

NORTH PROVIDENCE SCHOOL DEPARTMENT CHILD ABUSE PREVENTION AND MANDATORY REPORTING POLICY	Approved: 12/20/23

I. PURPOSE

North Providence School District recognizes that its employees have a duty to report abuse and neglect. Adherence to state law creates an environment in which student safety, health and welfare are protected and ensures the wellbeing of our students.

Rhode Island General Laws § 40-11-3¹ requires that any person who has reasonable cause to know or suspect that any child has been abused or neglected, as defined in as defined in §40-11-2², or who has been a victim of sexual abuse by another child, shall, within twenty-four (24)

¹ “Reasonable Cause to know or suspect” child abuse or neglect is defined as:

“Facts and circumstances based upon as accurate and reliable information as possible that would justify a reasonable person to suspect that a child is abused or neglected. The facts and circumstances may include evidence of an injury or injuries, and the statements of a person worthy of belief, even if there is no present evidence of injury.”

<https://ride.ri.gov/sites/g/files/xkgbur806/files/Portals/0/Uploads/Documents/Inside-RIDE/Legal/GuideToIdentifyingReportingChildAbuseInSchools.pdf>

² Rhode Island General Laws § 40-11-2 defines “Abused or Neglected child” as:

“(1) ...a child whose physical or mental health or welfare is harmed, or threatened with harm, when his or her parents or other person responsible for his or her welfare:

- (i) Inflict, or allows to be inflicted, upon the child physical or mental injury to the child, including excessive corporal punishment; or
- (ii) Creates, or allows to be created, a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or
- (iii) Commits, or allows to be committed, against the child an act of sexual abuse; or
- (iv) Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so; or
- (v) Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his unwillingness or inability to do so by situations or conditions such as, but not limited to: social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child’s welfare loses his or her ability or is unwilling to properly care for the child; or
- (vi) Abandons or deserts the child; or
- (vii) Sexually exploits the child in that the person allows, permits, encourages or engages in the obscene or pornographic photographing, filming or depiction of the child in a setting that, taken as a whole, suggests to the average person that he child is about to engage in, or has engaged in, any sexual act, or that depicts any

hours, transfer that information to the department of children, youth, and families. Reports are made by calling the Child Abuse Hotline at 1-800-RI-CHILD.

Rhode Island General Laws § 40-11-3.3 requires any employee, agent, contractor, or volunteer of an educational program, who has reasonable cause to know or suspect that any child has been the victim of sexual abuse³ by an employee, agent, contractor, or volunteer of an educational program, shall immediately notify the principal or his or her designee. The principal or his/her designee shall be responsible for subsequent notification to the department of children, youth, and families. The principal or his/her designee shall also notify the superintendent. Any transferred information shall include the name, title, and contact information for every employee, agent, contractor, or volunteer of the educational program who is believed to have direct knowledge of the allegation.

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- such child under eighteen (18) years of age performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or
 - (viii) Commits, or allows to be committed, any sexual offense against the child...
 - (ix) Commits, or allowed to be committed, against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) Force or coercion is used by the perpetrator, or (2) The perpetrator knows, or has reason to know, that the victim is a severely impaired person...or physically helpless..."

R.I. Gen. Laws § 40-11-2 defines "mental injury" to include:

"(11)...a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as: failure to thrive; ability to think or reason; control of aggressive or self-destructive impulses; acting-out or misbehavior, including incorrigibility, ungovernability or habitual truancy; provided however, that the injury must be clearly attributable to the unwillingness or inability of the parent or other person responsible for the child's welfare to exercise a minimum degree of care toward the child."

R.I. Gen. Laws § 40-11-2 defines a "person responsible for child's welfare" as:

"(12)...the child's parent; guardian; any individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child; foster parents; an employee of a public or private residential home or facility; or any staff person providing out-of-home care (out-of-home care means child day care to include family day care, group day care, and center-based day care)."

³ "Sexual Abuse" is commonly considered to include :

- (i) Non-consensual sexual contact of any kind; or
- (ii) Sexual offenses against a child as such sexual offenses are defined by Title 11, chapter 37, entitled "Sexual Assault," as amended; or
- (iii) An act committed against a child involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows, or has reason to know, that the victim is a severely impaired person as defined by the provisions of §11-5-11, or physically helpless as defined by the provisions of §11-37-1(6).
- (iv) Use of the child for sexual stimulation
- (v) Sexual exploitation, such as using the child for pornography or prostitution.

<https://ride.ri.gov/sites/g/files/xkgbur806/files/Portals/0/Uploads/Documents/Inside-RIDE/Legal/GuidanceReportingChildSexualAbuseByPersonsWkVolEdProg.pdf>

POLICY

All employees of the district are mandated reporters and are required to follow the law and the Protocol for Reporting Child Abuse and Neglect established for each school in district. Mandated reporters include certified staff (including but not limited to, teachers, psychologists, social workers, school nurse/nurse teachers, occupational therapists, speech/language therapists, physical therapists, teachers of the vision impaired, orientation and mobility specials, etc.), non-certified staff (including but not limited to, paraprofessionals, custodians, bus drivers, secretaries), and any other person in the school setting. School employees who are mandated reporters and who fail to do so will be subject not only to the penalties provided by law, but also to disciplinary action, up to and including termination.

All employees of the district will be provided with annual training on the recognition of child abuse and neglect and the mandated reporting of child abuse and neglect. The District will post DCYF's informational sign in all schools, in compliance with R.I. Gen. Laws § 40-11-3(a).

The Superintendent of schools or his/her designee shall have the responsibility to ensure that this policy is implemented throughout the district and that parents are made aware of how the district is addressing the issue of child abuse and neglect. In addition, the Superintendent or his/her designee shall ensure that annual training is conducted, that every school is following the protocol for reporting and that appropriate records of reports and follow-up are maintained by the North Providence School District. Building principals shall have the responsibility to disseminate the district policy and protocol on reporting child abuse and neglect to all school personnel at the beginning of every school year.

DEVELOPMENT OF PROTOCOL

The Superintendent of Schools shall develop a protocol and procedures to facilitate this policy.

Legal References: R.I. Gen. Laws § 40-11-1 et seq.