

Effective: July 1, 2023

UP Academy Child Abuse and Neglect Policy

GENERAL INFORMATION:

Massachusetts General Law (Chapter 119, Section 51A) requires that certain persons who in their professional capacity have reasonable cause to believe that a child under the age of eighteen (18) years is suffering serious physical or emotional injury resulting from abuse, including sexual abuse, or neglect, including malnutrition, inflicted upon him or her SHALL IMMEDIATELY, VIA TELEPHONE, REPORT THIS ABUSE OR NEGLECT TO THE DEPARTMENT OF CHILDREN AND FAMILIES (either via the attached Area Offices Telephone Directory or via the 24-hour reporting hotline: 1-800-792-5200).

Within forty-eight (48) hours of the initial oral report, these professionals are required under Massachusetts law to notify the Department of Children and Families (DCF) IN WRITING using the attached Report Form. The Report Form should be sent by registered mail, with return receipt requested, to the appropriate DCF Area Office. A new Report Form must be completed for each new injury or re-injury.

WHO MUST REPORT?

By law, the following professionals, among others, are “mandated reporters” and must report cases of child abuse or neglect to DCF: Physicians, Medical Interns, Medical Examiners, Dentists, Nurses, Teachers, Educational Administrators, Guidance Counselors, Family Counselors, Probation Officers, School Attendance Officers, Social Workers, Psychologists, and Police Officers. When these professionals are employed at a school, they must either notify DCF directly or, alternatively, notify the person in charge of the school or that person’s designated agent.

Nothing in this policy prohibits a school professional from notifying DCF directly when such school professional has reasonable cause to believe abuse or neglect occurred. In the event that a school professional notifies the Building Administrator in charge of an incident of suspected abuse or neglect, that Building Administrator must make a report to DCF following the procedures outlined in this document.

Any other person may report a case of child abuse or neglect when there is reasonable cause to believe that a child’s health or welfare is being harmed, or is at substantial risk of being harmed, as a result of abuse or neglect.

WHAT TO REPORT?

Any incident in which there is reasonable cause to believe that a child’s physical or mental health or welfare is harmed or is threatened with substantial risk of harm through abuse or neglect must be reported. Truancy by itself is not a reportable matter.

ABUSE:

Abuse includes:

- a. Physical, mental, or emotional injury by other than accidental means, i.e., beatings, cuttings, burns, broken bones, multiple bruises;
- b. Physical dependency on an addictive drug at birth; and

- c. Any sexual act against another person either by force, or by threat of force or bodily injury, or against the person's will. This includes a sexual act against another person who is incapable of giving consent either because of her/his temporary or permanent mental or physical incapacity or because s/he is a minor. Such crimes as indecent assault and battery, rape, rape with force, rape and abuse, assault with intent to rape and unnatural and lascivious acts constitute a sexual assault.

Indecent assault and battery includes, but is not limited to, inappropriate and unwanted touching of private body parts. A person under the age of 14 is legally unable to consent to this type of sexual activity.

NEGLECT:

Neglect is deemed to exist when the person or persons responsible for a child's care, although financially able to do so, fail to provide the child with:

- a. Adequate food, clothing, shelter, education, or medical care and/or
- b. Proper supervision and/or guardianship.

The attached Procedures for Reporting Suspected Child Abuse or Neglect detail the relevant reporting procedures to be followed by UP Academy employees.

IMMUNITY:

All reports will be held in strict confidence. No person required to report who does in fact make a report shall, including a report of abuse or neglect by personnel in the public school system, be held liable in any civil or criminal action by reason of that report. In addition, a person who, although not required to do so by statute, voluntarily makes a report shall not be liable in any civil or criminal action by reason of that report *if* it was made in good faith *and* that person did not perpetuate, inflict, or cause the reported abuse or neglect.

In accordance with Massachusetts law (Massachusetts General Laws Chapter 119, Section 51B), persons who are mandatory reporters of child abuse shall share any relevant information requested by the Department of Children and Families during the investigation of a specific 51A child abuse report. Those persons who are required to share information are protected from civil or criminal liability for providing such information without parental consent.

CONSEQUENCES FOR VIOLATIONS OF THE REPORTING REQUIREMENT:

Under Massachusetts law, any person required to make oral and written reports of suspected child abuse or neglect who fails to do so and any person who knowingly files a frivolous report will be subject to penalties as prescribed by law.

UP Academy employees required by law to report suspected child abuse or neglect who fail to do so in accordance with the attached Procedures will be subject to discipline.

PROHIBITION OF RETALIATION:

Retaliation against any UP Academy student or employee for filing a complaint of abuse or neglect, including a report of abuse or neglect against personnel in the public school system, is strictly prohibited. Complaints of retaliation should be filed as specified in the Uniform Procedures for Student Grievances of Discrimination or Harassment, or in the Uniform Procedures for Employee Discrimination or Harassment, as applicable.

In accordance with both Massachusetts law and the attached Procedures, any UP Academy employees who themselves perpetuate, inflict, or cause the abuse of any child will be subject to discipline as outlined in the attached Procedures.

Attachments:

1. Procedures for Reporting Suspected Child Abuse and Neglect Cases
2. Area Offices and Telephone Directory Guide for Reporting Purposes
3. DCF 51A Reporting Form
(also found at this

link:<http://www.heywood.org/files/dmfile/child-abuse-reporting-form-11.pdf>)

For more information about this document, contact:

Name:	Hillary Casson (Chief Executive Officer)
Department:	UP Education Network
Mailing Address:	PO Box 220818, Dorchester, MA 02122
Phone:	617-307-5980
E-mail:	hcasson@upeducationnetwork.org

**PROCEDURES FOR REPORTING SUSPECTED
CHILD ABUSE AND NEGLECT CASES**

1. Pursuant to Massachusetts General Law Chapter 119, Section 51A, a mandated reporter is required to report when he/she has "reasonable cause to believe" that a child under the age of eighteen (18) years is suffering from abuse or neglect. **Out of an abundance of caution, however, all school professional staff in UP Academy schools are required to report to DCF any instance of neglect or abuse that he/she observes or which is brought to his/her attention.**
2. Upon such suspicion of abuse or neglect of a child under 18 years of age, a teacher, or any other mandated reporter, will immediately report his or her concerns to the Principal. Such abuse includes but is not limited to physical, mental, or emotional injury by other than accidental means, i.e., beatings cuttings, burns, broken bones, multiple bruises, etc.) In the event of suspected physical abuse, a school nurse should be contacted to immediately examine and document the child's physical condition. Appropriate Special Education and Support Services Staff should be notified of the situation concerning the suspected abuse or neglect.
3. **Upon such suspicion of sexual assault**, please refer immediately contact the UP Education Network Chief Executive Officer (or her designee). School personnel responding to sexual assault concerns will obtain only basic minimal facts of the alleged incident. These basic facts should include: (1) when the incident occurred; (2) where the incident occurred; (3) who assaulted the student, if known; (4) the nature of the incident; and (5) whether there are known witnesses and/or other victims? In an attempt to minimize the emotional stress victims of abuse experience and to preserve the integrity and reliability of the required DCF and law enforcement investigations, additional interviews and more detailed probing questioning are not to be conducted by school officials. A student who reports being a victim of a sexual assault should never be asked to submit a written report detailing the incident nor be asked to discuss the incident with the alleged perpetrator present at any time and under any circumstances. School personnel are mandated reporters but should not investigate the allegations or prepare a probing and/or detailed incident report.
4. Principal or designee shall compile any and all relevant information from school professionals with knowledge of the incident and student. He/she shall also compile any and all relevant information from school records to be used when reporting the case to the appropriate DCF Area Office and have all such information and records available for DCF.
5. The Principal must report to DCF even if he/she believes that the teacher, nurse, or other mandated reporter is mistaken in suspecting abuse or neglect. **The Principal may not substitute his/her judgment for that of any mandated reporter within the school. The failure to file a report as mandated by law will subject the Principal (or other mandated reporter who fails to meet his/ her statutory obligations) to discipline in accordance with UP Employee Discipline Procedures.**
6. The Principal or designee must immediately call the DCF Screening Area Office to report the case. If the report must be made after 5:00 PM, the Principal or designee must immediately call the DCF Hotline number at 1-800-792-5200.

7. Do not send the child home from school before filing the verbal 51A report DCF. Written report must be forwarded within 48 hours.

Attachment 1 (p. 2 of 2)

8. Within 48 hours of the initial oral report, the Principal or designee will send written notification to DCF Area Office by registered mail. A confidential copy of the written notification form (copy attached) should be retained in the office of the principal or headmaster.
9. If the alleged abuser is an employee of the Boston School Department, a copy of the notification should also be forwarded to the UP Director of Legal Affairs. If an investigation confirms the allegations, the offending employee will be subject to discipline in accordance with Employee Discipline Procedures.
10. The Principal, in consultation with others as necessary, will decide how, when, and by whom the family, including the child who is suspected of being abused or neglected, will be notified of this report. Although the school is not required by law to notify the family, such notification is recommended. In deciding whether to notify, the Principal and others should consider whether notification will create a substantial risk to the student's health, safety, or welfare. ***DCF and the police can provide consultation in making this determination to ensure the child's safety and well-being.***
11. Certain cases that the schools report to DCF (sexual abuse and exploitation, serious physical abuse, and some others) will also be referred by DCF to the local police and the District Attorney's Office for investigation. In these circumstances, these agencies will typically conduct a multidisciplinary team investigation. This investigation will typically include an interview with the alleged victim(s), alleged perpetrator(s), and witness(es). Relevant investigative information will be provided to the school when appropriate, and as permitted by law.
12. Throughout the reporting, investigation, and follow-up process, school documentation must be done in a way that assures confidentiality. Accordingly, reports of suspected abuse or neglect will not be part of a child's educational record, but will instead be kept separately. The school will maintain files of the 51A reports of suspected abuse or neglect for no more than five years.

EMERGENCY PROTOCOL

In the event of a clear emergency where the life or safety of a child is in imminent danger, the Principal, designee, or other mandated reporter should IMMEDIATELY notify the appropriate DCF Area Office and file the required 51A Report. After 5:00 PM, the school official should use the Child Abuse Hotline, at 1-800-792-5200. Alternatively, the official may report the suspected abuse or neglect to the evening hours office, which is located at the Judge Baker Children's Center, located at 53 Parker Hill Avenue, Boston MA 02120. A written report must be filed within forty-eight hours.

For more information about this document, contact the school Principal.

**PHONE CONTACT LIST
DEPARTMENT OF CHILDREN AND FAMILIES
BOSTON-BROOKLINE REGION
AREA DIRECTORY**

AREA OFFICES

Boston Regional Office
451 Blue Hill Avenue, 2nd Floor
Dorchester, MA 02121
Local Number: (617) 989-9200
Fax Number: (617) 989-9250

Hyde Park Area Office
1530 River Street
Hyde Park, MA 02136
Local Number: (617) 363-5000
Fax Number: (617) 363-5175

Dimock Street Area Office
30 Dimock Street
Roxbury, MA 02119
Local Number: (617) 989-2800
Fax Number: (617) 445-9147

Park Street Area Office
50 Park Street
Dorchester, MA 02122
Local Number: (617) 822-4700
Fax Number: (617) 282-1019

Harbor Area Office
80 Everett Avenue, Suite 300
Chelsea, MA 01250
Local Number: (617) 660-3400
Fax Number: (617) 884-0215

**BOSTON POLICE DEPARTMENT – FAMILY JUSTICE CENTER
(FORMERLY THE SEXUAL ASSAULT UNIT)**

Ph: (617) 343 - 4400

SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

Main #:(617) 619 - 4000

Child Abuse Unit #:(617) 619 - 4300



Report of Child(ren) Alleged to be Suffering from Serious Physical or Emotional Injury by Abuse or Neglect



Massachusetts law requires mandated reporters to immediately make a report to the Department of Children and Families (DCF) when they have reasonable cause to believe that a child under the age of 18 years is suffering from abuse and/or neglect by:

STEP 1: Immediately reporting by oral communication to the local DCF Area Office (see contact information at end of form); and
STEP 2: Completing and sending this written report to the local DCF Area Office within 48 hours of making the oral report.

For more information about requirements for mandated reporters and filing a report of alleged abuse and/or neglect please see **A Guide for Mandated Reporters** available on the DCF website at www.mass.gov/dcf.

Please complete all sections of this form. If some data is uncertain or unknown, please signify by placing a question mark ("?") after the entry.

CHILDREN REPORTED

Name	Current Location / Address	Sex	Age or Date of Birth
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	

PARENT OR GUARDIAN 1

Name			
First	Last	Middle	
Address			
Street & Number	City / Town	State	Zip Code
Phone #		Age/Date of Birth	

PARENT OR GUARDIAN 2

Name:			
First	Last	Middle	
Address:			
Street & Number	City / Town	State	Zip Code
Phone #:		Age/Date of Birth	

REPORTER / REPORT

Report Date:	<input type="checkbox"/> Mandatory Report	<input type="checkbox"/> Voluntary Report
Reporter's Name:		
First	Last	Middle
(If the reporter represents an institution, school or facility, please indicate)		
Reporter's Address:		
Street & Number	City / Town	State
Zip Code		
Phone #:		
Has reporter informed caretaker of report? <input type="checkbox"/> Yes <input type="checkbox"/> No		

What is the nature and extent of injury, abuse, maltreatment or neglect? Please list any prior evidence of same and/or other worries regarding danger to the child(ren). (Please cite the source of this information if not observed firsthand.)

If known, please provide the name(s) and contact information of the person(s) responsible for the injury, abuse, maltreatment or neglect and/or any other information that you think might be helpful in establishing the cause of the injury, abuse, maltreatment or neglect:

What are the circumstances under which the reporter became aware of the injury, abuse, maltreatment or neglect? Please include information on dates and timeframes for when the injury, abuse, maltreatment or neglect occurred:

What action has been taken thus far to treat, shelter or otherwise assist the child(ren) to deal with the situation?

If report involved alleged domestic violence, please list any information that will help DCF make safe contact with the family (e.g., work schedule, place of employment, daily routines for the adult victim):

Please provide any information about the family's strengths and capacities that you think will be helpful to DCF in ensuring the child's safety and supporting the family to address the abuse and/or neglect concerns:

Signature of Reporter: _____

To report child abuse and/or neglect: Weekdays from 9:00 am to 5:00 pm call the local DCF Area Office.
Weekdays **after** 5:00 pm and 24 hours on weekends and holidays call the
Child-At-Risk-Hotline 1-800-792-5200

DCF AREA OFFICES

Western Region		Northern Region		Southern Region		Boston Region	
Greenfield	413-775-5000	Lowell	978-275-6800	Arlington	781-641-8500	Dimock Street, Roxbury	617-989-2800
Holyoke	413-493-2600	Framingham	508-424-0100	South Weymouth	781-794-4400	Hyde Park	617-363-5000
Springfield	413-452-3200	Haverhill	978-469-8800	Cape Cod & Islands	508-760-0200	Harbor, Chelsea	617-660-3400
Robert Van Wart Center	413-205-0500	Lawrence	978-557-2500	Plymouth	508-732-6200	Park Street, Dorchester	617-822-4700
East Springfield		Cambridge/Somerville	617-520-8700	Fall River	508-235-9800		
Worcester, East & West	508-929-2000	Malden	781-388-7100	New Bedford	508-910-1000		
Whitinsville	508-929-1000	Cape Ann, Salem	978-825-3800	Brockton	508-894-3700		
Leominster	978-353-3600	Lynn	781-477-1600	Taunton/Attleboro	508-821-7000		
Pittsfield	413-236-1800						