. Washington County - Beaverton 48-J - Enrollment, 47,778
3. Clackamas County - North Clackamas - Enrollment, 44,972
4. Lane County - Eugene 4-7 - Enrollment, 43,038
5. Marion County - Salem 24-J - Enrollment, 37,882.

Washington's top five districts were:

1. Seattle Public Schools - Enrollment, 43,500
2. Tacoma Public Schools - Enrollment, 28,963
3. Spokane Public Schools - Enrollment, 27,750
4. Lake Washington Public Schools - Enrollment, 19,723
5. Kent Public Schools - Enrollment, 17,820.

Data Collection Procedures

Arizona, California, Nevada, New Mexico, Oregon, and Washington were selected as a fair representation of the Western region of the United States. Five school districts within each state were selected based upon student enrollment. The State Department of Education provided the largest five school districts for each state, student enrollment figures, and phone numbers for each specific district.

The writer spoke with many different individuals, ranging from the district nurse to the director of pupil personnel. The following questions were asked for each district:

1. What were the current district procedures in the cases of child abuse or neglect?
2. What were the immediate and long-term responsibilities of the secondary administrator within the district when an abused or neglected child had been identified?

3. How did the district differ from others in the state in the handling of abused or neglected children?

4. Was there a problem of "reluctancy to report" on behalf of teachers and administrators?

5. How did state law translate into district policy for administrators?

Because of the overwhelming number of responses, one exemplary district from each state was chosen as a representative of that state based on its progressive approach.
CHAPTER 4
Data Analysis and Interpretation

In keeping with the state laws, most districts indicated similar policies and regulations concerning reporting of instances of child abuse and neglect. It should be noted that upon receiving vast amounts of information from the six states contacted, it was determined, to avoid redundancy, that only those districts or counties with the most comprehensive policies would be included: Policies such as operational procedures, reporting methods, follow-up practices, reference guides, and any conditions related directly to terms of employment or dismissal that might be considered exemplary or unusual.

Of the five districts surveyed in the State of Arizona (Tucson Union School District, Mesa Public School District, Paradise Valley Union School District, Phoenix Union School District, and Scottsdale Union School District), Mesa Public School District had the most extensive reporting and follow-up procedures. Pupil Personnel Director, Ray Rafford, stated that Mesa had become a model for all school districts in the state for establishing operational procedures for the teacher and the administrator.

Arizona had extensive and detailed statutes relating to child abuse and neglect. Five statutes enacted by the legislature were available:
ARS 8-546.04 Immunity of Participants
ARS 13-1410 Molestation of Child; Classification
ARS 13-3619 Life, Health and Morals
ARS 13-3620 Reporting Abuse and Neglect
ARS 13-3623 Child Abuse; Definition of; Classification.

A complete listing of these statutes was to be found in Appendix A. The following was a concise review of those statutes.

ARS 8-546.04 - Immunity of Participants

Any person making a complaint or providing information was immune from any civil or criminal liability, unless the person making the report had been accused of the abuse or neglect. Also included in this statute was an exclusionary clause for the physician-patient, husband-wife, or any practitioner-client confidences. Also included in this statute was the area of privileged information. Any confidential information except the attorney-client privileged information could be used in a court of law.

ARS 13-1410 - Molestation of Child; Classification

Any person who engaged in touching or fondling a child 15 or caused a child under 15 to touch or fondle such a person was guilty of a Class 2 felony. (Arizona used a "rating" system for felonies, beginning with a Class 1 felony and progressing to a Class 6 felony.)
ARS 13-3619 - Life, Health and Morals

Any adult who knowingly caused or permitted a minor (under 16 years of age) to be endangered, injured, or its moral welfare to be imperiled was guilty of a Class 1 misdemeanor. (The same system of "rating" for a felony also applied to a misdemeanor.)

ARS 13-3620 - Reporting Abuse and Neglect

This statute spoke directly to the administrator and teacher. All administrators and teachers fell into the category of "school personnel." A report was to be made immediately to one of three services: (1) a municipal peace officer, (2) a county peace officer, or (3) protective services of the State Department of Economic Security. Also included were specifics on what each report was to contain. Any person who violated this statute was guilty of a Class 2 misdemeanor.

ARS 13-3623 - Child Abuse; Definition of; Classification

Arizona defined a "child, youth or juvenile" as an "individual who is under the age of 18 years." Differentiation was made between "physical injury" and "serious physical injury"; the difference was "serious or permanent disfigurement, serious impairment of health, loss or protracted impairment of the function of any bodily organ or limb, and death." Once the offense had been committed and identified, the offense became a Class 2, 3, or 4 felony.

Implications for the administrator were simply stated: Any person could file a report of abuse or suspected abuse to the
proper agency and that person was totally immune from any civil or criminal liability. Failure on behalf of an administrator or teacher to acknowledge an abused or neglected child was a Class 2 misdemeanor.

The Mesa Public School District portrayed the most exemplary method of reporting. Given to each site administrator were four forms. (Appendix B contained a complete copy of those forms.) Included were a summary sheet entitled, "Child Abuse Reporting Procedures," a "Child Abuse Reference Guide," a "Summary Form," and a "Physical Trauma Indicator Chart." In its uniqueness, the Mesa District had indicated that each school site would establish a child abuse "team." The team leader was the principal or his or her agent. The other members of the team were the school nurse and a representative of the guidance department; and a child's teacher would always be included in discussions of possible abuse or neglect.

In the Mesa District, the administrator carried a great deal of responsibility, which indicated a stronger role in the area of involvement than perhaps the statutes indicated. Four specific statements were made regarding the administrator's role:

1. "The school site will establish a child abuse 'team.' The team leader will be the principal or his/her agent."

2. "... however, the principal will coordinate team activities."
3. "The principal should keep records of all reported incidents."

4. "The security chief will respond to the call and meet with the principal. He will notify the police department and coordinate investigatory activities."

California's five largest districts were referred to as counties. In order of student population, they were: Los Angeles County, Orange County, San Diego County, Santa Clara County, and San Bernardino County.

California had nine statutes that dealt with the abused or neglected child:

11165. Definitions.
11166. Report; duty; time.
11167. Report; contents.
11168. Written reports; forms.
11169. Preliminary reports to Department of Justice; unfounded reports.
11170. Notice to child protective agency of information maintained; indexed reports.
11171. X-rays of child; exemption from privilege.
11172. Immunity for liability; failure to report; offense.
11174. Guidelines.

A complete listing of these statutes was to be found in Appendix C.

Statute 11165 - Definitions

Those definitions applicable to reporting were included;
thirteen definitions had been provided. An administrator or teacher was defined as a "child care custodian."

**Statute 11166 - Report; duty; time**

The professional who had suspected or knew that a child had been a victim of abuse or neglect had a legal and moral responsibility to report the known or suspected abuse to a child protective agency immediately or as soon as possible. A written report would follow within a thirty-six-hour time period. When two or more persons were required to report, either could make the initial report. Lastly, no professional could impede the reporting duties unless internal procedures were used to facilitate the reporting process.

**Statute 11167 - Report; contents**

This statute included the information that was to be made available to the protective agency. Name, location, nature and extent of the injury and any other information that might be relevant would be given to the protective agency. Any person who made the report was not required to include their names.

**Statute 11168 - Written reports; forms**

From statute 11166, all written reports "shall be submitted on forms adopted by the Department of Justice, after consultation" with the appropriate agency. Those forms were available from the child protective agency.

**Statute 11169 - Preliminary reports**

Every case of acknowledged or suspected child abuse would be
made available, in writing, to the Department of Justice. If the abuse could not be substantiated, the Department of Justice would again be notified.

Statute 11170 - Notice to appropriate agency of information maintained

The Department of Justice had to maintain an orderly system of all preliminary reports of child abuse or neglect. If the reports were unfounded, the report should not be included. The second portion of the statute stated that any protective agency or district attorney which required information "relevant to the known or suspected instance of child abuse" should have any requests granted immediately.

Statute 11171 - X-rays of child

A physician, surgeon, dentist, or any of their assistants could take any series of skeletal X-rays without the consent of the parent or guardian to use in diagnosing the possibility of child abuse or neglect. Once again, the physician-patient or psychotherapist-patient were exempt from providing information.

Statute 11172 - Immunity from liability

Anyone who reported a known or suspected instance of child abuse was civilly or criminally exempt from liability for any "report required or authorized." On the other hand, any person who "fails to report an instance of child abuse which he knows to exist or reasonably should know to exist" was guilty of a misdemeanor.
Statute 11174 - Guidelines

The Department of Justice in conjunction with the State Department of Social Services had "insured that all investigations are conducted in accordance with the regulations and guidelines of statute 11165."

Throughout the California statutes, the administrator was given very little responsibility as compared to the States of Arizona and New Mexico. The administrative responsibility was that of "being informed" of the law. The administrator was not "allowed to impede or inhibit the reporting duties." The only flexibility or direction the administrator was allowed to take was to facilitate reporting and "apprise supervisors and other administrators of varying internal procedures."

Los Angeles County had the most extensive and mandatory reporting procedures of all five counties. Available for each site administrator were three separate forms. (Appendix D contained a copy of those forms.) The first form should be signed and placed in a newly hired teacher's folder upon employment. The form, "Conditions of Employment Pursuant to California Penal Code Section 11165.5 Child Abuse Reporting," placed a direct responsibility on the teacher to report any suspected cases of abuse or neglect. The second form from Damon Castillo, Jr., Assistant Administrator, Personnel Services, merely summarized the reporting procedures and could be referred to as a "shortened" guide as to the mandates of the law. Lastly, John K. Van De Kamp, the California Attorney-General, had distributed a brochure for both administrative and classroom use
to aid in identifying and reporting known or suspected cases of abuse or neglect (copy was to be found in Appendix D).

The top five school districts in the State of Nevada in order of student population (Clark County School District, Washoe County School District, Carson City School District, Elko County School District, and Douglas County School District) all followed similar procedures.

Nevada Statutes 432B.010 through 432B.120 included definitions for all administrators and personnel involved when filing a report of suspected or known child abuse or neglect. Statutes 432B.130 through 432B.320 covered other applicable information. A list of each specific statute followed:

432B.010 Definitions.
432B.020 "Abuse or neglect of a child" defined.
432B.030 "Agency which provides protective services" defined.
432B.040 "Child" defined.
432B.050 "Court" defined.
432B.060 "Custodian" defined.
432B.070 "Mental injury" defined.
432B.080 "Parent" defined.
432B.090 "Physical injury" defined.
432B.100 "Sexual abuse" defined.
432B.110 "Sexual exploitation" defined.
432B.120 "Welfare division: defined.
432B.130 Persons responsible for child's welfare.
432B.140 Negligent treatment or maltreatment.
432B.150 Excessive corporal punishment may constitute abuse or neglect.
432B.160 Immunity from civil or criminal liability.
432B.170 Sharing information with state or local agencies.
432B.220 Persons required to make reports.
432B.230 Method of making report.
432B.240 Penalty for failure to make a report.
432B.250 Person prohibited from invoking certain privileges.
432B.255 Admissibility of evidence.
432B.260 Initiation of investigation.
432B.270 Interview of child.
432B.280 Confidentiality of reports.
432B.290 Release of data or information.
432B.300 Determinations to be made by investigation of report.
432B.310 Report to central registry.
432B.320 Waiver of full investigation of report.

**Nevada Statutes 432B.010 through 432B.120**

Following was a list of statute definitions with a brief explanation of each. (For a thorough reading of those statutes, the reader was directed to Appendix E.)

432B.010 introduced the context under which the definitions would be written.
432B.020 stated abuse or neglect as physical or mental injury, sexual abuse or exploitation, or negligent treatment.

432B.030 listed an agency as the local welfare division or any agency authorized to receive and investigate reports of abuse.

432B.040 defined a child as any person under the age of 18.

432B.050 defined the court as the juvenile division of the district court.

432B.060 defined a custodian of a child as any organization, other than the parent or guardian, which was responsible for the child.

432B.070 defined mental injury as any injury to the emotional, intellectual, or psychological capacity of the child.

432B.080 defined parent as the natural or adoptive parent.

432B.090 defined physical injury as permanent or temporary disfigurement.

432B.100 defined sexual abuse as incest, lewdness, molestation, sado-masochistic abuse, sexual assault, or statutory seduction.

432B.120 defined the welfare division as the Welfare Division of the Department of Human Resources.

432B.130 - Persons Responsible for Child's Welfare

A person was responsible for a child if he was the child's parent, guardian, foster parent, step-parent, an adult person in the same household, or a person who had volunteered care of that child.
432B.140 - Negligent Treatment or Maltreatment

Medical care, abandonment, without proper care, education, shelter, or supervision were terms which were associated with proper treatment; if any were not provided, the parent or guardian was liable.

432B.150 - Excessive Corporal Punishment

Corporal punishment which resulted in abuse or neglect of a child was included as a provision of abuse or neglect.

432B.160 - Immunity from Civil or Criminal Liability

Immunity was extended to every person who made a report in good faith of suspected or known child abuse.

432B.170 - Sharing Information with State or Local Agencies

Any agency could share information with any other agency, provided it was done in the child's best interest. The purpose of sharing the information was to be done to promote care or treatment for or supervision of the abused or neglected child.

432B.220 - Persons Required to Make Reports

A list of people required to make reports included those persons which came into contact daily with a child to those persons which saw the child once a year or once in a lifetime. Basically, any person who came in contact with the child who had reason to believe that a child had been abused or neglected had to make a report under the Nevada law.
432B.230 - Method of Making Reports
The report could be made verbally, in writing, or on the telephone.

432B.240 - Penalty for Failure to Make a Report
Any person who failed to make a report was guilty of a misdemeanor.

432B.250 - Persons Prohibited from Invoking Certain Privileges
Any person required to report under the Nevada Revised Statutes could not invoke any of the privileges granted under the statutes.

432B.255 - Admissibility of Evidence
Any information, contents, or report of suspected or known child abuse or neglect could not be dismissed in a court of law if it had direct or indirect links to the suspected or known abuse.

432B.260 - Initiation of Investigation
Any person or agency who received information concerning the possibility of abuse had three working days to initiate an investigation; this was only applicable in the cases of receiving a written report.

432B.270 - Interview of Child
A child could be interviewed without the consent of a parent or guardian; however, the parent or guardian was to be notified of the interview, unless it was deemed that the notification
would result in further danger to the child. X-rays and medical tests could also be performed without the consent of the parent or guardian.

432B.280 - Confidentiality of Reports

Reports were confidential along with investigations, and any person who released such information could be subjected to criminal prosecution.

432B.290 - Release of Data or Information

The only situation under which reports or investigational information could be released was if the information was deemed necessary to provide care and treatment for the abused or neglected child.

432B.300 - Determination to Be Made by Investigation of Report

Agencies which provided protective services were obligated to investigate each report of abuse or neglect to determine if there was a reasonable cause to believe that the child was abused or neglected and to determine the immediate and long-term risks to that child.

432B.310 - Report to Central Registry

The agency investigating the report had to report to the central registry details such as location, facts of the alleged abuse or neglect, severity of the injuries, and the disposition of the case.
432B.320 - Waiver of Full Investigation of Report

Investigations of a report might be waived if the agency that provided the protective services was satisfied the child's needs were met, no harm or threat would take place, and the party involved agreed to be supervised for a reasonable period of time.

In the State of Nevada,

Nevada statutes require physicians, surgeons, hospital personnel, school authorities and administrators, school teachers, and others to report to Nevada State Welfare or to law enforcement agencies any suspected case of child abuse or neglect. Immunity from civil or criminal liability is provided under the law to those making such reports (Clark County School District, 1984, II:5151).

Also stated in the handbook given to all Clark County School District administrators was the following excerpt: "School personnel do not have the responsibility or the authority for determining whether protective care is needed" (Clark County School District, 1984, III:5152). After consultation with the administrative staff and/or the Department of Pupil Personnel Services, cases were to be referred to the appropriate agency:

Schools are not required to notify parents and/or legal guardians of protective referrals. The principal may notify parents and/or legal guardians, at principal's discretion, of students referred or taken into legal custody (Clark County School District, 1984, IV:5152).

A complete copy of the Clark County School District Regulation was to be found in Appendix F. Also included in Appendix F were two forms, Report of Suspected Child Abuse and the Statement of Physical Condition, which were given to the person making the report; copies of the two were given to the proper agency. Once again, it was to be noted that in the State of Nevada, the administrator had no
direct responsibility to the child other than notification to the proper agency.

In the State of New Mexico, the five largest school districts were: Albuquerque, Las Cruces, Gallup, Santa Fe, and Roswell. The Gallup School District was most significant in its treatment and reporting of child abuse and neglect.

New Mexico had three statutes which dealt directly with the subject of child abuse or neglect. The specific statutes were:

New Mexico Statute 31-1-16 B & C - Immunity from Reporting
New Mexico Statute 31-1-3 L & M - Definitions
A complete listing of those statutes was to be found in Appendix G.

New Mexico Statute 31-1-16 B & C - Immunity from Reporting

Any person who reported a suspected case of abuse or neglect and was presumed to be acting in good faith would be immune from liability, unless "the person acted in bad faith or with malicious purpose."

Also included in this statute was a "pardon" for the person who made the report to contact the parent or guardian of the abused child when a member of the law enforcement agency was to interview the child.

New Mexico Statute 32-1-3 L 7 M - Definitions

The only terms provided for reporting personnel were "neglected child" and "abused child." A neglected child was classified as a child who had been abandoned, without proper parental care, education, or medical care, a parent who was unable physically or mentally to care for the child and lastly, a child that "claims" to be taken care
of through prayer. An abused child was a child who had been physically, emotionally, or psychologically abused, sexually abused or exploited, a child that might be placed in a dangerous situation or environment and lastly, a child that had experienced torture, confinement, or unusually cruel punishment.

New Mexico Statute 32-1-15A - Obligation to Report

Any physician, resident, intern, law enforcement officer, registered nurse, visiting nurse, school teacher or social worker acting in an official capacity shall report the matter immediately to the county social service office of the human services department in the county where the child resides.

By New Mexico law, it was the teacher's and the administrator's responsibility to be certain that a report was made to the correct social service. The procedure was not specified as to a time limit in reporting suspected or known cases of abuse or neglect. The only so-called "time period" was the written report which was to be filed within forty-eight hours after the oral report was made. From there, the county social services office had a maximum of five days to notify the person who made the report that an investigation was being conducted.

The following two sections indicated the principal's involvement with abuse or neglect:

VIII 9.2: "A copy of the abuse or neglect form must be submitted to the principal, when a case is reported to authorities" and "the interview shall be arranged through the school principal."

The Gallup School District also had a formal report which was to be filled out by the person who made the report, a copy of which was to be found in Appendix H.
The State of Oregon split its school districts into counties, each of which covered a specific section indicated by letters and numbers. The five top "districts" in Oregon were as follows:

Multnomah County - Portland 1-J
Marion County - Salem 24-J
Washington County - Beaverton 48-J
Clackamas County - North Clackamas
Lane County - Eugene 4-7.

Oregon had eleven statutes which addressed child abuse and neglect; they were:

418.740 Definitions
418.745 Policy
418.750 Duty of Officials
418.755 Report Content
418.760 Duty upon Receiving Report
418.762 Immunity
418.764 Photographing the Child during Investigation
418.765 Central Registry of Reports
418.770 Confidentiality of Records
418.775 Grounds for Excluding Evidence
418.990 Criminal Penalties.

Following was a brief review of those statutes. A complete description of those statutes was to be found in Appendix I.

ORS 418.740 - Definitions

Only four definitions were cited: "abuse," "child," "public or private official," and "law enforcement agency." However, each
definition included sub-definitions. "Abuse" included such topics as "physical injury," "mental injury," "sexual abuse," "sexual exploitation," "negligent treatment," "prostitution," and "threatened harm to a child." "Child" meant any person under the age of eighteen years. "A public or private official" covered fourteen occupations; included in those fourteen was any school employee. Compared to other state statutes, many states were specific in dictating who the "public or private official" was. Oregon included all professionals in one category. The fourth area, "law enforcement agency," involved any police or sheriff's department.

ORS 418.745 - Policy

One sentence defined this statute: "in the public interest to require reports and investigations of abuse of children."

ORS 418.750 - Duty of Officials

Nothing contained in this statute affected the duty of an official to report. Four professions were exempt from this statute: psychiatrists, psychologists, clergymen, and attorneys. "They shall not be required to report if the information is confidential."

ORS 418.755 - Report Content

"An oral report shall be made immediately by telephone or other means to the local office of the Children's Service Division" or to a "law enforcement agency within the county."
ORS 418.760 - Duty upon Receiving Report

Upon receipt of the report, the Children's Service Division or the law enforcement agency was obligated to investigate. This statute directed itself to the school administrator. If the investigation was done on school property, the school administrator had to be the first to be informed, unless the administrator was the subject of the investigation itself. Also, the "administrator may not reveal anything that transpires during the investigation." Nor could anything be placed in the student's school records. The second part of the statute stated that the parent or guardian should be notified if the student was placed in protective custody.

ORS 418.762 - Immunity

Simply stated, "Anyone participating in good faith in the making of a report shall have immunity."

ORS 418.764 - Photographing the Child during Investigation

The only way a child could be photographed was to preserve any evidence that could have been used in a court of law. Those photographs immediately became part of the court records.

ORS 418.765 - Central Registry of Reports

A central state registry should be maintained by the Children's Service Division. The local offices were to report, in writing, any investigation of abuse or neglect, even if the cause of the abuse remained unknown.
ORS 418.770 - Confidentiality of Records

Any report of suspected or known abuse was confidential and unavailable for public inspection. However, any law enforcement agency, physician, attorney, citizen review board, child welfare service, or an officer or employee of the Children's Service Division could consult records only if proven to aid in the conviction of the accused or was to aid in the protection of the abused child.

ORS 418.775 - Grounds for Excluding Evidence

Under no circumstances could any information or evidence be excluded in court proceedings on child abuse. Even parents were directed to testify against each other.

ORS 418.990 - Criminal Penalties

Any person who violated any of the statutes regarding reporting or confidentiality of records could be punished by a fine of up to but not exceeding $1,000. Prosecution could commence within eighteen months after the offense had been committed.

Multnomah County, the largest county of the five, was similar to Nevada in its reporting procedures. The administrator might facilitate or designate another employee to pursue the investigation.

Noted in ORS 418.760, paragraph one, was:

If the investigation is conducted on school premises the administrator shall first be notified that the investigation is to take place unless the school administrator is subject of the investigation. The school administrator or a school staff member designated by the administrator may, at the investigator's discretion, be present to facilitate the investigation.

As a statement to the size of some or Oregon's counties, one county in particular had a unique reporting procedure. In Marion
County - Salem 24-J (population 37,882), it was reported to the
writer that the superintendent went directly to the home of the
abused or neglected child and made the correct recommendations at
that time regarding the child's immediate needs.

The five largest school districts in the State of Washington
were as follows: Seattle Public School District, Tacoma Public
School District, Spokane Public School District, Lake Washington

The following eight statutes were directly linked to child
abuse or neglect:

RCW 26.44.010 Declaration of Purpose
RCW 26.44.020 Definitions
RCW 26.44.030 Reports - By Whom Made
RCW 26.44.040 Oral - Written - Contents
RCW 26.44.050 Duty of Law Enforcement Agency or
Department of Public Assistance
RCW 26.44.060 Immunity from Civil Liability
RCW 26.44.070 Central Registry of
Reported Cases
RCW 26.44.080 Violation - Penalty.

A more complete description of these statutes was to be found in
Appendix K.

RCW 26.44.010 - Declaration of Purpose

The State of Washington asserted the right to intervene in
situations where the safety of the child was threatened. Therefore, provisions were made so the appropriate authorities could be contacted.

**RCW 26.44.020 - Definitions**

The following was the list of words the State of Washington used with the five school districts: Department - the State Department of Social and Health Services; CPS - Child Protective Service; Child or children - anyone under the age of eighteen years; School personnel - teachers, counselors, administrators, nurses, and other certified or classified personnel; CA/N - child abuse and neglect; Child abuse or neglect - non-accidental injury or abuse, exploitation, negligent treatment, or circumstances in which the child's health, safety, or welfare was harmed; negligent treatment - a serious disregard of the consequences; and maltreatment - danger to the child's health, safety, or welfare.

**RCW 26.44.030 - Reports - By Whom Made and RCW 26.44.040 - Oral - Written - Contents**

All school personnel who had reason to believe that abuse or neglect had taken place were required to make an oral and/or written report to law enforcement agencies or Children's Protective Services concerning the suspected or known abuse. The report had to be made within a forty-eight-hour time period.

**RCW 26.44.050 - Duty of Law Enforcement Agency or Department of Public Assistance**

The law enforcement agency or the Child Protective Service
were obligated to notify the school if the interview was to take place on the campus. At that time either agency was to determine what was in the best interest of the child. The parent or legal guardian did not have to be notified of the action that was to take place. If the child was to be removed from the school setting, the principal was to be notified, and the parents as well; however, the location of the child did not need to be given.

RCW 26.44.060 - Immunity from Civil Liability

All written and oral reports were to go to Child Protective Services. Any oral report was to be followed with a written report and was to be marked "confidential - CPS." There was a main Child Protective Service in Seattle, Washington, to which all written reports were sent. Nothing was to be kept in the student's file at his school. All inquiries were to be directed to the Child Protective Services in Seattle (as was indicated in Appendix K).

Linelle Lillie, a school psychologist in Seattle, indicated that Seattle had the most progressive approach toward child abuse or neglect, not necessarily for the child but for the school personnel. Each administrator was given precise reporting procedures to follow. Ms. Lillie also indicated that administrators were primarily concerned with the adherence to the proper reporting procedures. She was of the opinion that not enough was being done along the line of prevention information and post-traumatic treatment. However, she was quick to point out that all
administrators and educators were given a thorough briefing on the guidelines and policies of the school district and each was provided with the handbook and copies of current reporting procedures.
CHAPTER 5

Summary, Findings, Conclusions, and Recommendations

Summary
The results of this study could best be summarized as follows:

1. Each district that sent procedures and information included specific statutes directly relating to child abuse or neglect.

2. Arizona, Nevada, New Mexico, and Washington used specific forms for the reporting of suspected or confirmed child abuse or neglect. California and Oregon merely indicated the person or agency to contact; no standard operational procedure was used.

3. Two states, Nevada and New Mexico, issued specific instructions annually reminding all administrators of their duties and responsibilities in regard to the proper reporting procedures.

4. Three states, California, Oregon, and Washington, issued brochures for use by all teachers and counselors which aided in the areas of detection, reporting, and follow-up procedures.

5. Arizona was the only state that used a "Service Team" which included the principal, school nurse, and school counselor. The team's sole responsibility was the welfare of the student. Arizona was also alone in using a reference guide which stated the law, the "Do's and Dont's" when dealing directly with the student, and proper identification procedures.
6. Oregon, in the County of Marion (population 37,882), suggested that the superintendent go directly to the student's home and make the report and any future recommendations.

7. California was the only state that required all teachers and administrators upon employment to sign a "Child Abuse Reporting Form" pursuant to the California Penal Code.

Restatement of the Problem. The purpose of the study was to examine the current statutes, administrative policies, and regulations which dealt with the abused or neglected child from thirty school districts within five Western states. Few studies had been directed toward the role and the responsibilities of the secondary administrator when dealing with abused or neglected children.

Purpose. The major purpose of this study was to determine the educational needs of abused or neglected children. The factors that contributed to this situation were lack of awareness of the needs of abused and neglected children, the increase in the reporting of school-age abuse cases, the increasing dropout rate of secondary students (with, perhaps, a direct link to sexual abuse and neglect), and the escalating need for preventive programs and post-traumatic treatment. This study was conducted to add to the body of knowledge accumulating on the vast and differing educational needs of abused and neglected children with emphasis on administrative duties and responsibilities.

Review of Literature. A review of literature revealed that recent reforms in educational services for children were designed to
shift the goals of the child welfare agencies. The history of child welfare and the educational system had been one of placement and substitute care rather than prevention, maintenance or emphasis on meeting the needs of children with their own families or in other permanent arrangements. Success in the shift of the child services toward prevention and treatment would require increasing attention to the serious deficits in the structure of the educational system and of child services in the home, school, and community.

Procedures. In order to achieve the purposes of this study, the following procedures were utilized. Statutes, administrative policies, and regulations provided by the six Western states were presented. The five largest districts within each of those six states responded to specific questions and requests. Twenty-seven of the thirty responded, indicating a 93 percent return. Content analysis of the twenty-seven responses was used to determine any outstanding operational procedures offered by one district over another.

Findings

Using the six states for the foundation of this research, the twenty-seven responses revealed the following:

1. Statutes in all six states varied slightly in their reporting procedures. Most states provided basic information such as policy, duty of the administrators, report content, immunity, confidentiality, and persons required to make the reports. All six states included definitions of abuse and neglect in their statutes.

2. The professional opinions of specific administrators did not result in statutory enactment or even consideration.
3. Legislation protecting and identifying the abused or neglected child was found in all six states, which led this writer to believe that states would continue to provide the immediate care and protection of the abused or neglected child.

4. A broad range of strategies was used by administrators when confronted with child abuse or neglect. Strategies ranged from team involvement, to a referral to the welfare department, to blatant denial.

Conclusions

1. It was concluded, based upon the findings of this study, that a real need existed in many states to address seriously the issue of reporting procedures for educational institutions and the degree of involvement by both educators and administrators.

2. It was concluded that there was a lack of knowledge on behalf of the local government and the public as to the nature of the rising problem of child abuse and neglect.

3. It was concluded that additional funding must be supplied if additional programs were to be implemented in the secondary schools.

4. The ultimate challenge was to sustain the progress made by all the insights and experience gained and to build upon the positives and resolve the negatives.

Recommendations

Considering the results and limitations of this study, the following recommendations were made:
1. Keep existing services alive, provide new ones, and keep informing the parents of the students of what was available to them and what their choices were.

2. Provide an integration and interconnection of professionals within the schools to work with students, teachers, and administrators.

3. Child care must be reassessed. Instead of being considered only as a preparation for school, child care was to be seen as an on-going intellectual and social opportunity.

Recommendations for further study. The following recommendations for further study were suggested:

1. To further extend this investigation on a national level to increase sample size and further validate the current findings.

2. Study additional factors such as the drop-out rate among teenagers and any correlations there may have been to abuse and neglect.

3. Establishment and perpetuation by educational institutions of a quality-control system of preventive measures, since research indicated that the early years were the most crucial in a young person's life.

4. Establish networks between schools, child abuse centers such as WE CAN, Inc., and homes in order to bring about additional advantages to each group, the most important having been that of a total understanding among all three groups as to a continuity of services.
SELECTED BIBLIOGRAPHY


Oregon Revised Statutes. Volume 3A, Chapters 410-495. Published by the Legislative Council Committee to the Legislative Assembly of the State of Oregon, 1981.


APPENDIX A

Arizona Statutes
Life, Health and Morals

ARS 13-3619. Permitting life, health or morals of minor to be imperiled by neglect, abuse or immoral associations; classification:

A person having custody of a minor under sixteen years of age who knowingly causes or permits the life of such minor to be endangered, its health to be injured or its moral welfare to be imperiled, by neglect, abuse or immoral associations, is guilty of a class 1 misdemeanor. As Amended Laws 1978, Ch. 201, Section 234, effective October 1, 1978 (ARS Ch. 36, Section 13-3619).

Reporting Abuse and Neglect

ARS 13-3620. Duty to report nonaccidental injuries and physical neglect of minors; classification:

A. Any physician, hospital intern or resident, surgeon, dentist, osteopath, chiropractor, podiatrist, county medical examiner, nurse, psychologist, school personnel, social worker, peace officer or any other person having responsibility for the care of children whose observation or examination of any minor discloses evidence of injury, sexual molestation, death, abuse or physical neglect which appears to have been inflicted upon such minor by other than accidental means or which is not explained by the available medical history as being accidental in nature, shall immediately report or cause reports to be made of such information to a municipal or county peace officer or to the protective services of the state department of economic security. Such reports shall be made forthwith by telephone or in person forthwith, and shall be followed by a written report. Such reports shall contain:

1. The names and addresses of the minor and his parents or person or persons having custody of such minor, if known.
2. The minor's age and the nature and extent of his injuries or physical neglect, including any evidence of previous injuries or physical neglect.
3. Any other information that such person believes might be helpful in establishing the cause of injury or physical neglect.

B. When such telephone or in-person reports are received by the municipal or county peace officer, they shall immediately notify the child protective services of the department of economic security and make such information available to them.

C. Any person required to receive reports pursuant to subsection A may take or cause to be taken photographs of the child and the vicinity involved. Medical examinations, including but not limited to, radiological examinations of the involved child may be performed.

D. Anyone participating in the making of reports required under the provisions of this section, or anyone participating in a judicial proceeding resulting from such reports, shall be immune from any civil or criminal liability by reason of such action unless such person acted with malice or unless such person has been charged with or
is suspected of abusing or neglecting the child or children in question. The physician-patient privilege, husband-wife privilege or any privilege except the attorney-client privilege, provided for by professions such as the practice of social work or nursing covered by law or a code of ethics regarding practitioner-client confidences, both as they relate to the competency of the witness and to the exclusion of confidential communications, shall not pertain in any civil or criminal litigation in which a child's neglect, dependency, abuse or abandonment is an issue nor in any judicial proceeding resulting from a report submitted pursuant to this section.

E. A person who violates any provision of this section is guilty of a class 2 misdemeanor. As Amended Laws 1978, Ch. 201, Section 235, effective October 1, 1978 (ARS Ch. 36, Section 13-3620).

**Immunity - Privilege**

ARS 8-546.04. Immunity of participants; nonprivileged communications:

A. Any person making a complaint, or providing information or otherwise participating in the program authorized by this article shall be immune from any civil or criminal liability by reason of such action, unless such person acted with malice or unless such person has been charged with or is suspected of abusing, abandoning or neglecting the child or children in question.

B. The physician-patient privilege, husband-wife privilege, or any privilege except the attorney-client privilege, provided for by professions such as the practice of social work or nursing covered by law or a code of ethics regarding practitioner-client confidences, both as they relate to the competency of the witness and to the exclusion of confidential communications, shall not pertain in any civil or criminal litigation in which a child's neglect, dependency, abuse or abandonment is an issue nor in any judicial proceeding resulting from a report submitted pursuant to this article. As Amended Laws 1976, Ch. 171, Section 2, effective June 27, 1976 (ARS Ch. 5, Section 8-546.04).

**Child Molestation**

ARS 13-1410. Molestation of child; classification:

A person who knowingly molests a child under the age of fifteen years by fondling, playing with, or touching the private parts of such child or who causes a child under the age of fifteen years to fondle, play with, or touch the private parts of such person is guilty of a class 2 felony and shall not be eligible for suspension or commutation of sentence, probation, pardon or parole or release on any other basis until not less than two-thirds of the sentence imposed by the court has been served but in any event not less than five years, notwithstanding the provisions of Sections 41-1604.06 and 41-1604.07. (ARS Ch. 14, Section 13-1410)

**Child Abuse Definitions**

ARS 13-3623. Child abuse; definitions; classification:

A. In this section, unless the context otherwise requires:

1. "Child" means a human being that is less than eighteen years of age.
2. "Physical injury" means the impairment of physical condition and includes but shall not be limited to any skin bruising, bleeding, failure to thrive, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition which imperils a child's health or welfare.

3. "Serious physical injury" means physical injury which creates a reasonable risk of death, or which causes serious or permanent disfigurement, or serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.
APPENDIX B

Arizona Child Abuse Reporting Procedures
Mesa Public Schools has been a model for the state in establishing operational procedures for the reporting of child abuse as required by ARS 13:3620.

1. Each school site will establish a child abuse "team." The team leader will be the principal (or his/her agent). The other members of the team will be the school nurse and a representative of the Guidance Department. At elementary schools, rather than a counselor, it should be the psychologist assigned to that school. The child's teacher should always be included in discussions of possible abuse.

2. Reports of child abuse can be taken by any of the team members, however, the principal will coordinate team activities. Any team member retains the right to report individually.

3. Child Protective Services should be notified, usually by the nurse, in all cases of suspected child abuse. At this time, Child Protective Services and the school team will establish tentative case plan and disposition. The options include:
   a. Appropriate school site intervention.
   b. Professional intervention from district resources, e.g., refer to psychologist (other).
   c. Direct Child Protective Services involvement.

The principal should keep records of all reported incidents. Nurses note on Permanent Health Record "Student Services Report." Do not record abuse details on Health Card.

4. In instances of urgent physical abuse or suspected sexual abuse, call the District Security Office (6175 or 6176). The Security Chief will respond to the call and meet with the principal. He will notify the police department and coordinate investigatory activities.

5. In the case of C.P.S. referral, the caseworker assigned to the investigation will confer with the reporting team member before beginning the investigation. (Where necessary, this could be a phone conference.)

6. The C.P.S. worker will give feedback to the reporting person on the appropriateness of the referral and the general disposition of the case, within 72 hours. Feedback may be requested from the caseworker by a team member.

7. Case report forms will be kept at the school site. The number of suspected cases at each school will be included in the nurses' monthly reports to Health Services.

8. A copy of the written report must be sent to Child Protective Services.

9. If a child transfers to another school within the district, the report is to be forwarded to the school nurse. If the child graduates or transfers out of district, the report should be sent to Psychological Services for storage.

10. Great care shall be exercised to preserve confidentiality. All activities associated with child abuse should be conducted in an atmosphere of offering sincere help rather than that of trying to "get the goods" on someone.
State Law on Reporting Child Abuse and Neglect
The law reads in part:
"Injury, sexual molestation, death, abuse, or physical neglect which appears to have been inflicted upon any child under 18 years of age by other than accidental means must be reported by the following persons...nurse, psychologist, school personnel, social worker, or any other person having responsibility for the care of children."

TYPES OF CHILD ABUSE

NEGLECT
Of all the cases of child maltreatment, school personnel most frequently encounter instances of neglect. Neglect is an act of omission. The child who comes to school with improper clothing, illnesses that have not received medical attention, or who is always hungry is clearly the object of parental neglect.

Indicators of Neglect
• The child is unusually fearful most of the time.
• The child is given improper food, drink or medicine.
• The child is dressed inappropriately for weather conditions.
• The child naps or sleeps in school.
• The child is habitually truant or tardy.

PHYSICAL ABUSE
Physical abuse is a nonaccidental injury inflicted on a child by parents or those responsible for that child's care. Be alert for unexplained or inadequately explained injuries, for injuries on more than one plane of the body, and for injuries that follow a repeated pattern.

Indicators of Physical Abuse
• A child who is unusually fearful.
• A child who flinches when touched by an adult.
• A child who is unusually aggressive.
• A child who demonstrates a pattern of inappropriate behavior.

SEXUAL ABUSE AND MISUSE
Child maltreatment of a sex-related nature falls within two categories: sexual misuse and sexual abuse. Sexual misuse is the exposure of a child to sexual stimulation inappropriate for the child's age and role in the family.

Indicators of Sexual Abuse and Misuse
• A rapid decay in peer relationships, or promiscuity.
• A seemingly unexplained rapid plummet in academic grades.
• A refusal to participate in physical education classes and a refusal of shower with other peers.
• Unusual behavior patterns such as depression, withdrawal or guilt.

IDENTIFYING CHILD ABUSE & RESPONDING TO ABUSED STUDENTS
To fulfill their function, teachers should:
• Be fully aware of your school's policy for reporting child abuse and the mandate for school personnel to report suspected abuse or neglect.
• Be a resource to parents experiencing child-rearing stress, or provide referral to appropriate school personnel.
• Be aware of the location of your school's child-abuse manual (a big blue notebook titled "Child Abuse: Our Problem Too") for additional information.

SOME DONTS FOR SCHOOL STAFF
• DON'T fail to keep written records of behavioral patterns and any reports which you make.
• DON'T make disparaging remarks about parents — even if it seems they have committed an atrocious act.
• DON'T contact the parents on your own initiative.
• DON'T move forward in terms of treating an abusive situation without consulting with your school's child abuse team.
• Above all, DON'T fail to report suspected child maltreatment immediately. Remember that persons who report in good faith are protected from legal prosecution should the report prove to be mistaken.
STUDENT SERVICE TEAM
SUMMARY FORM
MESA PUBLIC SCHOOLS

IDENT INFORMATION:
Name ___________________ Student No. _______________ D.O.B. _______________
School ___________________ Grade/Room ___________________
Siblings: Names, D.O.B. and schools attending ________________________________

TEAM ACTION:
Name of person reporting to C.P.S. ___________________ Position ___________________
Description of possible abuse (i.e., what happened, when, why, what child said and to whom, etc.)

History of physical deprivation, educational or medical neglect.

Other observed problems or behaviors (i.e., always tired, disruptive, destructive, withdrawn, passive, truant, habitually tardy, lacks friends, very dependent on staff for attention, depressed, fearful, resists P.E. participation, etc.).

District Security notified? Yes ___ No ___ Police notified? Yes ___ No ___
Officer __________________________
C.P.S. Intake Worker ___________________________ Date _______________________
Caseworker ___________________________ Date of visit _______________________
Information Only Report? Yes ___ No ___

FOLLOW UP:

PRINCIPAL ______________________
PSYCHOLOGIST ______________________
COUNSELOR ______________________
TEACHER ______________________
Note size, shape and color of burns, bruises, fractures, welts, bites, lacerations, abrasions, swelling, etc.
APPENDIX C

California Statutes
§ 1165. Definitions

As used in this article:

(a) "Child" means a person under the age of 18 years.

(b) "Sexual assault" means conduct in violation of the following sections of the Penal Code: Sections 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivisions (a) and (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), and Sections 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), and 647a (child molestation).

(c) "Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

(1) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by subdivision (d), including the intentional failure to provide adequate food, clothing, or shelter.

(2) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred.

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16508 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child.

(d) "Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

(e) "Corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

(f) "Abuse in out-of-home care" means situations of physical injury on a child which is inflicted by other than accidental means, or of sexual assault or neglect or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a foster parent or the administrator or an employee of a public or private residential home, school, or other institution or agency.

(g) "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). "Child abuse" also means the neglect of a child or abuse in out-of-home care, as defined in this article.
(e) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.

(f) A county probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case, and to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department and the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

§ 11167. Report; contents

(a) A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led such person to suspect child abuse, requested by the child protective agency.

(b) Information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

(c) The identity of all persons who report under this article shall be confidential and disclosed only between child protective agencies, or to counsel representing a child protective agency, or to the district attorney in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to Section 318 of the Welfare and Institutions Code, or to the county counsel or district attorney in an action initiated under Section 232 of the Civil Code or Section 300 of the Welfare and Institutions Code, or when those persons waive confidentiality, or by court order.

(d) Persons who may report pursuant to subdivision (c) of Section 11166 are not required to include their names.
(h) "Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; a licensed day care worker; an administrator of a community care facility licensed to care for children; headstart teacher; a licensing worker or licensing evaluator; public assistance worker; employee of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; a social worker or a probation officer.

(i) "Medical practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(j) "Nonmedical practitioner" means a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner; a paramedic; a marriage, family, or child counselor; or a religious practitioner who diagnoses, examines, or treats children.

(k) "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department.

§ 1166. Report; duty; time

(a) Except as provided in subdivision (b), any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.

(d) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.
§ 11168. Written reports; forms

The written reports required by Section 11166 shall be submitted on forms adopted by the Department of Justice after consultation with representatives of the various professional medical associations and hospital associations and county probation or welfare departments. Such forms shall be distributed by the child protective agencies.

§ 11169. Preliminary reports to department of justice; unfounded reports

A child protective agency shall forward to the Department of Justice a preliminary report in writing of every case of known or suspected child abuse which it investigates, other than cases coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, whether or not any formal action is taken in the case. However, if after investigation the case proves to be unfounded no report shall be retained by the Department of Justice. If a report has previously been filed which has proved unfounded the Department of Justice shall be notified of that fact. The report shall be in a form approved by the Department of Justice. A child protective agency receiving a written report from another child protective agency shall not send such report to the Department of Justice.

§ 11170. Notice to child protective agency of information maintained; indexed reports

(a) The Department of Justice shall maintain an index of all preliminary reports of child abuse submitted pursuant to Section 11169. The index shall be continually updated by the department and shall not contain any reports that are determined to be unfounded. The department may adopt rules governing recordkeeping and reporting pursuant to this article.

(b) The Department of Justice shall immediately notify a child protective agency which submits a report pursuant to Section 11169, or a district attorney who requests notification, of any information maintained pursuant to subdivision (a) which is relevant to the known or suspected instance of child abuse reported by the agency. A child protective agency shall make that information available to the reporting medical practitioner, child custodian, or guardian ad litem appointed under Section 318 of the Welfare and Institutions Code, if he or she is treating or investigating a case of known or suspected child abuse.

When a report is made pursuant to subdivision (a) of Section 11166, the investigating agency shall, upon completion of the investigation or after there has been a final disposition in the matter, inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.
§ 11171. X-rays of child; exemption from privilege

(a) A physician and surgeon or dentist or their agents and by their direction may take skeletal X-rays of the child without the consent of the child's parent or guardian, but only for purposes of diagnosing the case as one of possible child abuse and determining the extent of such child abuse.

§ 11172. Immunity from liability; failure to report; offense

(a) No child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse, or causing photographs to be taken of a suspected victim of child abuse, without parental consent, or for disseminating the photographs with the reports required by this article. However, the provisions of this section shall not be construed to grant immunity from such liability with respect to any other use of the photographs.

(b) Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months, or by a fine of not more than five hundred dollars ($500) or by both.

§ 11174. Guidelines

The Department of Justice, in cooperation with the State Department of Social Services, shall prescribe by regulation guidelines for the investigation of child abuse, as defined in subdivision (f) of Section 11165, in group homes or institutions and shall ensure that the investigation is conducted in accordance with the regulations and guidelines.
APPENDIX D

California Child Abuse Reporting Guidelines
and Brochure
CONDITION OF EMPLOYMENT PURSUANT TO CALIFORNIA PENAL CODE
SECTION 11166.5. CHILD ABUSE REPORTING

Name: ___________________________ Position: ___________________________

Section 11166.5 of the California Penal Code states, in part:

Any person who enters into employment on or after January 1, 1985, as a child care custodian, medical practitioner, or nonmedical practitioner, . . . prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166.5 and will comply with its provisions.

Section 11166.5 of the California Penal Code states, in part:

. . . any child care custodian, medical practitioner, nonmedical practitioner, . . . who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Section 11166.5 of the California Penal Code defines a "child care custodian" as:

. . . teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; . . . licensed day care workers; administrators of community care facilities licensed to care for children, headstart teachers; . . . and social workers.

The California Penal Code Section 11172(a), provides that mandated reporters are IMMUNE FROM LIABILITY, as provided, in part, as follows:

No child care custodian, . . . who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article . . . .

The California Penal Code Section 11172(d) provides penalties for FAILURE TO REPORT as follows:

Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars ($1,000) or by both.

Pursuant to the requirements of the California Penal Code, I have read and understand the provisions of Penal Code Section 11166.5, as stated herein, and will comply with its provisions. I have been provided with an informational brochure from the California Attorney General's Office entitled, "Child Abuse - It Shouldn't Hurt to be a Kid." I have also been provided with a copy of Whittier Union High School District Board Policy 3013, "Mandatory Child Abuse Reporting."

Signature

Date
October 23, 1985

TO: Certificated Employees Providing Direct Service to Pupils

FROM: Ramon Castillo, Jr.  
Assistant Administrator  
Personnel Services

SUBJECT: CHILD ABUSE REPORTING

Section 11166.5 of the California Penal Code requires in part: "... any child care custodian, medical practitioner, nonmedical practitioner... who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident."

A "child care custodian" is defined by Section 11166.5 of the California Penal Code as: "... teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; licensed day care workers; administrators of community care facilities licensed to care for children, Head Start teachers; ... and social workers."

Attached is a "Child Abuse" brochure printed by the Office of the Attorney General and reprinted for distribution by our office. Please become familiar with the contents of this brochure and retain it as a reference.

As a point of information, California Penal Code Section 11172(a) provides that mandated reporters are immune from liability, as provided in part as follows: "No child care custodian. . . who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. . . ."

Finally, California Penal Code Section 11172(b) admonishes that failure to report an instance of child abuse provides the following penalties: "Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars ($1,000) or by both."

DC/ae

Approved:  
J. Lee Alarid, Administrator  
Personnel Services

Attachment (1)
**Scope of the Problem**

The National Committee for the Prevention of Child Abuse estimates that as many as two to five children die in America each day from child abuse and neglect.

In California, more than 138,000 reports of abuse and neglect were made in 1984. This represents 2.1 percent of the total population between 0 and 18 years of age.

In Los Angeles County, 36,797 referrals of families and cases were brought into the system for protective services in 1984.

**Reporting**

Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency (CPA) who has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment whom he or she reasonably suspects has been the victim of child abuse, shall report such suspected instance of child abuse to a child protective service agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Teachers, administrative officers, supervisors of child welfare and attendance, certificated pupil personnel employees of any public or private school, administrators of a public or private day camp, licencsees, employees of a community care facility licensed to care for children, administrators, Head Start teachers, licensing workers or licensing evaluators, public assistance workers, employees of child care institutions, including foster parents, group home personnel and personnel of residential care facilities, social workers and probation officers are among the child care custodians required to report child abuse.

In Los Angeles County, the telephone report is to be made immediately either to the local law enforcement agency or to the Department of Children's Services.

Written reports are to be made on the Suspected Child Abuse Report form provided by the Department of Justice (Form #SSB572-4/81). The top three copies of the written report are to be completed within 36 hours and sent to the same agency to which the telephone report was made. The fourth copy (yellow) is to be retained by the reporting party.

For further information on this program and other crime prevention material, write to:

**Crime Prevention Center**
Office of the Attorney General
1515 K Street, Suite 383
Sacramento, California 95814

**National Child Abuse Hotline**
1-800-4-A22-4453

**Parents Anonymous**
1-800-352-0386

**Local Child Abuse Hotline**
21234

**It Shouldn't Hurt To Be A Kid!**

JOHN K. VAN DE KAMP
California Attorney General
Not a Family Affair

Child rearing has traditionally been a private family matter. Times have changed, however, and a growing awareness of the incidence and degree of child mistreatment is altering the public’s attitude regarding child rearing.

The right of a child to enjoy a healthy, satisfying life should be granted equal status with parental rights.

We must all concern with the detection, treatment and, above all, the effective prevention of child abuse and neglect for the sake of children, parents and society as a whole.

What is Child Abuse?

Child abuse is legally defined as any act of omission or commission that endangers or impairs a child’s physical or emotional health and development.

These acts include:
• Physical abuse and corporal punishment resulting in an injury
• Emotional abuse
• Emotional deprivation
• Physical neglect and/or inadequate supervision
• Sexual abuse and exploitation

Indicators to Watch For

Below are some indicators of child abuse which can help you to recognize an existing or potential problem of abuse.

Physical Abuse:
• Bruises, burns, abrasions, lacerations, or swelling caused by other than accidental means.
• Belt buckle marks, handprints, bite marks and pinches
• A history of recurring injuries
• Unexplained injuries, conflicting explanations on reason for injury
• Very young children with injuries on the back of the body from the neck to the knees

Emotional Abuse:
• Child is withdrawn, depressed and apathetic and tends to “act out.”
• Displays signs of emotional turmoil such as repetitive, rhythmic movements, no verbal or physical communication
• Parent or guardian refers to the child continually as “it” (it cried — “it” died)

Emotional Deprivation:
• Child refuses to eat adequate amounts of food and is thus very frail
• Displays overly exaggerated fears
• Continually seeks out and “pesters” other adults (such as teachers, neighbors, etc.) for attention and affection
• Appears normal but is unable to perform normal learned functions for a given age, e.g., walking, talking, etc.

Physical Neglect:
• Unsanitary conditions in the home (garbage, animal or human excreta)
• Spoiled food in the refrigerator or cupboards or no food at all
• Untreated injuries which endanger the health of the child
• Unsafe home conditions and unsupervised young children left for long periods of time

Sexual Abuse and Exploitation:
• Child makes statements about sexual activities with parents, other relatives, friends of the family or other adults

• Child shows an early and/or exaggerated awareness of sex, with either seductive interest or fearful avoidance of close contact with others
• Child is known to be a victim of other forms of abuse
• Bloody underclothing or tearing/bruising of the mouth, anus or genitalia

Reporting

The law requires certain professionals to report suspicion and/ or knowledge of child abuse. But, kids also need the help of neighbors and friends.

Child abuse can be reported to law enforcement, county welfare and, in some counties, probation departments. If you are uncertain about reporting suspected incidents of abuse, call your community’s child abuse council or hotline for advice. YOU DO NOT HAVE TO GIVE YOUR NAME.

Your Involvement

Does not mean physical intervention. It does not mean snooping on your neighbors. It simply means a willingness to help by recognizing the obvious signs — the frightened child next door, the unusually withdrawn child, the child who is not ill but not in school either.

After Your Report

Many people are under the misconception that if a family is reported for child abuse the parent will always be arrested and the child will be taken away from the family. Although this does occur in serious abuse cases, the family is usually referred to counseling or parenting classes. In neglect cases, the family may be referred to public assistance agencies.

Goal

The goal of child protective agencies is to try to keep the family unit intact. Unless the child is danger the goal is always to protect, but child and help them grow up healthy and happy.

Remember: your awareness and concern can possibly save a child from serious injury or death.
October 23, 1985

TO:          Certificated Employees Providing Direct Service to Pupils

FROM:        Ramon Castillo, Jr.
             Assistant Administrator
             Personnel Services

SUBJECT:     CHILD ABUSE REPORTING

Section 11166.5 of the California Penal Code requires in part: "... any child care custodian, medical practitioner, nonmedical practitioner... who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident."

A "child care custodian" is defined by Section 11166.5 of the California Penal Code as: "... teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; licensed day care workers; administrators of community care facilities licensed to care for children, Head Start teachers; ... and social workers."

Attached is a "Child Abuse" brochure printed by the Office of the Attorney General and reprinted for distribution by our office. Please become familiar with the contents of this brochure and retain it as a reference.

As a point of information, California Penal Code Section 11172(a) provides that mandated reporters are immune from liability, as provided in part as follows: "No child care custodian... who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. ..."

Finally, California Penal Code Section 11172(b) admonishes that failure to report an instance of child abuse provides the following penalties: "Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars ($1,000) or by both."

DC/ae

Approved:
J. Lee Alarid, Administrator
Personnel Services

Attachment (1)
WHITTIER UNION HIGH SCHOOL DISTRICT

CONDITION OF EMPLOYMENT PURSUANT TO CALIFORNIA PENAL CODE
SECTION 11166.5. CHILD ABUSE REPORTING

Name: ________________________________  Position: ________________________________

Section 11166.5 of the California Penal Code states, in part:

Any person who enters into employment on or after January 1, 1985, as a child care
custodian, medical practitioner, or nonmedical practitioner, . . . prior to
commencing his or her employment, and as a prerequisite to that employment, shall
sign a statement on a form provided to him or her by his or her employer to the
effect that he or she has knowledge of the provisions of Section 11166.5 and will
comply with its provisions.

Section 11166.5 of the California Penal Code states, in part:

. . . any child care custodian, medical practitioner, nonmedical practitioner, . . .
who has knowledge of or observes a child in his or her professional capacity or
within the scope of his or her employment whom he or she knows or reasonably
suspects has been the victim of child abuse to report the known or suspected
instance of child abuse to a child protective agency immediately or as soon as
practically possible by telephone and to prepare and send a written report thereof
within 36 hours of receiving the information concerning the incident.

Section 11166.5 of the California Penal Code defines a "child care custodian" as:

. . . teachers, administrative officers, supervisors of child welfare and attendance,
or certificated pupil personnel employees of any public or private school; . . .
licensed day care workers; administrators of community care facilities licensed to
care for children, headstart teachers; . . . and social workers.

The California Penal Code Section 11172(a), provides that mandated reporters are
IMMUNE FROM LIABILITY, as provided, in part, as follows:

No child care custodian, . . . who reports a known or suspected instance of child
abuse shall be civilly or criminally liable for any report required or authorized by
this article . . . .

The California Penal Code Section 11172(d) provides penalties for FAILURE TO REPORT
as follows:

Any person who fails to report an instance of child abuse which he or she knows to
exist or reasonably should know to exist, as required by this article, is guilty of a
misdemeanor and is punishable by confinement in the county jail for a term not to
exceed six months or by a fine of not more than one thousand dollars ($1,000) or by
both.

Pursuant to the requirements of the California Penal Code, I have read and understand the
provisions of Penal Code Section 11166.5, as stated herein, and will comply with its
provisions. I have been provided with an informational brochure from the California
Attorney General's Office entitled, "Child Abuse - It Shouldn't Hurt to be a Kid." I have
also been provided with a copy of Whittier Union High School District Board Policy 3013,
"Mandatory Child Abuse Reporting."

__________________________________

Signature

__________________________________

Date
APPENDIX E

Nevada Statutes
GENERAL PROVISIONS

432B.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.120, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1985, 1368)

432B.020 "Abuse or neglect of a child" defined.
1. "Abuse or neglect of a child" means:
   (a) Physical or mental injury of a nonaccidental nature;
   (b) Sexual abuse or sexual exploitation; or
   (c) Negligent treatment or maltreatment as set forth in NRS 432B.140, of a child caused or allowed by a person responsible for his welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.
2. A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment. This subsection does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to NRS 62.231.
3. As used in this section, "allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

(Added to NRS by 1985, 1368)

432B.030 "Agency which provides protective services" defined.
"Agency which provides protective services" means:
1. The local office of the welfare division; or
2. An agency of a county authorized by the court to receive and investigate reports of abuse or neglect, which provides or arranges for necessary services.

(Added to NRS by 1985, 1369)

432B.040 "Child" defined. "Child" means a person under the age of 18 years.

(Added to NRS by 1985, 1369)

432B.050 "Court" defined. "Court" means the juvenile division of the district court.

(Added to NRS by 1985, 1369)

432B.060 "Custodian" defined. "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child.

(Added to NRS by 1985, 1369)

432B.070 "Mental injury" defined. "Mental injury" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of his ability to function within his normal range of performance or behavior.

(Added to NRS by 1985, 1369)

432B.080 "Parent" defined. "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

(Added to NRS by 1985, 1369)

432B.090 "Physical injury" defined. "Physical injury" means:
1. Permanent or temporary disfigurement; or
2. Impairment of any bodily function or organ of the body.

(Added to NRS by 1985, 1369)

432B.100 "Sexual abuse" defined. "Sexual abuse" includes acts upon a child constituting:
1. Incest under NRS 201.180;
2. Lewdness with a child under NRS 201.230;
3. Annoyance or molestation of a child under NRS 207.260;
4. Sadomasochistic abuse under NRS 201.262;
5. Sexual assault under NRS 200.366; and

(Added to NRS by 1985, 1369)
432B.110 "Sexual exploitation" defined. "Sexual exploitation" includes forcing, allowing or encouraging a child:
1. To solicit for or engage in prostitution;
2. To view a pornographic film or literature; and
3. To engage in:
   (a) Filming, photographing or recording on video tape; or
   (b) Posing, modeling, depiction or a live performance before an audience,
which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700.
(Added to NRS by 1985, 1369)

432B.120 "Welfare division" defined. "Welfare division" means the welfare division of the department of human resources.
(Added to NRS by 1985, 1370)

432B.130 Persons responsible for child's welfare. A person is responsible for a child's welfare under the provisions of this chapter if he is the child's parent, guardian or foster parent, a stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, or a person directly responsible or serving as a volunteer for or employed in a public or private home, institution or facility where the child actually resides.
(Added to NRS by 1985, 1370)

432B.140 Negligent treatment or maltreatment. Negligent treatment or maltreatment occurs if a child has been abandoned, is without proper care, control and supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for his welfare or his neglect or refusal to provide them when able to do so.
(Added to NRS by 1985, 1370)

432B.150 Excessive corporal punishment may constitute abuse or neglect. Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child under the provisions of this chapter.
(Added to NRS by 1985, 1370)

432B.160 Immunity from civil or criminal liability. Immunity from civil or criminal liability extends to every person who in good faith:
1. Makes a report pursuant to the provisions of NRS 432B.220;
2. Conducts an interview or allows an interview to be taken pursuant to NRS 432B.270;
3. Allows or takes photographs or X-rays pursuant to NRS 432B.270;
4. Holds a child pursuant to NRS 432B.400 or places a child in protective custody;
5. Refers a case or recommends the filing of a petition pursuant to NRS 432B.380; or
6. Participates in a judicial proceeding resulting from a referral or recommendation.
(Added to NRS by 1985, 1378)
432B.170 Sharing information with state or local agencies. Nothing in the provisions of NRS 432.100 to 432.130, inclusive, or this chapter prohibits an agency which provides protective services from sharing information with other state or local agencies if:

1. The purpose for sharing the information is for the development of a plan for the care, treatment or supervision of a child who has been abused or neglected or of a person responsible for the child's welfare;
2. The other agency has standards for confidentiality equivalent to those of the agency which provides protective services; and
3. Proper safeguards are taken to ensure the confidentiality of the information.

(Added to NRS by 1985, 1378)

432B.220 Persons required to make reports; any person may make report.

1. A report must be made immediately to an agency which provides protective services or to a law enforcement agency when there is reason to believe that a child has been abused or neglected. If the report of abuse or neglect of a child involves the acts or omissions of an agency which provides protective services or a law enforcement agency, the report must be made to and the investigation made by an agency other than the one alleged to have committed the acts or omissions.

2. Reports must be made by the following persons who, in their professional or occupational capacities, know or have reason to believe that a child has been abused or neglected:
   (a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatrist, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family counselor, alcohol or drug abuse counselor, advanced emergency
medical technician-ambulance or other person providing medical services licensed or certified in this state;

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital;

(c) A coroner;

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession;

(e) A social worker and an administrator, teacher, librarian or counselor of a school;

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child;

(g) Any person licensed to conduct a foster home;

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer;

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect; and

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

3. A report may be made by any other person.

4. Any person required to report under this section who has reasonable cause to believe that a child has died as a result of abuse or neglect shall report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides protective services his written findings, which must include the information required under the provisions of subsection 2 of NRS 432B.230.

(Added to NRS by 1985, 1371)

432B.230 Method of making report; contents.
1. The report required under the provisions of subsection 1 of NRS 432B.220 may be made verbally, by telephone or otherwise.
2. The report must contain the following information, if obtainable:
   (a) The name, address, age and sex of the child;
   (b) The name and address of the child's parents or other person responsible for his care;
   (c) The nature and extent of the abuse or neglect of the child;
   (d) Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;
   (e) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and
   (f) Any other information known to the person making the report that the agency which provides protective services considers necessary.

(Added to NRS by 1985, 1372)

432B.240 Penalty for failure to make report. Any person who knowingly and willfully violates the provisions of NRS 432B.220 is guilty of a misdemeanor.

(Added to NRS by 1985, 1373)

432B.250 Persons required to report prohibited from invoking certain privileges. Any person required to report under NRS 432B.220 may not invoke any of the privileges granted under chapter 49 of NRS:
1. For his failure to report as required under NRS 432B.220;
2. In cooperating with an agency which provides protective services or a guardian ad litem for a child; or
3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive.

(Added to NRS by 1985, 1378)
432B.255 Admissibility of evidence. In any proceeding resulting from a report made or action taken pursuant to the provisions of NRS 432B.220, 432B.230 or 432B.340 or in any proceeding where such report or the contents thereof is sought to be introduced in evidence, such report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report shall not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

(Added to NRS by 1965, 548; A 1971, 804)—(Substituted in revision for NRS 200.506)

432B.260 Initiation of investigation upon receipt of report; cooperation in investigation.
1. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides protective services or a law enforcement agency shall, within 3 working days, initiate an investigation. A law enforcement agency shall promptly notify an agency which provides protective services of any report it receives.

2. An agency which provides protective services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

(Added to NRS by 1985, 1373)

432B.270 Interview of child; photographs, X-rays and medical tests.
1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child’s welfare, interview a child concerning any possible abuse or neglect. The child may be interviewed at any place where he is found. The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child’s welfare that the child was interviewed, unless the designee determines that such notification would endanger the child.

2. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of the person responsible for a child’s welfare:
   (a) Take or cause to be taken photographs of the child’s body, including the areas of trauma; and
   (b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on a child.

3. Upon the taking of any photographs, X-rays or medical tests pursuant to subsection 2, the person responsible for the child’s welfare must be notified immediately if reasonably possible, unless the designee determines such notification would endanger the child. The reasonable cost of these photographs, X-rays or medical tests must be paid by the agency providing protective services if money is not otherwise available.

4. Any photographs or X-rays taken pursuant to subsection 2, or copies thereof, must be sent to the agency providing protective services and to the law enforcement agency participating in the investigation of the report. The photograph or X-ray:
   (a) Must be accompanied by a statement indicating the name of the child, the name and address of the person taking the photograph or X-ray and the date the photograph or X-ray was taken;
   (b) Is admissible in any proceeding relating to abuse or neglect of the child; and
   (c) May be given to the child’s parent or guardian if he pays the cost of duplicating them.

(Added to NRS by 1985, 1373)

432B.280 Confidentiality of reports and records of reports and investigations.
1. Reports made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:
(a) Pursuant to a criminal prosecution relating to abuse or neglect of a child; and
(b) To persons or agencies enumerated in NRS 432B.290, is guilty of a misdemeanor.
(Added to NRS by 1985, 1373)

432B.290 Release of data or information concerning reports and investigations; penalty.
1. Data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:
(a) A physician who has before him a child who he reasonably believes may have been abused or neglected;
(b) A person authorized to place a child in protective custody if he has before him a child who he reasonably believes may have been abused or neglected and he requires the information to determine whether to place the child in protective custody;
(c) An agency, including an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:
   (1) The child;
   (2) The person responsible for the child’s welfare;
(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of abuse or neglect of a child;
(e) Any court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;
(f) A person engaged in bona fide research or an audit, but any information identifying the subjects of a report must not be made available to him;
(g) The child’s guardian ad litem;
(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;
(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;
(j) A team organized for the protection of a child pursuant to NRS 432B.350;
(k) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;
(l) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;
(m) An agency which is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child; or
(n) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides protective services if:
   (1) The identity of the person making the report is kept confidential; and
   (2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect.
Any person, except for the subject of a report or a district attorney or other law enforcement officer initiating legal proceedings, who is given access, pursuant to subsection 1, to information identifying the subjects of a report who makes this information public is guilty of a misdemeanor.

3. The welfare division shall adopt regulations to carry out the provisions of this section.
(Added to NRS by 1985, 1374)
432B.300 Determinations to be made by investigation of report. Each agency which provides protective services shall investigate each report of abuse or neglect received or referred to it to determine:

1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if he remains in the same environment; and

4. The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

(Added to NRS by 1985, 1375)

432B.310 Report to central registry upon completion of investigation. The agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the central registry:

1. Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

2. The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

3. The disposition of the case.

(Added to NRS by 1985, 1375)

432B.320 Waiver of full investigation of report. 1. An agency which provides protective services may waive a full investigation of a report of abuse or neglect of a child made by another agency or a person if, after assessing the circumstances, it is satisfied that:

(a) The person or other agency who made the report can provide services to meet the needs of the child and the family, and this person or agency agrees to do so; and

(b) The person or other agency agrees in writing to report periodically on the child and to report immediately any threat or harm to the child's welfare.

2. The agency which provides protective services shall supervise for a reasonable period the services provided by the person or other agency pursuant to subsection 1.

(Added to NRS by 1985, 1375)
APPENDIX F

Clark County (Nevada) School District

Regulation and Report Forms
CHILD ABUSE OR NEGLECT

I. Nevada statutes define child abuse and neglect as "physical or mental injury of a non-accidental nature, sexual abuse, sexual exploitation or negligent treatment or maltreatment of a child under the age of 18 years by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby."

II. Nevada statutes require physicians, surgeons, hospital personnel, school authorities, school teachers, and others to report to Nevada State Welfare or to law enforcement agencies any suspected case of child abuse or neglect. Immunity from civil or criminal liability is provided under the law to those making such reports.

III. School personnel do not have responsibility or authority for determining whether protective care is needed. After consultation with administrative staff and/or the Department of Pupil Personnel Services, cases must be referred to the appropriate agency.

IV. Schools are not required to notify parents and/or legal guardians of protective referrals. The principal may notify parents and/or legal guardians, at principal's discretion, of students referred or taken into legal custody.

V. The Division of Administrative and Special Student Services is responsible for developing and implementing procedures for the responsibilities of school personnel regarding child abuse or neglect and will specify these procedures in the Student Regulations and Procedures Manual according to Board of School Trustees policy and Nevada statutes.

VI. Students Over Eighteen Years

In the event a student over the age of eighteen years reports a home condition that may require protective care, the student should be helped to contact a law enforcement officer for advice, if desired, and should be informed that the student may go in person to the Clark County General Assistance Services, 651 Shadow Lane, Las Vegas, to request financial assistance.
REPORT OF SUSPECTED CHILD ABUSE
OR NEGLECT

NAME OF CHILD ____________________________________________________________

ADDRESS _________________________________________________________________

BIRTHDATE __________________________ AGE __________________ GRADE __________

CLASSROOM ____________________________

PARENTS/GUARDIANS NAME AND ADDRESS ______________________________________

PHONE NUMBER: HOME ______________________________ WORK ____________________

NATURE AND EXTENT OF SUSPECTED ABUSE OR NEGLECT

PHYSICAL ABUSE _______________ SEXUAL ABUSE ____________________________

PHYSICAL NEGLECT _______________ MEDICAL NEGLECT ______________________

EMOTIONAL MALTREATMENT _________________

PLEASE DESCRIBE:

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

IF YOU HAVE EVIDENCE OF PREVIOUS ABUSE OR NEGLECT, PLEASE DESCRIBE
(INCLUDE DATES IN CHRONOLOGICAL ORDER):

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

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Signature ____________________________________________

Title ________________________________________________
**STATEMENT OF PHYSICAL CONDITION**

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APPENDIX G

New Mexico Statutes
DATE: August 1, 1986

TO: Principals

FROM: Tommy Batson, Assistant to the Superintendent

SUBJ: Suspected Child Abuse/Child Neglect

Gallup-McKinley County School Board Policy:

VIII 9.0 CHILD ABUSE AND CHILD NEGLECT

(32-1-15 A)

9.1 The Gallup-McKinley County Public Schools board of education recognizing the serious local, state and national problems of child abuse and child neglect, affirms its position that the Gallup-McKinley County Public Schools shall cooperate vigorously to expose these problems by early identification of abuse or neglect and by reporting suspected cases to duly constituted authorities.

9.2 A copy of the abuse/neglect form must be submitted to the principal when a case is reported to authorities.

LISTED BELOW IS INFORMATION AND PROCEDURES TO BE FOLLOWED.

Any teacher or other employee of the Gallup-McKinley County schools has the legal obligation to report suspected cases of child abuse/neglect. New Mexico Statute 32-1-15 A states:

Any licensed physician, resident, or intern examining, attending or treating a child, any law enforcement officer, registered nurse, visiting nurse, school teacher or social worker acting in his official capacity or any other person knowing or suspecting that a child is an abused or a neglected child shall report the matter immediately to the county social services office of the human services department in the county where the child resides.

Any Gallup-McKinley County Schools employee may report suspected child abuse/neglect directly to the McKinley County Social Services Office, 2907 East 66 Ave., Gallup, New Mexico, telephone: 863-9545. Any person reporting is permitted to do so anonymously. However, if any employee wishes, they may make such report to the school nurse who will make the report to Social Services and act as liaison between Social Services and the schools.

Any employee acting in good faith in reporting suspected child/abuse neglect is afforded protection by law and by Gallup-McKinley County Schools liability insurance program. New Mexico Statute 31-1-16 B and C states:
Anyone reporting an instance of alleged child neglect or abuse or participating in a judicial proceeding brought as a result of a report required by Section 32-1-15 NMSA 1978 is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by law, unless the person acted in bad faith or with malicious purpose.

Any school personnel or other person who has the duty to report child abuse pursuant to Section 32-1-15 NMSA 1978 and who permits a member of a law enforcement agency or an employee of the human services department to interview the child with respect to that report without permission of his parent, guardian or custodian is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by law, unless the person acted in bad faith or with malicious purpose.

If it is deemed necessary for a staff member of the Social Services Office to interview a child at school, the interview will be arranged through the school principal.

The following definitions of a neglected and an abused child are taken from New Mexico Statute 32-1-3 L and M. Please note that educational neglect is clearly included:

"Neglected Child" means a child:
1. who has been abandoned by his parent, guardian or custodian;
2. who is without proper parental care and control or subsistence, education, medical or other care or control necessary for this will-being because of the faults or habits of his parent, guardian or custodian or his neglect or refusal, when able to do so, to provide them;
3. whose parent, guardian or custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity; or
4. who has been placed for care or adoption in violation of the law; provided that nothing in the Children's Code shall be construed to imply that a child who is being provided with treatment by spiritual means alone though prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof, is for that reason alone a neglected child within the meaning of the Children's Code.

"Abused Child" means a child:
1. who has been physically, emotionally or psychologically abused by his parent, guardian or custodian, or
2. who has been sexually abused or exploited by his parent, guardian or custodian as used in this paragraph:
   a. "sexual abuse" means rape, criminal sexual penetration, incest and sexual molestation as those acts are defined by state law; and
   b. "sexual exploitation" includes allowing, permitting or encour-
aging a child to engage in prostitution and allowing, permitting, encouraging or engaging a child in obscene or pornographic photographing, filming or depicting a child for commercial purposes as those acts are defined by state law; or

3. whose parent, guardian or custodian has knowingly, intentionally or negligently placed the child in a situation that may endanger his life or health; or

4. whose parent, guardian or custodian has knowingly or intentionally tortured, cruelly confined or cruelly punished him; provided that nothing in the Children's Code shall be construed to imply that a child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof, is for that reason alone an abused child within the meaning of the Children's Code.

The county social services office is required to notify the person making the report within five days after the report is made that an investigation is being conducted. Such notice will be mailed directly to the referring party.

TB/it

Attachment
APPENDIX H

Gallup (New Mexico) School District

Policy and Child Abuse Report Forms
January 12, 1987

Barb Chilson
3939 Waterford Lane
Las Vegas, Nevada  89109

Dear Ms. Chilson:

Dr. Vincent requested that I send you the attached copy of our policy on child abuse. He also asked me to summarize procedure for you.

Basically, if a teacher suspects abuse:

a.) He/she can call social service directly and then let the principal know this has been done. Some teachers are comfortable doing this, some are not, so another option is available.

b.) He/she can turn the situation over to the school nurse or the principal.

By New Mexico law, it is the teacher's legal responsibility to be sure that a report is made to social services. In practice, however, most teachers tend to use option "b" above.

I hope this helps. If you need any further assistance, please feel free to call me at: 505-722-7711 ext. 175.

Sincerely,

Beatrice Brlyvich
Substance Abuse Counselor

Enclosure
BB/cr
REPORT OF SUSPECTED CHILD ABUSE/CHILD NEGLECT
New Mexico Statutes, 1973, Chapter 360, Sec. 2

Instructions: Type or print firmly on hard surface. Respond to each item even if reply is "unknown" or "none." This report must be filed within 48 hours after an oral report. Retain a school copy; send original to: N.M. Department of Human Services, Social Services Bureau, 2907 E. 66 Avenue, Gallup, NM 87301

Check type of referral: Suspected Child Abuse ( ) Suspected Child Neglect ( )

Name of Child: ___________________________ Address: ___________________________
Birthdate: ___________________________ Phone: ___________________________

Present whereabouts if not at home: _______________________________________________

FROM:
School: ___________________________ Address: ___________________________ Phone: ___________________________

Siblings: ___________________________ Birthdate ___________________________ School ___________________________

In the case of failure to follow compulsory school attendance laws (22-12-7, NMCSA, 1978) how was the family notified of their violation? Fill out one or both methods.

1. Certified Mail: Date: ___________________________

2. Personal Delivery: Name: ___________________________ Date: ___________________________

Name of Person Responsible for Child's Care

First Middle Last Phone ___________________________
Address: ___________________________

Relationship to child ___________________________

Circumstances, leading to the suspicion that the child is a victim of abuse/neglect:

Suspicions concerning previous injury or conditions of neglect to this child or other children in this family situation:

Signature & Title of Person Making Report ___________________________ Name of Principal ___________________________

To Whom Reported At Social Services Bureau ___________________________ Date Mailed/Delivered ___________________________

(OVER)
APPENDIX I

Oregon Statutes
Oregon Child Abuse Reporting Law

418.740 Definitions for ORS 418.740 to 418.775. As used in ORS 418.740 to 418.775, unless the context requires otherwise:

(1) "Abuse" means:

(a) Any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be in variance with the explanation given of the injury.

(b) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(c) Sexual abuse, including but not limited to rape, sodomy, sexual penetration with a foreign object and incest, as those acts are defined in ORS chapter 163.

(d) Sexual exploitation, including but not limited to:

(A) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.685 and 163.670, or sexual abuse involving a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 418.760 and which is not designed to serve educational or other legitimate purposes, and

(B) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS 167.002 or described in ORS 163.685 and 163.670.

(e) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parent or guardian shall not, for this reason alone, be considered a neglected or maltreated child under this section.

(f) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(g) "Child" means an unemarried person who is under 18 years of age.

(h) "Public or private official" means:

(1) Physician, including any intern or resident.

(2) Dentist.

(3) School employe.

(4) Licensed practical nurse or registered nurse.

(5) Employee of the Department of Human Resources, county health department, community mental health program, a county juvenile department, or a licensed child-care agency.

(6) Peace officer.

(7) Psychologist.

(8) Clergyman.

(9) Social worker.

(10) Optometrist.

(11) Chiropractor.

(12) Certified provider of day care, foster care, or any employe thereof.

(13) Attorney.

(14) Naturopathic physician.

(15) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) Any county juvenile department. (1971 c.451 §2; 1973 c.408 §2; 1975 c.544 §2; 1979 c.731 §4; 1985 c.723 §4)

418.745 Policy. The Legislative Assembly finds that for the purpose of facilitating the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, and preserve family life when consistent with the protection of the child by stabilizing the family and improving parental capacity, it is necessary and in the public interest to require mandatory reports and investigations of abuse of children. (1971 c.451 §1; 1975 c.544 §3)

418.750 Duty of officials to report child abuse; exception for privileged communications. Any public or private official having reasonable cause to believe that any child with whom the official comes in contact in an official capacity has suffered abuse, or that any person with whom the official comes in contact in an official capacity has abused a child shall report or cause a report to be made in the manner required in ORS 418.755. Nothing contained in ORS 40.225 to 40.295 shall affect the duty to report imposed by this section, except that a psychiatrist, psychologist, clergyman or attorney shall not be required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295. (1971 c.451 §3; 1975 c.110 §2; 1975 c.644 [4; 1981 c.622 §44]

418.755 Report content; notice of report to law enforcement agencies and local Children's Services Division office. An oral report shall be made immediately by telephone or otherwise to the local office of the Children's Services Division or to a law enforcement agency within the county where the person making the report is at the time of his contact. If known, such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, the child's age, the nature and extent of the abuse including any evidence of previous abuse, the explanation given for the abuse and any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator. When a report is received by the Children's Services Division, the division shall immediately notify a law enforcement agency within the county where the report was made. When a report is received by a law enforcement agency, the agency shall immediately notify the local Children's Services Division within the county where the report was made. (1971 c.451 §4; 1975 c.544 §7; 1977 c.741 §1)

418.760 Duty of division or law enforcement agency receiving report; investigation; protective services for child. (1) Upon receipt of oral report required under ORS 418.750, the Children's Services Division or the law enforcement agency shall immediately cause an investigation to be made to determine the nature and cause of the abuse of the child. If the investigation is conducted on public school premises, the school administrator shall first be notified that the investigation is to take place unless the school administrator is a subject of the investigation. The school administrator or a school staff member designated by the administrator may, at the investigator's discretion, be present to facilitate the investigation. The Children's Services Division or the law enforcement agency making the investigation shall be advised of the child's handicapping conditions, if any, prior to any interview with the affected child. A school administrator or staff member is not authorized to reveal anything that transpires during an investigation in which the administrator or staff member participates nor shall the information become part of the child's school records, except that the school administrator or staff member may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

(2) If the law enforcement agency conducting the investigation finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify the local office of the Children's Services Division. The Children's Services Division shall provide protective social services of its own or of other available social agencies if necessary to prevent further abuses to the child or to safeguard the child's welfare.

(3) If a child is placed in protective custody by Children's Services Division, the division shall promptly make reasonable efforts to ascertain the name and address of the child's parent or guardian. If the name and address cannot be ascertained, the division shall notify the parent or guardian that the child is in protective custody. (1971 c.451 §5; 1975 c.644 §8; 1977 c.741 §2; 1983 c.815 §13; 1985 c.723 §2)
418.762 Immunity of persons making reports in good faith. Anyone participating in good faith in the making of a report pursuant to ORS 418.750 to 418.760 and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report. [1975 c.644 §6]

418.764 Photographing child during investigation; photographs as records. (1) In carrying out its duties under ORS 418.760, any law enforcement agency or the Children’s Services Division may photograph or cause to have photographed any child subject of the investigation for purposes of preserving evidence of the child’s condition at the time of the investigation.

(2) For purposes of ORS 418.770, photographs taken under authority of subsection (1) of this section shall be considered records. [1977 c.97 §12]

419.765 Central registry of reports. A central state registry shall be established and maintained by the Children’s Services Division. The local offices of the Children’s Services Division shall report to the state registry in writing when investigation has shown that the child’s condition was the result of abuse even if the cause remains unknown. Each registry shall contain information from reports catalogued both as to the name of the child and the name of the family.

[1971 c.451 §7; 1973 c.306 §2; 1975 c.644 §1; 1977 c.741 §5]

418.770 Confidentiality of records; when available to others. (1) Notwithstanding the provisions of ORS 192.201 to 192.210, 192.210 to 192.500 and 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 418.750 to 418.760 and 418.765 are confidential and are not accessible for public inspection. However, the Children’s Services Division shall make records available to:

(a) Any law enforcement agency or a child abuse registry in any other state for the purpose of subsequent investigation of child abuse;

(b) Any physician, at the request of the physician, regarding any child brought to the physician or coming before the physician for examination, care or treatment;

(c) Attorneys of record for the child or child’s parent or guardian in any juvenile court proceeding; and

(d) Citizen review board established by the division or a juvenile court for the purpose of periodically reviewing the status of children under the jurisdiction of the juvenile court under ORS 419.476. Citizen review boards may make such records available to participants in case reviews.

(2) The division may make reports and records available to any person, administrative hearings officer, court, agency, organization or other entity, when the division determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect children from abuse and neglect or for research when the assistant director gives prior written approval. The division shall adopt rules setting forth the procedures by which it will make the disclosures authorized under this subsection and subsection (1) of this section. The names, addresses or other identifying information about the person who made the report shall not be disclosed pursuant to this subsection and subsection (1) of this section.

(3) Any record made available to a law enforcement agency in this state or a physician in this state, as authorized by subsections (1) and (2) of this section shall be kept confidential by the agency or physician. Any record or report disclosed by the division to other persons or entities pursuant to subsections (1) and (2) of this section shall be kept confidential.

(4) No officer or employee of the Children’s Services Division or any person or entity whom disclosure is made pursuant to subsections (1) and (2) of this section shall release any information not authorized by subsections (1) and (2) of this section. [1974 c.551 §7; 1975 c.306 §2; 1977 c.644 §10; 1977 c.741 §4; 1985 c.153 §1; 1985 c.601 §1]

418.775 Certain privileges not grounds for excluding evidence in court proceeding on child abuse. (1) In the case of abuse of a child, as defined in ORS 418.740, the therapist-patient privilege, the physician-patient privilege, the privileges extended to nurses, to staff members of schools and to registered clinical social workers and the husband-wife privilege created by ORS 40.230 to 40.255 shall not be a ground for excluding evidence regarding a child’s abuse, or the cause thereof, in any judicial proceeding resulting from a report made pursuant to ORS 418.750.

(2) In any judicial proceedings resulting from a report made pursuant to ORS 418.750, either spouse shall be competent and compellable witness against the other. [Formerly 414.770; 1975 c.103 §1; 1977 c.644 §11; 1981 c.892 §95]

418.990 Criminal penalties.

(1) A person who violates ORS 418.750 commits a violation punishable by a fine not exceeding $1,000. Prosecution under the subsection may be commenced at any time within 18 months after commission of the offense.

(2) A person who violates ORS 418.770 commits a violation punishable by a fine not exceeding $1,000. (3) A person who violates ORS 418.775 commits a Class A misdemeanor. Each day of violation is a separate offense.
APPENDIX J

Washington Statutes
X. CHILD ABUSE OR NEGLECT

A. Laws Involved

- RCW 26.44.010 Declaration of Purpose
- RCW 26.44.020 Definitions
- RCW 26.44.030 Reports - By Whom Made
- RCW 26.44.040 Oral - Written - Contents
- RCW 26.44.050 Duty of Law Enforcement Agency or Department of Public Assistance
- RCW 26.44.060 Immunity from Civil Liability
- Patient-Physical Confidence
- RCW 26.44.070 Central Registry of Reported Cases of Child Abuse - Confidentiality
- RCW 26.44.080 Violation - Penalty

DISTRICT POLICY

"When any member of the school staff has reasonable cause to believe that a child has suffered child abuse or neglect, he or she shall report such incident, or cause a report to be made, immediately to the designated state agency according to state law."

B. Reporting Procedures

1. Who must report:
   a. All school staff.

2. When to report:

   Whenever child abuse or neglect is suspected, a report shall be made at the first opportunity but in no case longer than within 48 hours. (see Guidelines for Recognizing Child Abuse).

3. How to report:

   a. An oral report must be made immediately to the principal of the school who will then cause a report to be made to Children's Protective Services. The report shall include:

      (1) The name, address, and age of the child.

      (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child.

      (3) The nature and extent of the child's injury or injuries.

      (4) The nature and extent of the child's neglect.

      (5) The nature and extent of the sexual abuse.
X. CHILD ABUSE OR NEGLECT (Continued)

B. Reporting Procedures (continued)

(6) Any evidence of previous injuries, including their nature and extent.

(7) Any other information which may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the perpetrator or perpetrators.

b. A written report to the same agency must follow using Child Abuse reporting form HS-6-83 (see page ).

(1) Copies will be distributed as follows:

(a) One copy will be sent to Children's Protective Services.
(b) One copy will remain in the building in the principal's office.
(c) One copy will be sent to the Director of Health Services.
(d) No copies of this report will be retained in the student cumulative or health folder; however, a notation (CPS referral, date, and name of case-worker) will be made in the student health folder.

(3) Verification letter from CPS to be filed in student's cumulative folder.

4. Failure to report:

Any person required to make or cause to be made a report of child abuse or neglect and knowingly fails to do so report is guilty of a gross misdemeanor.

5. Guidelines for recognizing child abuse:

a. Physical Abuse

Physical indicators:

Unexplained bruises and welts:
- on face, lips, mouth
- on torso, back, buttocks, thighs
- in various stages of healing
- clustered, forming regular patterns
- reflecting shape of article used to inflict (electric cord, belt buckle)
- on several different surface areas
- regularly appear after absence, weekend or vacation
X. CHILD ABUSE OR NEGLECT (Continued)

B. Reporting Procedures (continued)

Unexplained burns:
- cigar, ciragette burns, especially on soles, palms, back or buttocks
- immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia)
- patterned-like electric burner, iron, etc.
- rope burns on arms, legs, neck or torso

Unexplained lacerations or abrasions:
- to skull, nose, facial structure
- in various stages of healing
- multiple or spiral fractures

Behavioral Indicators
- Wary of adult contacts
- Apprehensive when other children cry
- Behavioral extremes:
  - aggressiveness, or
  - withdrawal
- Frightened of parents
- Afraid to go home
- Reports injury by parents

b. Physical Neglect

Physical indicators:
- Consistent hunger, poor hygiene, inappropriate dress
- Consistent lack of supervision, especially in dangerous activities or long periods
- Unattended physical problems or medical needs
- Abandonment

Behavioral indicators:
- Begging, stealing food
- Extended stays at school (early arrival and late departure)
- Constant fatigue, listlessness or falling asleep in class
- Alcohol or drug abuse
- Delinquency (e.g., thefts)
- States there is no caretaker
X. CHILD ABUSE OR NEGLECT (Continued)

B. Reporting Procedures (continued)

c. Sexual Abuse

Physical indicators:
- Difficulty in walking or sitting
- Torn, stained or bloody underclothing
- Pain or itching in genital area
- Bruises or bleeding in external genitalia, vaginal or anal areas
- Veneral disease, especially in preteens
- Pregnancy

Behavioral indicators
- Unwilling to change for gym or participate in physical education class
- Withdrawal, fantasy or infantile behavior
- Bizarre, sophisticated, or unusual sexual behavior or knowledge
- Poor peer relationships
- Delinquent or run-away
- Reports sexual assault by caretaker

d. Child Sexual Behavior Disturbances

Children who exhibit the following behaviors may also be victims of sexual abuse.

Level I - Coercive Sexual Behavior

A. Aggressive sexual contact (includes attempted/actual intercourse, touching of genitals)

(1) Physical force—hitting, choking, physically restraining, presence of weapon or threat to use a weapon, etc., to obtain submission, or as part of the sexual assault or to prevent report.

(2) Causing injury—genital, or other, in the course of the sexual contact or resistance to it.

B. Socially coercive sexual contact

(1) Threat—direct or implied, to harm child or other, either to gain compliance or prevent report.

(2) Social coercion—where there is an inequality of size, age, developmental sophistication or where bribery or deception is used to gain compliance or prevent report.
X. CHILD ABUSE OR NEGLECT (Continued)

Level II - Developmentally Precocious Sexual Behavior

A. Attempted or completed sexual intercourse: vaginal, anal, oral or with object. These behaviors may occur with animals or dolls.

   (1) Behavior is explicit and intentional.

   (2) No coercion is present.

Level III - Inappropriate Sexual Behavior

A. Persistent masturbation

B. Masturbation in public

C. Masturbation causing pain/irritation

D. Touching the breasts/genitals of others

E. Asking others to touch child's genitals

F. Excessive interest in sexual matters, materials, or the sexual behavior of others

G. Sexualization of non-sexual situations

H. Sexually stylized behavior imitative of adult sexual relationships

I. Sexualized content to play, art or conversation

J. Repeatedly or publically showing genitals

Level III behaviors do not necessarily constitute child sexual behavior or disturbance unless:

1. They occur in inappropriate situations/contexts

2. The frequency interferes with other developmentally appropriate activities

3. The behavior persists in spite of intervention/confrontation

4. There are multiple sexual behaviors reported

5. The sexual behavior is accompanied by other inappropriate or disturbed behavior

Whenever there is any question or doubt concerning the appropriateness of a report, additional guidance through informal consultation should be sought from CPS or law enforcement.
APPENDIX K
Seattle (Washington) Public Schools Child Abuse and Neglect Policy and Procedures
SEATTLE PUBLIC SCHOOLS

CHILD ABUSE AND NEGLECT POLICY AND PROCEDURES

MAY, 1985
# TABLE OF CONTENTS

## CHILD ABUSE POLICY

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- Reporting Procedures .............................................. 4
- Guidelines for Interviewing .................................... 5
- Reporting Form ....................................................... 6
POLICY

IT IS THE POLICY OF THE SEATTLE SCHOOL BOARD THAT ANY CASE OF SUSPECTED CHILD ABUSE SHALL BE IMMEDIATELY REPORTED AS PROVIDED IN STATE LAW, AND THAT APPROPRIATE FOLLOW-UP MEASURES WILL BE TAKEN BY THE SUPERINTENDENT OR DESIGNATED REPRESENTATIVE.

FORMER CODE: None

REFERENCE: RCW 26.44 - Abuse of Children and Adult Dependent Persons - Protection - Procedure
PROCEDURE

Introduction

The State of Washington imposes the duty on school personnel to report suspected cases of child abuse to the proper authorities.

Key provisions of RCW 26.44 governing the reporting of child abuse are as follows:

1. Duty and Authority - All professional school personnel who have reasonable cause to believe that a child has experienced non-accidental physical injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment are required to make an oral and/or written report to law enforcement or Children's Protective Services concerning the suspected child abuse and neglect. The report shall be made at the first opportunity, and in no case longer than forty-eight (48) hours, after there is reasonable cause to believe that abuse or neglect has occurred. (RCW 26.44.030 - .040)

2. Penalty for Failure to Report Abuse and Neglect - Every person who is required to report child abuse and who knowingly fails to do so shall be guilty of a gross misdemeanor. (RCW 26.44.080)

3. Liability - Anyone who in good faith makes a report or gives testimony with regard to possible child abuse and neglect is immune from civil or criminal liability. (RCW 26.44.060)

4. Confidentiality - The reporting of child abuse is not a violation or confidential communication privileges. (RCW 26.44.060, RCW 5.60.060, RCW 18.83.110)

Recognizing that a possible conflict exists between the child abuse reporting statute and laws governing confidentiality between counselors and students in certain circumstances, the Attorney General's office has offered the opinion that the reporting requirement of RCW 26.44 must still be met, since failure to comply is a misdemeanor.

It has further been determined that compliance with the requirements of the Child Abuse Reporting statute will not conflict with the right of parents or guardians to privacy or confidentiality of records.

5. Purpose - The state respects the bond between parent, custodian, guardian, and child. However, in instances where minimal nurture, health, or safety is not provided, the state asserts the right to intervene in order to safeguard the general welfare of the child. Therefore, provision is made for the reporting of information about such cases to the appropriate public authorities. (RCW 26.44.010)
Other legislation states that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuation of this principal, the legislature declares that the family unit should remain intact in the absence of compelling evidence to the contrary. (RCW 13.34.020)

Identification

1. DEFINITIONS

   a. "Department" means the State Department of Social and Health Services.
   b. "CPS" means the Child Protective Service.
   c. "Child or children" means any person under the age of 18 years.
   d. "School personnel" is broadly defined to include teachers, counselors, administrators, child care facility personnel, school nurses, and other professional or certified personnel.
   e. "CA/N" is an abbreviation for child abuse and neglect.
   f. "Child abuse or neglect" shall mean the non-accidental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under circumstances which indicate the child's health, safety, and welfare is harmed.

   Abuse or neglect can be physical, sexual or psychological/emotional.
   g. An "abused child" is a child who has been subject to child abuse as defined.
   h. Sexual exploitation includes:

      (1) Allowing, permitting, or encouraging a child to engage in prostitution.

      (2) Allowing, permitting, or encouraging, or engaging in the obscene or pornographic photography, filming, or depicting of a child for commercial purposes.

   i. "Negligent treatment" or "maltreatment" means an act or omission which shows a serious disregard of the consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.
2. LIMITATION

RCW 26.44 does not authorize interference with child raising practices, including reasonable parental discipline which are not proved to be injurious to the child's health, welfare, and safety.

3. CHILD ABUSE RECOGNITION - Sample indicators of abuse or neglect which may be observable or non-observable are described in this section by kind of abuse and neglect. The presence of one indicator does not necessarily mean that the child has been abused and neglected. The repeated presence of an indicator or several indicators, the degree of severity, statements by the child, and the attitude of the parents may all be signs that something is wrong. The examples provided do not prove that abuse and neglect has actually occurred but may provide evidence for further investigation.

a. Sample indicators of observable physical abuse of a child include:

(1) Bilateral bruises, extensive bruises, bruises of different ages, patterns of bruises caused by a particular instrument (belt buckle, wire, straight edge, coat hanger, etc.).

(2) Burn patterns consistent with forced emersion in a hot liquid (a distinct boundary line where the liquid burn stopped), burn caused by a particular kind of implement (electric iron, etc.) or instrument (circular cigarette burns, etc.), unexplained lacerations, welts, and abrasions.

(3) Injuries inconsistent with information offered by the child.

(4) Injuries inconsistent with the child's age.

b. Sample indicators of observable neglect of a child include:

(1) Lack of basic needs (room, clothing, shelter).

(2) Inadequate supervision (unattended).

(3) Lack of essential health care and high incidence of illness.

(4) Lack of experiences that produce feelings of being loved, wanted, secure (emotional neglect).

(5) Irregular school attendance.

(6) Long working hours.

(7) Continuous friction in the home, marital discord, mentally ill parents.

(8) Child not wanting to go home after school.
c. Sample indicators of sexual abuse whether physical injuries are sustained or not:

(1) Are any act or acts involving sexual molestation or exploitation included but not limited to incest, rape, carnal knowledge, sodomy, or unnatural or perverted practices.

(2) Child having difficulty sitting down.

(3) Child refusing to change into gym clothes (when he/she has been willing to change clothes in the past).

(4) Child running away from home and not giving any specific complaint about what is wrong at home.

(5) Young child daydreaming to an excessive degree, almost out of touch.

(6) Child "dropping" lots of questions to the nurse about how pregnancy occurs.

(7) Child not wanting to go home after school.

(8) Child reports sexual assault by a caretaker.

(9) Sudden unexplained change in mood behavior.
Procedures

1. ORAL/WRITTEN REPORTS

   a. Oral reports are made by telephoning the Children Protective Services. The oral report must be followed by a written "Child Abuse and Neglect Form", a copy of which is on page 7 of this procedure. Oral and written reports go to:

      Child Protective Services  
      2809 26th Avenue South  
      Seattle, WA 98144 (721-4115)

      Such reports shall contain the following information if it is available:

      (1) The name, address, including zip code, and age of the child.

      (2) The name, address, home and work phone of the child's parents, stepparents, guardian, or other person having custody of the child.

      (3) The nature and extent of the suspected/alleged injury or injuries. (Refer to page 3, Item a).

      (4) The nature and extent of the suspected/alleged neglect. (Refer to page 3, Item b).

      (5) The nature and extent of the suspected/alleged sexual abuse. (Refer to page 4, Item c).

      (6) Any evidence of previous injuries including their nature and extent.

      (7) Any other information which may be helpful in establishing the cause of the child's death, injury or injuries.

      (8) Identity of alleged perpetrator.

      (9) County/city where suspected abuse occurred.

   b. A copy of the "Child Abuse and Neglect" form should be forwarded to Health Services A & S Center, marked "confidential - CPS." Do not retain a copy at school or file in the student's folder.

      (page 5 of 7)
2. **ON-SITE INTERVIEW** - When a victim or alleged victim of child abuse or neglect is to be interviewed by Child Protective Service and/or law enforcement officer at school, the following guidelines may apply:

   a. Due to the potential risk to the child's safety in some instances of reported abuse/neglect, school personnel will not notify parents/guardian of the proposed interview without prior consultation with the assigned CPS worker and/or law enforcement officer.

   b. The CPS caseworker or law enforcement officer must contact the principal/designee and present identification.

   c. CPS caseworker or law enforcement officer will make known the name of the child to be interviewed to the principal/designee.

   d. School will provide a non-threatening setting for the interview in which the child feels comfortable.

   e. A school staff member whose role is to observe in a neutral manner, may ask to be invited to attend the interview, depending on the child's response. The school recognizes that in sensitive interviews depending on the age of the child and nature of the child abuse neglect referral, (such as child sexual abuse referrals involving an adolescent), involving a school staff person may interfere with the investigation. The school recognizes that some CPS units have developed a multi-disciplinary team approach to the investigation of sexual abuse cases which would already involve many persons sitting in on the initial CPS interview.

   f. The CPS caseworker/law enforcement office/or team will conduct the interview.

3. **TAKING A CHILD INTO CUSTODY** - A CPS worker with a court order or a law enforcement officer may take an abused or neglected child into custody while at school. law enforcement officers may take an abused or neglected child into custody without a court order.

4. **PARENT NOTIFICATION** - It is the primary responsibility of the CPS worker and/or law enforcement officer to inform the child's parents/guardian that a school interview has occurred. The CPS caseworker may request that the school principal/designee be available to notify the parent/guardian that the meeting occurred. The school will provide the parent/guardian with the name and phone number of the assigned CPS worker and/or law enforcement officer when notifying the parent.
SEATTLE PUBLIC SCHOOLS CHILD ABUSE AND NEGLECT REPORT

Following the oral report to Children's Protective Services, the reporting schools staff member completes this form. DO NOT FILE REPORT AT SCHOOL. Forward to Health Services, A & S, marked "CPS-Confidential."

Date _______ Male___ Female___ Birthdate_____ Age_____ Current Grade_____

Student:

<table>
<thead>
<tr>
<th>Last Name (Legal)</th>
<th>First name</th>
<th>Middle</th>
</tr>
</thead>
</table>

Address

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
</table>

Name of parent(s) or legal guardian

<table>
<thead>
<tr>
<th>Father</th>
<th>Mother</th>
</tr>
</thead>
</table>

Home phone_________________________Work phone________________Work phone_________

Type of referral: ___ Abuse ___ Neglect ___ Sexual Abuse

1. Indicators other than disclosure by student which led to referral:

   Physical signs, if present (eg. purple bruises 3 inches on upper left arm):

   Behavioral signs, if any (see pages 3 and 4 for examples):

2. If student made disclosure:

   What did student say:

   To whom was it said:

   What were the circumstances:

   Oral report made to CPS ______

   Date of oral report _______ Time ______

   Name of CPS intake worker

   Print name of person filing report

   Signature of person filing report

   School

(page 7 of 7)