

**Cambridge Public Schools  
Administrative Guidelines and Procedures**

**CHILD ABUSE AND NEGLECT**

**I. General Information**

The Cambridge Public Schools (“CPS”) seeks to promote a safe and productive educational environment for its students. Accordingly, CPS expects its employees to be able to recognize the signs and symptoms of child abuse and neglect and take appropriate steps to report suspected abuse, including sexual abuse, or neglect, including malnutrition, in accordance with the procedures set forth below.

Section 51A of Chapter 119 of the Massachusetts General Laws mandates that certain persons who in their professional capacity have reasonable cause to believe that a child is suffering serious physical or emotional injury resulting from (i) abuse inflicted upon him/her which causes a substantial risk of harm to the child’s health or welfare, including sexual abuse; or (ii) neglect, including malnutrition; or (iii) physical dependence upon an addictive drug at birth, **shall immediately, via telephone, report this abuse or neglect to the Department of Children and Families (“DCF”)**. The telephone report should be made either to the appropriate Area Office Protective Service Unit or via the 24-hour reporting hotline at 800-792-5200.

The school principal/head of upper school shall also immediately notify both the Office of the Superintendent of Schools or designee and the Director of Safety and Security of the filing of the 51A report. The Director of Safety and Security shall promptly notify the appropriate designated liaison at the Cambridge Police Department in accordance with the provisions of the Memorandum of Understanding Between Cambridge Public Schools and Cambridge Police Department. Moreover, if the alleged abuser is a CPS employee, a verbal notification also must be made immediately to the Executive Director of Human Resources.

Additionally, **within forty-eight (48) hours of the initial oral report**, mandated reports are required under Massachusetts law to notify the DCF in writing using the reporting form available online at [mass.gov/Eeohhs2/docs/dss/can\\_reporting\\_form.pdf](http://mass.gov/Eeohhs2/docs/dss/can_reporting_form.pdf). The reporting form should be sent by certified mail, return receipt requested, to the appropriate DCF Area Office. A new oral report followed by a new reporting form must be completed for each new instance where there is reasonable cause to believe that a child is suffering from abuse or neglect.

School staff and administrators are among the professionals who must report cases of child abuse or neglect to the DCF. Other professionals that are required to report cases of child abuse and neglect include: physicians, medical interns, nurses, guidance counselors, family counselors, probation officers, school attendance officers, social workers, psychologists, priests, rabbis, clergy members, ordained or licensed ministers, leaders of a church or religious body, accredited Christian Science practitioners, and police.

All mandated reporters are required by law to complete annual training to recognize and report suspected child abuse and neglect. The Middlesex Children’s Advocacy Center has developed an

online 51A Mandated Reporter training that is located at *middlesexcac.org/51a-mmrt*, which meets the annual training requirement. If the online training is used, it must be completed during normal working hours. When an individual has completed the online training, he/she should print out a copy of the certification of completion, retain a copy for his/her files, and provide copies to the principal/head of upper school and to the Executive Director of Human Resources.

State law, however, permits school employees to notify the person or agent in charge of such institution, school, or facility (the principal/head of upper school or designee), who shall then become responsible for notifying the DCF of the suspected child abuse or neglect. As detailed below, CPS utilizes this provision of the law in connection with its reporting procedures.

## **II. Process for Reporting**

CPS employees who are required by law to report suspected child abuse or neglect shall do so by informing the principal/head of upper school or designee. The principal/head of upper school or designee then must report the suspected abuse or neglect. Nothing in these guidelines, however, prohibits a CPS employee from notifying the DCF directly when he/she has reasonable cause to believe abuse or neglect occurred. In such a case, the CPS employee must inform the principal/head of upper school that the suspected abuse or neglect was reported.

Any other person may report a case of child abuse or neglect when there is reasonable cause to believe that a child's health or welfare is being harmed, or is at substantial risk of being harmed, as a result of abuse or neglect.

### ***A. Procedures for Reporting Suspected Child Abuse and Neglect Cases***

1. Upon such suspicion of abuse or neglect of a child, a teacher or any other mandated reporter will immediately report his or her concerns to the principal/head of upper school. If the principal/head of upper school is unavailable or has to disqualify himself/herself, then the assistant principal or other designee will assume responsibility for following these procedures. Such abuse and neglect includes but is not limited to: physical, mental, or emotional injury by other than accidental means (e.g. beatings, cuttings, burns, broken bones, or multiple bruises) and failure by a caretaker, either deliberately or through negligence or inability, to take actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, and/or other essential care. The principal/head of upper school may ask the school nurse to examine and document the child's physical condition immediately.
2. Upon such suspicion of sexual assault, a teacher, or any other mandated reporter, will immediately report his/her concerns to the principal/head of upper school. If the principal/head of upper school is unavailable or has to disqualify himself/herself, then the assistant principal or other designee will assume responsibility for following these procedures. Sexual assault is a crime. It is defined as any sexual act against another person by force, against their will, or by threat of bodily injury. It also includes any sexual act against another person who is incapable of giving consent either because of his/her temporary or permanent mental incapacity or because he/she is a minor. Such

crimes as indecent assault and battery, rape, rape with force, rape and abuse, assault with intent to rape, and unnatural and lascivious acts constitute sexual assault. It is advisable for the principal/head of upper school when responding to sexual assault concerns to obtain only basic minimal facts of the alleged incident. These basic facts should include:

- when the incident occurred;
- where the incident occurred;
- who assaulted the student, if known;
- the nature of the incident, in one or two sentences; and
- whether there are known witnesses and/or other victims.

In an attempt to minimize the emotional stress victims of abuse experience and to preserve the integrity and reliability of the required DCF and law enforcement investigations, it also is advisable in cases involving sexual assault that additional interviews and more detailed questioning not be conducted by school officials. A student who reports being a victim of a sexual assault should never, during the course of an investigation, be asked to discuss the incident with the alleged perpetrator present at any time or under any circumstances.

3. Through discussions with school administrators, teachers, and student support personnel, and after a check of appropriate educational and health records, the principal/head of upper school or designee will obtain the data to be used when reporting the case to the appropriate DCF Area Office.
4. After collecting the relevant information concerning the child's abuse or neglect, the principal/head of upper school, in consultation with the reporting employee, the nurse, and others as necessary will determine whether there is reasonable cause to believe that the child may be suffering abuse, including sexual abuse, or neglect.
5. Do not send the child home from school before filing the verbal 51A report with the DCF. The written report must be forwarded within forty-eight (48) hours.
6. In the case of a disagreement concerning the need to report, the principal/head of upper school may not substitute his/her judgment for that of any mandated reporter within the school. Although the agreement of all professionals involved is desirable, the principal/head of upper school **must** report to the DCF even if he/she believes that the teacher, nurse, or other mandated reporter is mistaken in suspecting abuse or neglect. Failure to file a report as mandated by law will subject the principal/head of upper school (or other mandated reporter who fails to meet his/her statutory obligations) to discipline.
7. Accordingly, once the principal/head of upper school or other mandated reporter makes the decision to file, the principal/head of upper school or designee must immediately call the DCF Area Office Protective Service Unit or, if after 5:00 PM, the DCF hotline at 800-792-5200 to report the suspected abuse and neglect. Additionally, in accordance with the provisions of the Memorandum of Understanding Between Cambridge Public Schools and Cambridge Police Department, the Cambridge Police Department shall be notified of

the suspected abuse and neglect. This notification shall be made by the principal/head of upper school notifying the Director of Safety and Security of the filing of the 51A report and the Director of Safety and Security shall promptly notify the appropriate designated liaison at the Cambridge Police Department.

8. Within forty-eight (48) hours of the initial oral report, the principal/head of upper school or designee will send written notification to the DCF Area Office by certified mail. A confidential copy of the reporting form should be retained in the office of the principal/head of upper school.
9. **If the alleged abuser is a CPS employee, a verbal notification must be made immediately to the Executive Director of Human Resources and the Office of the Superintendent.** Additionally, a copy of the notification should be forwarded to the Office of the Superintendent and to the Executive Director of Human Resources at 159 Thorndike Street, Cambridge, Massachusetts 02141. Employees may be administratively reassigned by the Superintendent of Schools during the course of an investigation. If an investigation confirms the allegations, CPS will take such action as it deems appropriate under the circumstances. Such action may range from counseling to discipline of an employee, up to and including termination of employment.
10. The principal/head of upper school, in consultation with others as necessary, will decide how, when, and by whom the family, including the child who is suspected of being abused or neglected, will be notified of this report. Although the school is not required by law to notify the family, such notification is recommended. In deciding whether to notify, the principal/head of upper school and others should consider whether notification will create a substantial risk to the student's health, safety, or welfare. The DCF and the police can provide consultation in making this determination to ensure the child's safety and well-being.
11. DCF investigators, who report to the school in order to conduct one phase of their investigation, shall be required to identify themselves and to verify their assignment to the case. School-based staff should encourage DCF investigators to interview the child at home in the presence of the parent or caregiver, unless the 51A has been filed against the parent or caregiver. In this latter case, the interview of the child may be conducted in school in the presence of the principal/head of upper school or designee.
12. Within thirty (30) days of filing a report, the principal/head of upper school should receive a report from the DCF detailing its findings and specifying the social services that the DCF intends to offer the child. This report may be used to plan further collaboration with other professionals assisting the family. **If the report is with respect to alleged abuse by a CPS employee, the Office of the Superintendent and the Executive Director of the Office of Human Resources should be notified as to the findings.**
13. Certain cases that the schools report to the DCF (sexual abuse and exploitation, serious physical abuse, and some others) will also be referred by the DCF to the police and the District Attorney's Office for investigation. In these circumstances, these agencies will

typically conduct a multidisciplinary team investigation. The investigation will typically include an interview with the alleged victim(s), alleged perpetrator(s), and witness(es). Relevant investigative information will be provided to the school when appropriate and as permitted by law.

14. Throughout the reporting, investigation, and follow-up processes, school documentation must be handled in a way that assures confidentiality. Accordingly, reports of suspected abuse or neglect will not be part of a child's educational record but will instead be kept separately.
15. Each principal/head of upper school will designate a representative who will ensure that, in the event of the principal/head of upper school's absence, the above reporting procedures are followed as required by law.
16. The principal/head of upper school should periodically review all child abuse reports to determine if there is any pattern of child abuse involving an accused individual. Based upon this review, the principal/head of upper school will determine whether further action is required.

### ***B. Emergency Protocol***

In the event of a clear emergency where the life or safety of a child is in imminent danger, the principal/head of upper school, designee, or other mandated reporter should *immediately* notify the appropriate DCF Area Office and file the required verbal 51A Report. **After 5:00 PM, the school official should use the Child Abuse Hotline at 800-792-5200.** A written report must be filed within forty-eight (48) hours.

Massachusetts General Laws Chapter 119, Section 51B(3) authorizes the DCF to take a child into immediate temporary custody, without parental permission or prior notice, if the DCF has reasonable cause to believe that this action is necessary to protect him or her from further abuse or neglect. Emergency responses by the DCF may include law enforcement, depending upon the nature of the incident reported. If the DCF seeks to exercise this authority in the school setting, the principal/head of upper school shall:

1. verify the DCF representative's identification;
2. contact the DCF representative's immediate supervisor to verify the need for the DCF action;
3. document the name(s) of the DCF employee(s) involved, the DCF area office involved, and the date, time and nature of action being taken and file with the office a copy of the 51A report;
4. notify the Office of the Superintendent of the action being taken; and
5. provide the DCF with any other pertinent information related to the suspected abuse or neglect.

### ***C. Alleged Victims Eighteen (18) Years of Age or Older Who Are Disabled***

Chapter 19C of the Massachusetts General Laws requires that certain persons, who in their professional capacity have reasonable cause to believe that a disabled individual eighteen (18) years of age or older is suffering serious physical or emotional injury resulting from abuse, including sexual abuse, or neglect inflicted upon him/her, **shall immediately, via telephone, report this abuse or neglect to the Disabled Persons Protection Commission (DPPC)**. The twenty-four (24) hour reporting hotline is 800-426-9009 or 1-888-822-0350 TTY. The reporting and notification procedures detailed above also apply when a report is made to the DPPC.

### **III. Immunity**

All reports will be held in strict confidence. No person required to report who does in fact make such a report, including a report of abuse or neglect by personnel in the school district, shall be held liable in any civil or criminal action by reason of that report. In addition, a person who, although not required to do so by statute, voluntarily makes a report shall not be liable in any civil or criminal action by reason of that report *if* it was made in good faith *and* that person did not perpetuate, inflict, or cause the reported abuse or neglect.

In accordance with Massachusetts General Laws Chapter 119, Section 51B, persons who are mandatory reporters of child abuse shall share any relevant information requested by the DCF during the investigation of a specific 51A child abuse report. Those persons who are required to share information are protected from civil or criminal liability for providing such information without parental consent.

### **IV. Consequences for Violations of the Reporting Requirement**

Under Massachusetts law, any person required to make oral and written reports of suspected child abuse or neglect who fails to do so and any person who knowingly files a frivolous report will be subject to penalties as prescribed by law.

Any CPS employee required by law to report suspected child abuse or neglect who fails to do so or who knowingly files a frivolous report will be subject to disciplinary action, up to and including termination.

### **V. Prohibition of Discrimination and Retaliation**

Discrimination and retaliation against any CPS student or employee for filing a complaint of abuse or neglect, including a report of abuse or neglect against personnel in the school district, is strictly prohibited. Employee complaints of discrimination and retaliation should be filed with the Office of Human Resources. Student complaints of discrimination and retaliation should be filed with the principal/head of upper school of the student's school or with the Office of the Superintendent.

In accordance with both Massachusetts law and the reporting procedures set forth above, CPS employees who themselves perpetuate, inflict, or cause the abuse of any child and/or engage in

discrimination or retaliation against any Cambridge Public School student or employee for filing a complaint of abuse or neglect will be subject to discipline, up to and including termination.

***Legal references:*** *M.G.L.c. 119, §§ 51A-51B; 118 C.M.R. 1.00-14.00*

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