

1 Abused and Neglected Child Reporting

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3 A District employee who has reasonable cause to suspect that a student may be an abused or
4 neglected child shall report such a case to the Montana Department of Public Health and Human
5 Services and notify the Superintendent or principal that a report has been made. Child abuse or
6 neglect means actual physical or psychological harm to a child, substantial risk of physical or
7 psychological harm to a child, and abandonment. This definition includes sexual abuse and
8 sexual contact by or with a student. The obligation to report suspected child abuse or neglect also
9 applies to actual or attempted sexual or romantic contact between a student and a staff member.

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11 A District employee who makes a report of child abuse or neglect is encouraged to notify the
12 building administrator of the report. An employee does not discharge the obligation to personally
13 report by notifying the Superintendent or principal.

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15 Any District employee who fails to report a suspected case of abuse or neglect to the Department
16 of Public Health and Human Services, or who prevents another person from doing so, may be
17 civilly liable for damages proximately caused by such failure or prevention and is guilty of a
18 misdemeanor. The employee will also be subject to disciplinary action up to and including
19 termination.

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21 When a District employee makes a report, the DPHHS may share information with that
22 individual or others as permitted by law. Individuals in the District who receive information
23 related to a report of child abuse or neglect shall maintain the confidentiality of the information.

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25 Cross Reference: Policy 5223 – Personal Conduct
26 Policy 3225 – Sexual Harassment of Students

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28 Legal Reference: § 41-3-201, MCA Reports
29 § 41-3-202, MCA Action on reporting
30 § 41-3-203, MCA Immunity from liability
31 § 41-3-205, MCA Confidentiality – disclosure exceptions
32 § 41-3-207, MCA Penalty for failure to report
33 § 45-5-501, MCA Definitions
34 § 45-5-502, MCA Sexual Assault

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36 Policy History:

37 Adopted on: February 2007
38 Revised on: July 2013, March 2020

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40 *Note: The revision allows the DPHHS to give information back to the person who reported a*
41 *possible abuse and neglect case.*