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**SECTION:** J - Students  
**POLICY TITLE:** Child Abuse or Neglect  
**FILE NO.:** JHFA  
**DATED:** April 10, 2024

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**1. PURPOSE AND PHILOSOPHY**

- 1.1 Children deserve to be safe. Nebo School District is committed to the well-being of its students and supports efforts by education personnel to take early protective measures towards allegations of child abuse or neglect. Because of their regular contact with children, District employees are often in a unique position to identify and refer suspected cases of abuse or neglect.
- 1.2 All employees are required by law to report suspected child abuse or neglect, and school districts are required to develop and adopt a child abuse-neglect policy and to provide training. The Board therefore adopts this policy to inform employees of their training requirements and their responsibilities and procedures for reporting.
- 1.3 In addition to being illegal, child abuse and neglect interfere with healthy child development and later achievement in life. To protect our students, especially from abuse or neglect, every district employee must comply with the provisions of this policy and state law.

**2. MANDATORY TRAINING**

- 2.1 Utah law requires the District to use instructional materials approved by the Utah State Board of Education in providing all training described in this section.
- 2.2 Every other year the District will provide training and instruction on child sexual abuse and human trafficking prevention and awareness to all school personnel. The training will include:
  - 2.2.1 how to respond to a disclosure of child sexual abuse in a supportive appropriate manner;
  - 2.2.2 how to identify children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and
  - 2.2.3 how to comply with the mandatory reporting requirements described below.
- 2.3 Every other year the District will also provide training and instruction to parents of elementary school students on the following:
  - 2.3.1 recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation; and

- 2.3.2 using effective, age-appropriate methods for discussing the topic of child sexual abuse with a student.
- 2.4 School principals, in consultation with the applicable director, may choose to provide instruction on child sexual abuse and human trafficking prevention and awareness to their students using age-appropriate curriculum.
  - 2.4.1 No such instruction may be given to a student unless the parent of the student is:
    - 2.4.1.1 notified in advance of the:
      - 2.4.1.1.1 instruction and content of the instruction; and
      - 2.4.1.1.2 parent's right to have the student excused from the instruction;
    - 2.4.1.2 given an opportunity to review the instructional materials before the instruction occurs; and
    - 2.4.1.3 allowed to be present when the instruction occurs.
  - 2.4.2 In addition, before providing any such instruction to students, school employees must comply with the prior written consent and privacy provisions of [UTAH CODE ANN. § 53E-9-203](#).
  - 2.4.3 Upon the written request of the parent of a student, the student shall be excused from the instruction on child sexual abuse prevention and awareness.
- 2.5 In addition to the training described above, each year, principals and other district supervisors must notify their employees of each employee's legal responsibility to report suspected child abuse or neglect to appropriate authorities, as described in this policy.

### **3. MANDATORY REPORTING**

- 3.1 Whenever any employee has reason to believe that a child has been subjected to abuse or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, the employee shall immediately report the alleged abuse or neglect to the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.
- 3.2 An employee reporting abuse or neglect under paragraph 3.1 shall complete the following procedures:
  - 3.2.1 The employee shall notify the student's principal or supervisor. Notifying the principal does not satisfy the reporting requirement of paragraph 3.1, and the employee must still personally comply with paragraph 3.1. The principal can be present when the employee makes the report under paragraph 3.1.
  - 3.2.2 The employee shall complete the Nebo School District Child Abuse or Neglect Reporting Form.
    - 3.2.2.1 One copy shall be placed in a Child Abuse or Neglect file at the District's Student Service's office;
    - 3.2.2.2 One copy shall be placed in a separate file to be maintained by the school principal for all reported cases of suspected child abuse or neglect. The Child Abuse or Neglect Reporting Form shall not be placed in the child's educational file; and
    - 3.2.2.3 If the student is eligible for special education services, one copy shall be placed in a separate file to be maintained by the Special Education Department at the District office for all reported cases of suspected child

abuse or neglect. The Child Abuse or Neglect Reporting Form shall not be placed in the child’s special education file.

- 3.3 In addition to the duty to report outlined above, an employee who has reasonable cause to believe a student may have been physically or sexually abused by any school employee, volunteer, or contractor shall immediately report the belief and all other relevant information to the school principal, the superintendent, or the Utah Professional Practices Advisory Commission (UPPAC) at the Utah State Board of Education (USBE).
  - 3.3.1 Any school administrator who has received a report under section 3.3 or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school employee, volunteer or contractor, shall immediately report that information to the superintendent or the Director of Human Resource.
  - 3.3.2 If the individual suspected to have abused a student holds a professional educator license issued by USBE, the Director of Human Resources or his/her designee shall immediately report that information to the UPPAC.
- 3.4 An employee who has reason to believe a student may be subject to educational neglect due to compulsory education violation shall report to DCFS using the process described in Nebo School District Policy JDH, *Student Attendance*.
- 3.5 Failure to comply with the requirements of this section shall be considered unprofessional conduct by the district and may lead to disciplinary action. Moreover, an employee who willfully fails to report suspected child abuse or neglect may be guilty of a class B misdemeanor under [UTAH CODE ANN. § 80-2-609](#).
- 3.6 Under both [UTAH CODE ANN. § 80-2-610](#) and [UTAH ADMIN. CODE R277-401-3](#), persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from those actions.
- 3.7 Reports are confidential. Under [UTAH CODE ANN. § 80-2-1005](#), DCFS and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in its subsequent investigation. In accordance with [UTAH ADMIN. CODE R277-401-3](#), the District and its employees shall preserve the anonymity of those reporting or investigating child abuse or neglect.

#### 4. INVESTIGATIONS

- 4.1 In cases of suspected abuse or neglect that do not occur on school property or involve school personnel, it is not the responsibility of school administrators, educators, or other employees to investigate or prove that a child has been abused or neglected, or to determine whether the child is in need of protection. Investigations in those cases are the responsibility of DCFS or law enforcement, and investigation by school personnel prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.
- 4.2 Except as may be required by law or another District policy, employees may not engage in the following conduct:
  - 4.2.1 interview the child or have contact with the suspected abuser;
  - 4.2.2 contact the child’s parents, relatives, friends, neighbors, or others for the purpose of discussing suspected abuse or neglect or to attempt to determine circumstances or causes of apparent abuse or neglect; or
  - 4.2.3 contact parents or otherwise give them notice of an investigation, since parent notification of an investigation is the responsibility of law enforcement or DCFS.
- 4.3 Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

- 4.4 Parents who make inquiries to school personnel about a report or an investigation should be directed to DCFS.

## 5. COOPERATION WITH LAW ENFORCEMENT AND DCFS

- 5.1 Employees shall cooperate with social service and law enforcement agency employees authorized to investigate charges of child abuse and neglect.
- 5.2 Requests for student records beyond the initial report should be directed to an administrator or his/her designee. When a request is made, the school official responding to the request shall verify the requesting party's credentials and authorization to access a student or student's records by viewing the person's agency-issued identification badge and other documentation, such as the agency's Child Abuse Neglect Report (CANR), that identifies both the party and the student by name and shows that the person is authorized to access the particular student's records.
- 5.3 Once identification and authorization are established under paragraph 5.2, District employees will cooperate with DCFS and law enforcement agencies by
- 5.3.1 allowing appropriate access to students;
  - 5.3.2 allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols; and
  - 5.3.3 complying with the confidentiality provisions outlined in this policy.
- 5.4 School administrators should document DCFS and law enforcement school visits using the [School Liability Release](#) form.

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### **EXHIBITS**

None

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### **REFERENCES**

[UTAH CODE ANN. § 53E-6-701](#)  
[UTAH CODE ANN. § 53E-9-203](#)  
[UTAH CODE ANN. § 53G-9-207](#)  
[UTAH CODE ANN. § 80-2-601, et seq.](#)  
[UTAH CODE ANN. § 80-2-1005](#)  
[UTAH CODE ANN. § 78A-6-105](#)  
[UTAH ADMIN. CODE, R277-401, et seq.](#)

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### **FORMS**

[Nebo School District Child Abuse or Neglect Reporting Form](#)  
[Nebo School District School Liability Release Form](#)

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### **HISTORY**

Revised 10 April 2024 – periodic review; updated Utah Code citations per HB 248 (2022).  
Revised 12 May 2021 – updated per HB 286 (2014), HB 228 (2018), SB 198 (2019) and R277-401 (2017); reorganized; added section on mandatory training, investigations, and cooperating with law enforcement.  
Revised 9 December 2009 – reformatted, made technical changes.  
Revised or adopted 20 April 1994.

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