Child Abuse and Child Neglect Reporting Procedures

All persons employed in Prince William County Public Schools (PWCS), who in their professional or official capacity, have reason to suspect that a child is abused or neglected, shall report the matter immediately (within 24 hours) to the Child Protective Services Unit (CPS) of the local Department of Social Services (DSS) in the county or city where the child resides, or where the abuse or neglect is believed to have occurred, or to the toll-free hotline of the Virginia Department of Social Services.

I. Mandated Reporters

A. Virginia Code § 63.2-1509 – Section A.5, defines a mandated reporter as a person, who in his/her professional or official capacity has reason to suspect that a child is an abused or neglected child, and imposes a legal responsibility on such mandated reporters to immediately report such abuse or neglect under the procedures summarized in this regulation.

B. Mandated reporters include any teacher or other person employed in a public or private school, kindergarten, or nursery school.

C. Teachers and other certified staff are required by § 22.1-298.1 of the Virginia Code to complete child abuse and neglect training as part of the licensure process. PWCS also provides child abuse and neglect training or access to such training to other school employees.

II. Abused or Neglected Child

Virginia Code § 63.2-100 defines an abused or neglected child as any child under the age of 18 whose parent or other person responsible for the child’s care:

A. Causes, threatens to cause, or allows to be created or inflicted upon such child a non-accidental physical or mental injury.

B. Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care.

C. Abandons the child.

D. Commits, or allows to be committed, any act of sexual exploitation or any sexual act upon a child in violation of the law.
E. Causes the child to be without parental care or guardianship due to unreasonable absences or mental or physical incapacity of the child’s parent, guardian, or legal custodian.

F. Creates substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in Virginia Code § 55-79.2, with a person to whom the child is not related by blood or marriage and who the person responsible for the child’s care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to Virginia Code § 9.1-902.

G. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

H. Fails to provide adequate supervision in relation to the child’s age and level of development.

I. Has their child present either during the manufacture or attempted manufacture of a Schedule I or Schedule II controlled substance, or during the unlawful sale of such substance.

III. Suspected Abuse or Neglect by School Employees

Suspected child abuse or neglect by school employees must also be immediately reported and is investigated jointly by CPS and the PWCS Office of Risk Management and Security Services pursuant to those procedures in the Interagency Agreement between DSS and PWCS.

Virginia Code § 63.2-1511 provides that the following actions, if taken by a teacher, principal, or other person employed by a public school in the course of his or her employment, do not constitute corporal punishment, child abuse, or neglect:

A. The use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.

B. The use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property.

C. The use of reasonable and necessary force to prevent a student from inflicting physical harm on himself.
D. The use of reasonable and necessary force for self-defense or the defense of others.

E. The use of reasonable and necessary force to obtain possession of weapons or other dangerous objects that are upon the person of the student or within his control.

F. The use of reasonable and necessary force to obtain possession of controlled substances or paraphernalia that are upon the person of the student, within his control.

G. The participation of a child in practice or competition in an interscholastic sport, or participation in physical education, or an extracurricular activity.

IV. Reasonable Suspicion – When to Report

The duty of a teacher or other public school employee to report child abuse or neglect to CPS is only triggered when that employee has some reasonable and articulate evidence that a child has been abused or neglected. A teacher or employee may question a child as necessary to determine whether it is reasonable to suspect abuse or neglect. The teacher/employee is not responsible for proving that abuse or neglect has occurred. He or she is not mandated to report allegations of abuse or neglect which are not substantiated by reasonable and articulate evidence of such abuse or neglect.

V. Child Abuse Reporting Procedures

A. Each school employee who has reason to suspect child abuse or neglect must immediately report (within 24 hours) such suspected child abuse or neglect to the CPS Intake Unit of the local DSS by telephone (703.792.4200 Monday through Friday, 8 a.m. to 5 p.m.) upon learning of any instance(s) of suspected abuse/neglect. If the local DSS is unavailable, the information may be reported to the state hotline (1.800.522.7096).

B. The school employee must also report the suspected or declared abuse/neglect case whether due to the conduct of an employee or other person, to the principal, or in the absence of the principal, to the assistant principal of the school where the child attends.

The Virginia Code allows a staff member who has reason to suspect child abuse or neglect, in place of making said report directly to CPS, to immediately notify the school’s designated reporter, the principal, or his/her designee who shall make the report forthwith. That designated reporter is then responsible to assure that the report has been timely made.
In such situations, the principal or assistant principal shall immediately make the report and shall notify the staff member who made the initial report of the following: (1) when the report of suspected child abuse or neglect is made to the local DSS or the state hotline; (2) the name of the individual receiving the report from CPS; and (3) any communication resulting from the report, including any information about any actions taken regarding the report.

When this procedure may cause any delay in the reporting of the incident of suspected or declared abuse/neglect, the mandated reporter must directly report abuse/neglect to CPS or the state hotline and subsequently inform the school’s designated contact person, the school principal, or the assistant principal, for acknowledgement. Nothing in these procedures prohibits a mandated reporter from reporting child abuse/neglect directly to DSS.

C. A new report shall be filed for each incident of suspected or declared abuse/neglect, even if it involves the same child and/or multiple incidents.

D. Immediately following the telephone report to DSS, the principal or designee shall document the call on the Abuse/Neglect Referral form located on the intranet under the Office of Student Services.

E. The school employee should never conduct an investigation of abuse/neglect concerning a child(ren), other than the initial inquiry necessary to determine whether it is reasonable to suspect that the child has been the victim of abuse or neglect.

F. The school principal is ultimately responsible for any member of the staff who fails to timely report suspected or declared child abuse/neglect.

VI. Child Protection Services Investigation of Reported Abuse or Neglect

Prince William County DSS has the responsibility to assure the confidentiality and investigation of all suspected referrals of child abuse/neglect that come to the attention of public school personnel. The School Division shall maintain and follow the Interagency Agreement with the Prince William County DSS concerning the conduct of child abuse and neglect investigations. The Interagency Agreement provides those procedures to be followed in the event that a Division employee is reported to have engaged in sexual abuse of a student or in other forms of child abuse and neglect. This cooperation between PWCS and DSS includes routine meetings and ongoing communication as deemed necessary by respective designees of both agencies.

A. When an investigation requires that a CPS social worker go on to school premises, the school shall provide the CPS social worker a private room or other
private space to conduct interviews with child(ren) after the CPS social worker has provided proper identification.

B. The school staff shall allow the CPS social worker and other social services staff investigating a child abuse/neglect complaint access to talk with the child or sibling(s), as provided by Virginia Code § 63.2-1518 without the consent or presence of the parent/guardian. As provided by DSS rules, the CPS worker must notify the parents/guardians concerning the interview as soon as possible, which decision should be grounded in concern for child safety. School personnel should not contact the parents/guardians prior to the CPS interview.

C. The CPS worker may exclude school personnel from the interview with the child in order to protect the family’s right to privacy. However, school staff may be allowed to be present during the interview at the discretion of the CPS social worker. Information divulged by the child under these circumstances shall be held strictly confidential by school staff.

D. The school staff shall provide the CPS social worker with requested information, such as, address, home, work, and cell telephone numbers of the child’s parents/guardians/emergency contact and all information that establishes the basis for the suspicion of abuse/neglect of the child, including the child’s writings or drawings. School staff shall consult with the principal, before providing DSS with any portions of the child’s educational record which do not support or relate to the suspected child abuse or neglect.

E. Individuals reporting abuse/neglect may remain anonymous to the alleged abuser/neglector by informing the CPS intake worker that they wish to remain anonymous. If an individual requests anonymity, his/her name shall be released by CPS only with a court order.

F. School administrators shall cooperate with the DSS CPS social workers when conducting an Out of Family Investigation made against school staff. Virginia Code § 63.2-1505 requires that local departments of social services notify local school boards and the State Superintendent of Public Instruction when a teacher is the subject of any founded CPS investigation.

VII. Consequences of Non-Compliance with Reporting Procedures

A. The court may impose a fine of up to $500 on school personnel who have reason to suspect child abuse/neglect and have not reported the incident within 24 hours of the first suspicion of child abuse/neglect. Any subsequent failures shall result in fines not less than $100 or more than $1,000. In cases evidencing acts of rape,
sodomy, or object penetration as defined in Article 7, Chapter 4 of Virginia Code §§ 18.2-61, et. seq., a person who knowingly and intentionally fails to make the report shall be guilty of a Class 1 Misdemeanor.

B. Persons making a report for child abuse/neglect shall be immune from civil or criminal liability in connection therewith, unless it is proven that the person acted in bad faith or with malicious intent.

C. Administrators shall follow up with corrective action, when appropriate, on those cases involving school staff, who are identified as an alleged abuser/neglector during the performance of their job. Corrective action, including dismissal, will be taken when appropriate on those cases in which a teacher or other school employee is the subject of any founded CPS investigation.

VIII. Notification

The administrator of every school shall post a notice in their school, pursuant to Virginia Code § 22.1-291.3, that states:

A. Any teacher or other person employed by a school division who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and

B. All persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services’ (VDSS) toll-free child abuse and neglect hotline (703.792.4200).

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.

PRINCE WILLIAM COUNTY PUBLIC SCHOOLS