



SHONTO GOVERNING BOARD OF EDUCATION, INC.

Policy Statement

SUBJECT: CHILD ABUSE/NEGLECT
POLICY CODE: JGFB
DATE OF ORIGINAL POLICY: 07/09/2003

EFFECTIVE DATE: 1/8/2021
DATE OF NEXT REVIEW: 1/8/2024
DATED: 2/8/2021

I. PHILOSOPHY

A large percentage of abused children are of school age. Compulsory education laws make it difficult to hide abuse. Since educators see children on a regular basis, they are in a strategic and important position to recognize and report suspected child abuse and neglect. Educators who are knowledgeable in detecting the signs and signals of child abuse and neglect, and are conscientious in reporting suspected incidents to the proper authorities, can do much to protect the child and help the family as well.

We at the Shonto Preparatory School District wish to take aggressive, proactive stance in combating child abuse in our district. Therefore, the Shonto Governing Board establishes the following policy:

II. POLICY STATEMENT:

It is the policy of the Shonto Governing Board to comply with Navajo Nation, State, and Federal child abuse reporting laws.

III. EXCEPTIONS TO POLICY:

None.

IV. AMPLIFYING INSTRUCTIONS AND GUIDELINES:

A. **DEFINITIONS**

1. Abuse or Child Abuse:

- a. The infliction upon a child or allowing another person to inflict upon a child any of the following:
 - i. Physical injury, impairment of bodily function, or disfigurement;
 - ii. Emotional damage or mental injury; or
 - iii. Sexual abuse, assault, molestation, contact, conduct, exploitation, incest or commercial exploitation/prostitution.
- b. A failure to maintain reasonable care and treatment or exploiting or overworking a child to such an extent that his or her health, morals or emotional well-being is endangered.
- c. A case in which a child is dead or exhibits evidence of skin bruising, bleeding,



SHONTO GOVERNING BOARD OF EDUCATION, INC.

Policy Statement

malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and where such condition is not justifiably explained or may not be the product of an accident occurrence.

2. Mental injury means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal, or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response, or cognition.
3. Neglect or Negligent treatment: The terms neglect or negligent treatment shall include:
 - a. the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child; or
 - b. the inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.
4. Physical Injury includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising, or serious bodily harm.
5. Reportable offense includes indecent exposure, public sexual indecency, sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, furnishing to a minor over the internet items that are harmful to a minor, surreptitious photographing/videotaping/filming/digitally recording of a minor; child prostitution; and incest.
6. Reasonable belief: The term "reasonable belief" should be interpreted liberally, such that the reporting requirements of the Policy are triggered whenever there is sufficient information to indicate that a child is or may be the victim of abuse or neglect. Individuals are not expected or required to investigate the suspected abuse before making a report.
7. Sexual Abuse includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct (actual or simulated) or the rape, molestation, prostitution, or other form of sexual exploitation (including pornography) of a child, or incest with children.

B. REPORTING INCIDENTS OF SUSPECTED CHILD ABUSE

Any person, including a School employee or volunteer, shall report incidents of abuse or neglect under any of the following circumstances:



SHONTO GOVERNING BOARD OF EDUCATION, INC.

Policy Statement

1. If the person knows or reasonably believes or suspects that a minor is or has been the victim of physical injury, abuse, child abuse, neglect, or another reportable offense that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature;
2. If the person know or reasonably believes or suspects that there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of a child;
3. If the person knows or has reason to believe or suspect that serious injury or injuries have been inflicted upon a child as a result of abuse, neglect or starvation;
4. If the person knows or has reasonable suspicion that actions are being taken or are going to be taken that would reasonable be expected to result in abuse of a child in Indian Country.

Also, when any of the above circumstances occur, the School employee or other reporting individual shall refer the child to the School nurse, who will evaluate and record the nature of the child's injury, abuse or neglect.

C. SUBMISSION OF CHILD ABUSE/NEGLECT REPORTS

All reports required under Section II of this Policy shall be submitted to the following entities:

1. A Navajo Nation law enforcement.
2. Navajo Nation Child Protective Services Department.
3. Bureau of Indian Education-Suspected Child Abuse and Neglect (SCAN).

D. FILING A REPORT

Such reports shall be made immediately by telephone or in person and shall be followed up by a written report within seventy-two hours. Such reports shall contain:

1. The names and addresses of the minor and the minor's parent(s), guardian(s) or custodian(s), if known.
2. The minor's age and the nature and extent of the minor's injury, abuse, child abuse, physical injury or neglect.
3. Any other information that the person believes might be helpful in establishing the identity of the person(s) responsible for the injuries.
5. Information as to where the child was referred or can be found.



SHONTO GOVERNING BOARD OF EDUCATION, INC.

Policy Statement

E. IMMUNITY FOR FILING A REPORT

Any person furnishing a report, information, or records required or authorized by Navajo Nation, State or Federal child abuse reporting laws, or a person participating in a judicial or administrative proceeding or investigation resulting from a such report, information or records is immune from any civil or criminal liability by reason of such action unless such person has acted in bad faith or with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

F. FAILURE TO REPORT CHILD ABUSE

Mandated Reporters who fail to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to \$5,000 and/or imprisoned up to 6 months in jail. Furthermore, any supervisor or person in authority who inhibits or prevents a Mandated Reporter from making a report may be fined up to \$5,000 and/or imprisoned up to 6 months in jail. In instances where it is determined that an BIE employee has failed to report child abuse as required, BIE management reserves the right to impose administrative and/or disciplinary action against the involved employees, up to and including removal.

A person who fails to report abuse as provided in A.R.S. §13-3620 is guilty of a Class I misdemeanor, except if the failure to report involves a "reportable offense", the person is guilty of a Class 6 felony. A person who fails to report abuse as provided in 18 U.S.C. §1168(a) may be fined under Title 18 or imprisoned for not more than 6 months or both. Any person who is subject to applicable Navajo Nation law and fails, neglects, or refuses to submit a report required by 9 N.N.C. 1123 is guilty of a misdemeanor and may be punished by law.

G. REQUIREMENT TO REPORT CERTIFICATED PERSONNEL SUSPECTED OF CHILD ABUSE

Any certificated person or Governing Board member who reasonably suspects or receives a reasonable allegation that a person certificated by the State Board of Education has engaged in conduct involving minors that would be subject to the reporting requirements of this policy and A.R.S §13-3620 shall report or cause reports to be made to the Department of Education in writing as soon as is reasonably practicable, but no later than three (3) business days after the person first suspects or receives an allegation of the conduct.

In addition, if the Superintendent reasonably suspects or receives a reasonable allegation that certificated person has engaged in an act of immoral or unprofessional conduct that would constitute grounds for dismissal or criminal charges of that certificated person, the Superintendent shall report that conduct to the Department of Education.

H. CONFIDENTIALITY

1. Confidentiality must be exercised throughout this procedure to the extent permitted by law.
2. Copies of reports made under this Policy are not a part of the child's educational record and are kept separately in the Principal's office.



SHONTO GOVERNING BOARD OF EDUCATION, INC.

Policy Statement

V. DELEGATION OF AUTHORITY

- A. The Superintendent is directly responsible for enforcing and communicating this policy.
- B. Principals and Administrators are responsible for implementing the policy in their building/department.
- C. Principals will review this policy with their staff annually at the beginning of the school year.
- D. Principals will monitor the execution of this policy at the building level.

VI. REPORTS

None.

VII. FORMS

None.

VIII. EXPIRATION DATE

This policy will be revised as needed to comply with Navajo Nation, State and Federal Laws. This policy will remain in effect until revised or amended.

IX. SIGNATURE BLOCK

Submitted by: *Melvin Rowakuba*

Date: *01/08/2021*

1st Reading: October 6, 2020

2nd Reading: December 30, 2020

3rd Reading: January 8, 2021

Established: *Tom Franklin*

Mr. Tom Franklin Jr., Board President
Shonto Governing Board of Education, Inc.