

# Regulations

NO. 8070

## Board of Education

OPERATIONS

NUTLEY

### CHILD ABUSE

#### A. Definition

"Child abuse" means the infliction of harm, physical, mental, or emotional, on a child under the age of eighteen by a person who has control over the child, even temporarily, and an opportunity to repeat the abusive acts. Child abuse includes negligence and the failure to respond to a child's basic needs as well as deliberate, willfully abusive acts. (N.J.S.A. 9:6-8.9) An abused or neglected child is one who has been subjected to

1. Serious physical injury;
2. The creation of risk of serious physical injury;
3. Sexual abuse;
4. The impairment or threat of impairment of the child's physical, mental, or emotional condition by the failure to provide food, clothing, shelter, education, or medical care or by the infliction of harm, including corporal punishment; or
5. Willful abandonment.

#### B. Indications of child abuse

1. All district school district personnel, including teaching staff members, support staff members, and unpaid volunteers, are charged by law with the responsibility for reporting suspected cases of child abuse. The suspicion of child abuse may be based on the complaints of the child or on the direct observations of the employee over a period of time or both. A person should suspect child abuse whenever:
  - a. There is evidence of physical injury to a pupil not likely to have been caused by an accident, regardless of the pupil's explanation of the injury;
  - b. A pupil complains of having been injured or having been sexually molested, with or without external signs of physical injury;

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- c. A pupil appears to be malnourished;
  - d. A pupil's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;
  - e. A pupil complains of or indicates by other means that he or she has been subjected to threats or emotional abuse;
  - f. A pupil is excessively apprehensive, fearful, withdrawn, or aggressive; or
  - g. A parent or the caretaker of a child admits having abused the child.
2. The employee should not wait to assemble corroborating evidence of child abuse; the observations and/or complaints of the pupil that gave rise to the reasonable belief that child abuse may have occurred are sufficient to warrant reporting the incident or incidents to the Division of Youth and Family Services (DYFS) for investigation and remediation by that agency.

C. Reporting child abuse

1. Whenever an employee has reason to believe that a pupil of this district has been subjected to child abuse or acts of child abuse, regardless of the identity of the suspected abuser, the employee shall immediately report that information to the DYFS by telephone call to the Essex County office of the agency. In the event the report is made after working hours, on a weekend, or on a holiday, the employee shall call DYFS at 800-792-8610. (N.J.S.A. 9:6-8.10; N.J.A.C. 6:3-5.2(a)1) The employee shall offer the following information (N.J.A.C. 6:3-5.2(a)1i)
  - a. The child's name, age, grade, and gender;
  - b. The name and address of the child's parent or guardian or other person having custody and control (such as a foster parent)

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- c. A description of the child's condition, including any available information concerning current or previous injuries, abuse, or maltreatment and including evidence of previous injuries;
    - d. The nature and possible extent of the child's injuries, abuse or maltreatment; and
    - e. Any other pertinent information that the employee believes may be relevant with respect to the child abuse and/or to the identity of the alleged perpetrator.
  2. The person who has reported a case of possible child abuse to the DYFS shall promptly so inform the principal of the school in which the child is enrolled, unless the employee has reason to believe that such disclosure to the principal would be likely to
    - a. Endanger the employee or the child,
    - b. Result in retaliation against the child, or
    - c. Result in discrimination against the employee with respect to his or her employment. (N.J.A.C. 6:3-5.2(a)1)
  3. A pupil whose injuries or physical condition require immediate medical attention shall be reported promptly to the school nurse, ~~pursuant to Policy No. 8441.~~
- D. Cooperation with DYFS
  1. All district employees with information relevant to a case of suspected child abuse will cooperate fully with agents of the DYFS in the investigation of the matter. (N.J.A.C. 6:3-5.2(a)4i)
  2. The DYFS investigator will be permitted to interview the child in the presence of the principal or a person designated by the principal. If the child is intimidated by the principal or his or her ~~designee~~ <sup>designee</sup>, the child may be accompanied during the interview by a staff member whom he or she feels will be supportive. The accompanying staff member will give comfort to the child but will not participate in the investigation. (N.J.A.C. 6:3-5.2(a)7i)

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3. The Nutley Public Schools will cooperate with DYFS in scheduling interviews with school personnel who may have information relevant to the investigation.  
(N.J.A.C. 6:3-5.2(a)7ii)
4. The custodian of pupil records will release, pursuant to N.J.A.C. 6:3-2, ~~Policy No. 8330, and Regulation No. 8330,~~ the records of investigated children that are deemed to be relevant to the assessment and/or treatment of child abuse.  
(N.J.A.C. 6:3-5.2(a)7iii)
5. School employees shall regard as confidential all information about a child abuse investigation and remediation.  
(N.J.A.C. 6:3-5.2(a)7iv)
6. School principals will permit agents of the DYFS to remove pupils from school during the school day when removal is necessary to protect the child or to take the child to a service provider, on presentation of appropriate authorization.  
(N.J.A.C. 6:3-5.2(a)4iii, 6:3-5.2(a)7v)
7. School principals will cooperate with the DYFS when that agency deems that it is necessary to remove the child from his or her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he or she was enrolled.  
(N.J.A.C. 6:3-5.2(a)4iv, 6:3-5.2(a)7vi)
8. The district liaison officer will receive the DYFS findings at each stage of the investigation into suspected child abuse and will recommend to the Superintendent such action as may be necessary and appropriate with regard to affected children and staff members. (N.J.A.C. 6:3-5.2(a)4ii)
9. A school employee alleged to have committed an act of child abuse may be temporarily reassigned or suspended if there is reasonable cause to believe that the life or health of the allegedly abused child or other children is in <sup>imminent</sup> ~~imminent~~ danger due to continued contact between the employee and a child.  
(N.J.S.A. 18A:25-6; N.J.A.C. 6:3-5.2(a)7vii)

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E. Employee protection

An employee who alleges that he or she has been reassigned or suspended or disciplined or otherwise discriminated against in employment as a result of having reported child abuse in compliance with law may appeal that action in accordance with established grievance procedures.

(N.J.A.C. 6:3-5.2(a)7vii)