

*Reference JLF-R***CHILD ABUSE AND NEGLECT: SAFETY AND WELL BEING OF STUDENTS**

Any person having reason to suspect that a child (up to age 18) has been abused or neglected must report their concerns to the Division of Children Youth and Families, in accordance with RSA 169-C: 29-31. The school employee who suspects that a child has been abused or neglected will make an oral report immediately to DCYF by telephone and then notify the school principal that the report has been made and provide the Principal with a written report. The written report will also be provided to DCYF if requested. The Superintendent or his or her designee must receive the report from the Principal.

Reporting is mandatory. Failure to report may result in a misdemeanor charge. The police must be notified if it is a criminal matter or the child is in immediate danger. Reporters may be asked to provide testimony in judicial proceedings.

Proof is not required to make a report. If you suspect that a child is being abused or neglected, NH law provides protection against civil and/or criminal liability if a citizen makes a good faith report.

Each report shall, if known, contain: the name, age and address of the child(ren) suspected of being abused or neglected, the name of the parent or caregiver responsible for the child's welfare, the nature and extent of the suspected abuse or neglect, the identity of the person(s) suspected of being responsible for the abuse and neglect, or any other information that may be helpful to the assessment.

As defined under RSA 169-C:3:

- I. "Abandoned" means the child has been left by his parent, guardian or custodian, without provision for his care, supervision or financial support although financially able to provide such support.
- II. "Abused child" means any child who has been:
 - (a) Sexually abused; or
 - (b) Intentionally physically injured; or
 - (c) Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or
 - (d) Physically injured by other than accidental means.

Each school shall post a sign provided by DCYF or otherwise within the school that is readily accessible to students that contains the telephone number and website address of the New Hampshire division for children, youth, and families to receive reports of child abuse or neglect (RSA 189:72).

Under ED 510.01, the Superintendent must report all charges of misconduct against a credential holder within the school district. Educators having reason to suspect that another educator has abused or neglected a student shall report the same to DCYF and to the Principal, who in turn will report to the Superintendent or his or her designee. Failure to report any charges of misconduct or incidence of suspected misconduct shall result in disciplinary actions being taken against the non-reporting educator by the State Board of Education.

Ed 511.01 Grounds For Denial of License for Educator Certification

- (3) Misconduct or unprofessional conduct, on or off duty:
- a. That might place students in potential physical or emotional jeopardy;

b. Where the state board determines that the nature or circumstances of the conduct so detract from the educator's professional standing as to render him/her unfit or unqualified for licensure based on the educator's inability to perform assigned duties; and

c. Where there is a nexus between the off duty misconduct or unprofessional conduct of the educator and the educator's ability to carry out assigned duties;

Educator misconduct under NH. ED 510.02- NH Code of Conduct for Educators includes:

- Discrimination against a student as specified in RSA 354-A:1;
- Failure to provide appropriate supervision of students, pursuant to local school district policy adopted as specified in Ed 306.04, at school or school-sponsored activities or the failure to ensure the safety and well-being of students;
- Furnishing alcohol or illegal or unauthorized drugs to any students, or allowing or encouraging a student to consume alcohol or illegal or unauthorized drugs;
- Committing any of the following acts to any minor, or any student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), including, but not limited to: a.) Abuse, including, but not limited to physical and emotional abuse; b.) Cruelty or any act of endangerment; c.) Any sexual act with or from any student; and d.) Harassment as defined by state or federal law or regulations;
- Soliciting or encouraging participation in a romantic or sexual relationship, whether written, verbal, or physical, with a student the credential holder knows or should know is a student or prior student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1);
- Soliciting a student, or a former student up to 10 months after the student's graduation, departure, or departure in cases as specified in Ed 1102.01(f)(1), to engage in any illegal activity.

Legal References:

RSA 169-C:29-31 Persons Required to Report, RSA 169-C:3 Definitions

Ed 510.02 NH Code of Conduct for Educators

Ed 510.01 Duty to Report

RSA 169-C:30 Nature and Content of Report

RSA 169-C:31 Immunity From Liability

RSA 189:72 Child Abuse or Neglect Information

www.dhhs.state.nh.us/dcyf

www.education.nh.gov/certification

Bd. Approved: 03/30/1987

RBd. Approved: 08/21/2000

R/Bd. Approved: 03/25/2002

Board Approved: 05/28/2019 [Replaces POPPS 4400]