

OLDHAM COUNTY BOARD OF EDUCATION POLICY

CHILD ABUSE, NEGLECT OR DEPENDENCY REPORTS

5012

Reference: KRS 156.095; KRS 620.030; KRS 620.050; KRS 161.790

Relates to: Oldham County School District Safe Schools Manual, Emergency Protocols; 5012.01F

5012.01 CHILD ABUSE, NEGLECT OR DEPENDENCY REPORTS

The Board recognizes the necessity for and right of all children to be free from child abuse, neglect or dependency, not only while under the authority of the school district, but also at other times. The Board understands that such child abuse, neglect or dependency impacts a child's health, safety and quality of life, and, consequently, affects the child's ability to be successful in school.

Therefore, as mandated by Kentucky law, the Board requires all employees to report child abuse, child sexual abuse, child neglect or dependency. Any employee who becomes aware of abuse, neglect or dependency from any source -- whether from a student, parent, staff member or any other person -- no matter if the information is oral or in written form, is obligated by state law and this policy to report the suspected abuse, neglect or dependency to the proper authority or authorities immediately. Employees may become aware of child abuse, dependency or neglect by receiving information in written form, through writings, photographs, pictures or otherwise, or in oral form by a report made by anyone.

An employee shall immediately report child abuse, neglect and dependency to the Kentucky Cabinet for Health & Family Services the day the employee becomes aware of it. The employee shall provide any information, such as writings, photographs or pictures, in its original, unaltered form, when making the official report. An employee shall cooperate with the Kentucky Cabinet for Health & Family Services to allow it to conduct its official investigation.

State law provides any person making a good faith report of child abuse, neglect or dependency with immunity from civil or criminal liability. Therefore, failure to report as required by law and this policy shall constitute insubordination, neglect of duty and/or conduct unbecoming an employee, and may result in disciplinary action by the Superintendent, up to and including termination from employment.

The Superintendent or designee shall prepare guidelines for implementing and provide those to staff, along with periodic trainings on the report of child abuse, neglect and dependency.

School administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors must complete a KDE-approved training on recognizing the signs of abuse and neglect by January 31, 2017, and then every two (2) years after. School administrators, certified personnel, office staff, instructional assistants, and coaches and extracurricular sponsors employed after January 31, 2017, shall complete this training within ninety (90) days of being hired and then every two (2) years after. In addition, each school in the district will prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services.

5012.02 EMPLOYEE REPORTS OF CRIMINAL ACTIVITY

To promote the safety and well-being of students, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following duties:

(a) **KRS 158.154** – Principal's Duty to Report to Law Enforcement Directly

When the principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault in serious physical injury, a sexual offense, kidnapping, assault involving the use a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public-school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal.

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(b) KRS 158.155 – All Employees' Duty to Report to Law Enforcement Directly

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

1. The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - i. Carrying, possession, or use of a deadly weapon; or
 - ii. Use, possession, or sale of controlled substances; or
 - b. Any felony offense under the laws of this Commonwealth; and
2. The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

(c) KRS 158.156 – Principal's Duty to Report to Law Enforcement & Notify Board and Parents; Employees' Duty to Report to Principal

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

For Children 12 years or younger, “serious physical injury” includes but is not limited to the following:

- a. Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;
- b. Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;
- c. Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;
- d. Any testicular injury sufficient to put fertility at risk;
- e. Any burn near the eyes or involving the mouth, airway, or esophagus;
- f. Any burn deep enough to leave scarring or dysfunction of the body;
- g. Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital’s intensive care unit;
- h. Rib fracture;
- i. Scapula or sternum fractures;
- j. Any broken bone that requires surgery;
- k. Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
- l. A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;
- m. Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;
- n. Any injury requiring surgery;
- o. Any injury that requires a blood transfusion; and
- p. Any injury requiring admission to a hospital’s critical care unit.