

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 8275-01
SUBJECT: CHILD ABUSE AND NEGLECT	DATE OF ISSUE: 06/18/80 <hr/> REVISIONS: 05/05/06; 10/05/07; 06/07/12; 09/03/15; 12/17/18 <hr/> PREPARING OFFICE: TEACHING, LEARNING & ADMINISTRATION

I. DEFINITIONS:

This regulation applies to all children less than 18 years of age.

- A. Neglect is defined as acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. Neglect may include, but shall not be limited to:**
- 1. Failure to provide the child with food clothing or shelter necessary to sustain the life or health of the child;**
 - 2. Failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child’s level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or**
 - 3. Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening.**
- A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent.**
- B. Physical, mental or emotional abuse is defined as the infliction of physical, mental or emotional harm, or the causing of a deterioration of a child and may include but shall not be limited to maltreatment or exploiting a child to the extent that the child’s health or emotional well-being is endangered.**
- C. Sexual abuse is defined as any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material or to be subjected to aggravated human trafficking.**

CHILD ABUSE AND NEGLECT (Continued)

II. PROCEDURE:

- A. State law requires every teacher, school administrator, or other employee of a school which a child is attending who has reason to suspect that the child has been harmed as a result of physical, mental or emotional abuse or neglect, or sexual abuse to report the matter promptly to the Kansas Department of Children and Families (hereinafter entitled "DCF"). The report may be made orally, followed by a written report if requested. Should the Department not be open for business, the report must be made to the appropriate law enforcement agency. Employees may file a report of suspected abuse anonymously to DCF by phoning 1-800-922-5330 or online at <http://www.dcf.ks.gov/services/PPS/Pages/KIPS/KIPSWebIntake.aspx> or by contacting local law enforcement officials. A person making a report of child abuse or neglect also is to notify the school principal.**
- B. Should a written report of suspected abuse or neglect be requested, the report must contain, if known, the names and addresses of the child and the child's parent(s) or other persons responsible for the child's care; the location of the child, of not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; the nature and extent of the harm to the child (including any evidence of previous harm); and any other information that the maker of the report believes might be helpful in establishing the cause of the harm and identity of the persons responsible.**
- C. Any person required to make a report of suspected child abuse or neglect who has reasonable cause to believe that a child died from injuries resulting from physical, mental or emotional abuse or neglect, or sexual abuse shall notify the coroner or appropriate law enforcement agency of the suspicion.**
- D. Any person who participates, without malice, in making an oral or written report of child abuse or neglect or in any follow up activity or investigation of the report is immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of making the report.**
- E. The willful and knowing failure to make a report of suspected child abuse or neglect by a person required to make such a report is a Class B misdemeanor. Preventing or interfering with the making of a report is also a Class B misdemeanor.**
- F. Any employee of the school district who makes a report of child abuse or neglect may not be terminated, sanctioned, or otherwise impaired in the performance of his/her employment as a result of making such a report.**
- G. Administrators and staff of elementary and secondary schools shall provide to employees of DCF and law enforcement agencies access to a child, in a setting on school premises determined by school personnel, to aid in the investigation of a report of suspected child abuse or neglect.**
- H. All records and reports concerning child abuse or neglect maintained by DCF or a law enforcement agency are confidential and may not be disclosed except upon court order or to individuals or agencies specified by Kansas statute.**

CHILD ABUSE AND NEGLECT (Continued)

- I. A law enforcement officer may take a child under eighteen (18) years of age into custody when the officer has probable cause to believe that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that continuing in the place or residence in which the child has been found or in the care and custody of the person who has care and custody of the child would present an imminent danger of harm to the child.**

Accordingly, when a law enforcement officer believes a child's reunion with its parent(s) may not be in the best interests of the child, the officer may take the child into custody to avoid such parental contact, and the building administrator need not obtain permission of the child's parent(s) or lawful custodian prior to relinquishing custody of the child to the officer. The building administrator will ensure that the parent(s) or persons with custody of the child are notified within a reasonable time that the law enforcement officer has taken custody of the child.

- J. When a law enforcement officer requests custody of a child, the school administrator shall take the following precautionary measures to verify the identity of the law enforcement officer:**
- 1. Check the law enforcement officer's official identification card and photograph;**
 - 2. Contact the director of school safety or the supervisor of TPS police; and**
 - 3. Take any other steps which may be necessary under the circumstances to verify the identity of the law enforcement officer and his/her authority to act.**