

**GOFFSTOWN SCHOOL DISTRICT****REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT**

Chapter 169C Child Protection Act and Section 169-C:29 Reporting Law require that schools do their very best to ensure that our students are kept safe. The reporting requirements relate to:

- Harassment
- Bullying
- Hazing
- Abuse or Neglect
- Theft, Destruction or Violence

The School District expects any staff member to report any such misconduct immediately to the school principal or designee. Except where otherwise noted, making a verbal report in the first instance is usually sufficient, but a written report must be filed no later than twenty-four (24) hours after receiving knowledge of the reported misconduct to the school principal or his/her designee. In the documentation, staff is urged to provide as many details as possible about the nature and extent of the incident.

**Harassment**

State and federal laws that prohibit harassment from taking place in school, including Title VII of the Civil Rights Act of 1964, Title IX, and RSA 354-A. Sexual harassment, in particular, is forbidden. Harassment based on other categories is prohibited as well. These categories include the following: race, color, religion, national origin, age, physical disability, mental disability, veteran's status, pregnancy, marital status, and sexual orientation. That means that verbal, visual, or physical conduct, words or behavior toward another individual that makes that person feel uncomfortable or offended and creates a hostile environment for him or her is against the law and school policy. Several court decisions have emphasized a school's obligation to prevent and remedy any harassment that goes on among faculty members and students. These cases include *Burlington Industries v. Ellerth*, 524 U.S. 742, (1998), *Faragher v. City of Boca Raton*, 524 U.S. 775, (1998), *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998), *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999), *Marquay v. Eno*, 139 N.H. 708 (1995), and *Schneider v. Plymouth State College*, 744 A.2d 101 (1999). Harassment can take place among staff members, among students, and between staff and students.

The person(s) to whom reports should be made include the following administrators and school personnel (the principal will establish reporting procedures within each school):

- Assistant Principal
- Principal
- Assistant Superintendent
- Guidance Counselor
- Nurse

Please refer to the unlawful harassment policy (GBAA) for specific reporting requirements and a discussion about investigations and other school district action.

## GOFFSTOWN SCHOOL DISTRICT

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(Continued)****Bullying (JICBB)**

Under a new law called the Pupil Safety and Violence Prevention Act of 2000 that went into effect on January 1, 2001, schools are required to adopt a student safety and violence prevention policy, which addresses bullying. RSA 193-F. The law states that any school employee or subcontractor who has witnessed first hand or has reliable information that a student has been bullied must report the incident to the Principal or his or her designee. Under the law, bullying is defined as follows: "Insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response." The Principal has an obligation to report the bullying incident to the Superintendent. Please note that the law provides immunity from civil liability for those employees who report bullying and where a student claims that the District failed to appropriately remedy it.

**Hazing**

New Hampshire has a state law that prohibits hazing and also mandates reporting of it. RSA 631:7. Hazing is defined as follows: "Any act directed toward a student, or any coercion or intimidation of a student to act or participate in or submit to any act, when:

1. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
2. Such action is a condition of initiation into, admission into, continued membership in or associated with any organization."

An organization means an athletic group, club, social group, and the like that include students. Please note that no student can "consent" to being hazed.

Criminal liability is imposed for students who participate in and know about hazing.

Schools are also subject to criminal liability and can be found guilty of a misdemeanor if the school:

1. Knowingly permits or condones hazing;
2. Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent hazing; and
3. Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

Accordingly, staff must be mindful of the definition of hazing and understand that it extends to athletic teams and beyond to other organized groups operating at or in conjunction with our school. If any staff member has knowledge of hazing, has reason to know that hazing may be occurring or has occurred, or is otherwise aware of steps needed to prevent hazing, that person should immediately contact the Principal or, in his or her absence, another administrator.

**Child Abuse or Neglect**

New Hampshire's Child Protection Act, RSA 169-C, requires reporting of *suspected* instances of child abuse or neglect to provide protection to children whose life, health or welfare is in danger. The law is aimed at protecting the safety of the child, preserving the family unity when possible, providing assistance to parents to deal with and correct problems, and take other action as may be necessary to prevent child abuse and neglect, including treatment and rehabilitation. The law provides several lengthy definitions as to what constitutes "abuse" and "neglect." An "abused child" is one who has been sexually abused, intentionally physically injured, physically injured

**GOFFSTOWN SCHOOL DISTRICT****REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT****(Continued)**

by other than accidental means, or psychologically injured where the child “exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect.” Sexual abuse is defined as follows: “the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexual explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children,” where the child’s health or welfare is harmed or threatened with harm. A “neglected child” is one (1) who has been abandoned by his or her parents, guardian, or custodian; (2) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, when it is established that his or her health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian or custodian; or (3) whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity.

If a staff member suspects that a student has been abused or neglected, as those terms are defined under this law, that person must report the abuse or neglect immediately to the school principal, and the principal or designee shall report to the Department of Children, Youth and Family Services in Concord. That number is 271-4714.

**Theft, Destruction or Violence**

Under the Safe Schools Act, any school employee who has witnessed or has information about an act of theft, destruction or violence within a “safe school zone” must report the act in writing immediately to a supervisor. RSA 193-D. A safe school zone is an area which includes school property, the physical plant and equipment used for “school purposes,” the playgrounds, and school buses. The facilities used for “school purposes” extend to school-sponsored programs such as educational or extra-curricular activities. Acts of theft, destruction or violence refer to criminal activity, such as homicide, assault, sexual assault, criminal mischief, unlawful possession or sale of a firearm or other dangerous weapon, arson, burglary, robbery, theft, or the illegal sale or possession of a controlled drug.

In this District, reporting of any theft, destruction or violence should be made to the Principal or, in his or her absence, another administrator. The Principal or other administrator then must file a report with the local law enforcement authority immediately and he or she must submit a written report within forty-eight (48) hours of any initial report. Under a new law effective January 1, 2001, where the alleged victim of theft, destruction or violence is a student, the Principal must also notify the person responsible for the student’s welfare to advise that local law enforcement was contacted.

All employees new to the district shall receive Regulation JLF-R, Reporting Suspected Child Abuse and/or Neglect, and sign a statement of understanding and that they have reviewed such requirements as listed.

Reference Policy JLF

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