

PERSONNEL

Abused and Neglected Child Reporting

A District employee, third party contractor providing service to students, student teacher or student nurse who has reasonable cause to suspect that a student may be abused, neglected or subject to sex trafficking by anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a parent or other person responsible for the child’s welfare, shall report such a case to the Montana Department of Public Health and Human Services or local law enforcement. They shall also notify the Superintendent or principal that a report has been made. An employee, contractor, student teacher or student nurse does not discharge the obligation to personally report by notifying the Superintendent or principal.

Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child, exposure to or involvement with sex trafficking, and abandonment. This definition includes sexual abuse and sexual contact by or with a student. The obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a student and a staff member, contractor, or student teacher or nurse.

Any District employee who fails to report a suspected case of abuse, neglect, or sex trafficking to the Department of Public Health and Human Services, or who prevents another person from doing so, is civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. All District employees are responsible for reporting regardless of whether or not another employee has made a report. The employee will also be subject to disciplinary action up to and including termination for failure to report.

The Superintendent or designee *shall* provide access to educational resources for the purpose of training interested parties how to identify the warning signs of abuse, neglect, and sex trafficking, how to recognize predatory behaviors and how to make a report to the proper authorities.

When a District employee makes a report, the Department of Public Health and Human Services may share information with that individual or others as permitted by law. Individuals in the District who receive information related to a report of child abuse, neglect, or sex trafficking shall maintain the confidentiality of the information.

Legal References:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report
	§ 45-5-501, MCA	Definitions
	§ 45-5-502, MCA	Sexual Assault

§ 20-7-1316, MCA Child Sex Trafficking Prevention

Cross References:

Policy History:

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