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SUSPECTED CHILD ABUSE/NEGLECT "SCAN" POLICIES & PROCEDURES

PURPOSE STATEMENT: The Pyramid Lake Jr. /Sr. High School ("PLHS") believes that all individuals should work or receive educational services in an environment which encourages and allows efficient, productive, and creative work. The PLHS Board of Education recognizes that any form of abuse or harassment, emotional (mental), physical, sexual, or neglect, is unacceptable and will not be tolerated. PLHS adopts the following guidelines to clarify mandated reporter obligations and to outline the appropriate actions required by (1) Mandated Reporter(s) who learn of facts that give reason to suspect that a child has suffered an incident of child abuse, knows or has reasonable suspicion that a child was abused or knows that actions are being taken or will be taken that would reasonably be expected to result in the abuse of a child and (2) any individual who has first-hand knowledge of incidents not amounting to abuse but which must still be reported. These guidelines are based on obligations imposed under P.L. 101-630, P.L. 101-647 and also incorporate portions of the Bureau of Indian Education (BIE) SCAN & Employee Incident Reporting Protocol, Revised 2009 ("2009 BIE SCAN Regulations"), as required for Tribal Grant Schools funded under PL 100-297 and PL 93-638. If there is any conflict between this policy and applicable federal law or regulations, the applicable federal law or regulations shall control.

DEFINITION OF ABUSE:

Emotional (mental) Abuse: Harm to a child's psychological or intellectual functioning and includes any form of intimidation caused by shouting, name-calling, threatening, insulting, or in a derogatory manner by the choice of words that makes an individual feel shame or hurt and that could lead to severe stress, physical ailments, depression, withdrawal or outward aggressive behavior, or mental anguish.

Physical Abuse: Any injury inflicted by a person responsible for the child's care other than by accidental means; an injury that cannot reasonably be explained by the child's history of injuries. This includes any case where a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and such conditions that are not justifiably explained or may not be the product of an accidental occurrence as well as any other serious bodily harm; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution.

Sexual Abuse: The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, any actual or simulated sexually explicit conduct or sexual exploitation of children in any form and as further defined by P.L. 101-647. Threatening or insinuating, either explicitly or implicitly, that an individual's refusal to submit to sexual advances will adversely affect their education or career development shall be considered sexual harassment. Other sexually harassing conduct in the school system is prohibited and includes: unwelcome sexual flirtations, touching, advances or propositions; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual and the display of sexually suggestive objects or pictures, including photographs, or any type of media use.

Physical and/or Emotional Neglect: Includes but is not limited to negligent treatment or maltreatment of a child by a person, including the person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened and may include the failure, for reasons other than poverty, the

failure to provide adequate food, shelter, or medical care so as to seriously endanger the physical health of the child.

LEGAL AUTHORITIES:

PLHS receives funding through the BIE, Department of the Interior, and is required to comply with:

P.L. 101-630, Indian Child Protection and Family Violence Prevention act, (as codified in 25 U.S.C. 3201 & 25 CFR 25 part 63) as amended: Requires that any person identified as a Mandated Reporter who knows or has a reasonable suspicion that a child has been abused in Indian County, must report the information to the local protection agency or local law enforcement agency.

P.L. 101-647, Crime Control Act of 1990 - Victims of Child Abuse Act (as codified in 42 U.S.C. 13031): Requires that any person while in a professional capacity or activity on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated to receive the report. The term "child abuse" shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

MANDATED REPORTERS: The following individuals within the PLHS system must report any suspect or knowledge of child abuse as defined above:

Teachers and Substitutes, Special Education Aides, School Counselors, Guidance Counselors, School Board Members, Principal, Vice-Principal and other Administrative and support staff, Bus Drivers, Psychologist, Psychiatrists, Mental Health professionals, Medical providers and any other person(s) who has regular contact with students and/or who provides services to or on behalf of students enrolled in PLHS, pursuant to a contract with the School Board of Education.

FAILURE TO REPORT CHILD ABUSE:

Mandated Reporters who learn of facts that give reason to suspect that a child has suffered an incident of child abuse, know or have a reasonable suspicion that a child was abused in the PLHS, or know that actions are being taken or will be taken that would reasonably be expected to result in the abuse of a child must immediately contact the PLHS Principal, and in the absence of the Principal the Human Resources Manager, who will process the report following these guidelines and submit reports to the local law enforcement (574-1014), local child protective services (574-1047) and the Bureau of Indian Education Child Abuse Hotline, 1-800-633-5155. Failure of a Mandated Reporter to file a timely report as required is a Class B misdemeanor that may result in fines up to \$5,000 and/or imprisonment up to 6 months in jail. A supervisor or person in authority who discourages, inhibits, or prevents a Mandated Reporter from submitting a report may be subjected to the same penalties. In addition to any other action permitted by PLHS policies and applicable law, PLHS Administration, with the concurrence of the School Board, may impose administrative and/or disciplinary action against the involved employees who fail to report, and any supervisor or person in authority who discourages, inhibits or prevents reporting, up to and including termination of employment.

IMMUNITY FOR GOOD FAITH REPORTING AND ASSOCIATED ACTIONS:

All individuals who, acting based upon a reasonable belief and in good faith, provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and

criminal liability arising out of such actions. There shall be a presumption that any such persons acted based upon a reasonable belief and in good faith. The School Board or Administration shall, also, not discharge or in any manner discriminate or retaliate against any employee who, based upon a reasonable belief and in good faith, makes a report pursuant to this policy or testifies or is about to testify in any proceeding involving abuse or neglect. An employee who knowingly files a false report may be subject to disciplinary action up to and including termination and may have no immunity from civil or criminal liability for bad faith reporting.

TRAINING:

All individuals listed as a Mandated Reporter shall receive training on the obligation to report as well as in the identification of abused and neglected children. All employees will receive an initial training on Mandated Reporters, Roles and Responsibilities, during their probation period and annually thereafter. Employees are also required to sign a Summary of Mandated Reporters on an annual basis.

REPORTABLE INCIDENTS:

There are two distinct categories of reporting with the PLHS: Suspected Child Abuse/Neglect (SCAN) is considered the more serious and the Incident Report as the least; however, both are reportable to the PLHS Principal or the Human Resources Manager.

In order to maintain confidentiality required by law, information regarding SCAN and/or Incident Reports and any investigation associated with any such report(s) will not be released to anyone except those authorized or required by applicable law and/or regulation.

SCAN: Where it is clear that abuse or suspected abuse has occurred to a student/child by anyone and the circumstances meet the definition of child abuse and/or the circumstances poses an immediate danger or short-term threat to a child, the incident will be considered a SCAN which includes but is not limited to:

- Any case where the child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, sexually explicit conduct or prostitution;
- Evidence of physical injury such as severe skin bruising and/or bleeding after being struck, thrown, or treated inappropriately;
- Evidence of burns, fracture of any bone, head injuries, soft tissue swelling, and/or such conditions that are not justifiably explained or may not be the produce of an accidental occurrence;
- Confirmed or suspected malnutrition or failure to thrive;
- Confirmed or suspected fighting, threatening, or inflicting bodily harm on a student;
- Any situation that is comparable in nature to the examples and situations identified above.

Also, other allegations that may not appear as “abuse” and/or the circumstances poses a near-or-long-term threat to a child, which may include physical contact are also considered SCAN reports and may include but not inclusive:

- Corporal punishment, defined as punishment administered by an adult to the body of a child ranging in severity from a slap to a spanking, and that is in excess of reasonable discipline permitted by law;
- Incidents of grabbing or pushing a child, grabbing a child by their clothing, assaulting a child, or pulling a child’s hair in such a way that is harmful and/or intentional. Only incidents of this nature exercised to

ensure a child's safety from immediate harm are considered safety measures therefore are not reportable offenses.

- Lack of parental supervision/care:
- Child appears to be treated in a neglectful way such as clothing inappropriate; lack of needed medical and/or dental care;

EMPLOYEE INCIDENT REPORT: Activities that occur that do not meet the definitions of "abuse" where no physical contact occurred and which involve employees are considered an "incident". This includes but is not limited to:

- Employee engaged in discourteous conduct involving a student, such as using inappropriate language, making inappropriate comments of a non-sexual manner, calling names, insulting or humiliating a child, shouting, cursing, etc.

Other incidents that do not meet the definition of child abuse but are criminal in nature should be reported directly to the Tribal Police (574-1014) with a report to the PLHS Principal or Human Resources Manager. The PLHS must also file a report with the BIE Program Specialist in writing. Examples of criminal incidents include, but are not limited to:

- Confirmed or suspected drinking with, transferring, or selling intoxicants to students on or off the PLHS premises;
- Confirmed or suspected transferring or selling marijuana, narcotics or dangerous drugs to students on or off PLHS premises;
- Confirmed or suspected transferring or selling prohibited items such as cigarettes to students on or off PLHS premises;
- Any situation that is comparable in nature to the examples and situations identified above.

REPORTING SUMMARY (SCAN):

The PLHS complies with P.L. 101-630 and P.L. 101-647 and as such must report any suspected actions or knowledge of child abuse or neglect. The PLHS Principal or Human Resources Manager will not conduct an investigation of any incident but review the SCAN Report to ensure all information is provided and support or required documents are attached. Upon the review of the SCAN Report, the PLHS Human Resources Manager will submit to the BIE Program Specialist. The BIE Program Specialist will ensure compliance of the SCAN Report and that all follow-up is conducted and upon closure of the SCAN Report will receive all documents involved.

REPORTING PROCEDURES (SCAN):

The Mandated Reporter will contact the PLHS Principal or Human Resources Manager to provide an oral report on their suspicion or knowledge of child abuse or neglect. Together, they will complete the SCAN report, pages 1 through 4. It is critical that the SCAN report be completed accurately and detailed to provide information regarding the child abuse/neglect. The PLHS Principal or Human Resources Manager will contact the Tribal Law Enforcement Services (574-1014) and Child Protective Team (574-1047) within one (1) hour of completion of the SCAN report. They will also contact the BIE Program Specialist (SCAN), (505) 563-5290 to inform of the SCAN report and to coordinate faxing to their office at (505) 563-5292 within 24 hours after disclosure of the incident. It is the responsibility of the Human Resources Manager that page 5 (Tracking Notification) is thoroughly

completed before faxing onto BIE. Upon completion of all notifications, the Human Resources Manager will ensure the original SCAN Report is maintained in the official SCAN Report file at the school.

The Principal/Human Resources Manager will issue to the individual against whom an allegation of child abuse/neglect has been raised a memorandum with the subject "Suspected Child abuse/Neglect Report"; the written notification must include the date of the SCAN Report, the type of abuse alleged and the summary of allegation. The resulting actions refer to the mandatory segregation, the expected duration of administrative leave if the allegations are substantiated, the possibility that the SCAN Report may result in action that may impact their employment status and/or their suitability to work with children. The alleged offender will sign a receipt page to document that they were informed of the notice of the SCAN Report. A copy of the memo to the alleged offender will be provided to the BIE Program Specialist for filing.

Pending the outcome of the report, the Principal/Human Resources Manager will ensure the alleged offender is reassigned with no contact with children as a first option and as an alternative, Administrative Leave until clearance is established.

If the Administrative Leave due to a SCAN Report exceeds five (5) days, the Principal may take action to terminate employment with PLHS if this decision is considered in the best interest of the PLHS for any employee still on probation. Employees who are no longer on probation may be detailed to another position as long as the employee does not have contact with or control over children. Those employees who have an unresolved SCAN Report and have been deemed a threat to children requiring prolonged Administrative Leave or administrative detail, may not have their contract renewed and may be immediately terminated.

If the Principal must do a follow-up with Tribal Law Enforcement Services, the Principal will issue a Follow-up Letter to Law Enforcement Services to request a status report. The Principal will document the current status of the investigation in the official file and will issue follow-up letters on a weekly basis until it is resolved with copies forwarded to the BIE Program Specialist.

If the Tribal Law Enforcement Services indicates that prosecution is likely or imminent, the alleged offender will remain in reassignment or remain on administrative leave until official charges are filed. Upon receipt of notice that the individual has been indicated or otherwise officially charged with an offense in which imprisonment may be imposed, an indefinite suspension and/or removal will be initiated by the Principal.

If the Tribal Law Enforcement Services notifies the Principal/Human Resources Manager that the allegations are unsubstantiated, the alleged offender will return to duty after a review of the circumstances surrounding the SCAN Report and investigation. There may be administrative action if determined there was employee misconduct and although the alleged offender's conduct may not have risen to the level of a violation of law, it may still have an impact on their suitability to return to duties/services within PLHS.

The Principal will issue a Notification of Case Closure to the alleged offender after law enforcement notification. This Notification will include the Allegations, Findings, Conclusion, and a Corrective Action/Proactive Plan. The notification will be issued in person so the contents of the notification can be reviewed with the alleged offender and signed to document their review and notification. This final action will close the SCAN Report. A copy of the Notification will be faxed to the BIE Program Specialist (SCAN).

Upon closure of the SCAN Report and the SCAN Notification of Case Closure is completed, the Human Resources Manager will forward the official SCAN file to the BIE SCAN office which serves as the official repository for SCAN files. The official file should include but is not limited to:

- a) SCAN Report (pages 1 – 5);
- b) Notification to Alleged Offender;
- c) Follow-up Letter to Law Enforcement, if utilized;
- d) SCAN Closure Notification;
- e) Any direction received from the Tribal Law Enforcement and/or Child Protective Services resulting from the SCAN Report;
- f) Copies of fax transmittals and receipts;
- g) Information obtained or developed by the Principal or Human Resources Manager;
- h) Victim/Witness/Alleged Offender's statements, etc.

The Human Resources Manager will maintain any suspense files regarding the SCAN Report in a secure locked cabinet separate from the personnel or vendor files. In all instances, the Principal/Human Resources Manager must comply with all confidentiality laws and regulations.

REPORTING SUMMARY (EMPLOYEE INCIDENT REPORTS):

Activities that occur that do not meet the definitions of "abuse" where no physical contact happened and which involve an employee are considered an "incident". The Mandated Reporter will work with the Principal or Human Resources Manager to complete the Employee Incident Report. Upon completion of the Incident Report, the Principal/Human Resources Manager will notify the BIE Program Specialist (SCAN).

REPORTING PROCEDURES (EMPLOYEE INCIDENT REPORTS):

The Mandated Reporter has identified an "incident", all precise & pertinent information regarding the case is provided by completion of the Employee Incident Report (2 pages). The Principal/Human Resources Manager will establish an official file for the Incident Report. The Principal will take appropriate action for all employees, students, volunteers, or others that were alleged to have been involved in an incident. All documentation must become a part of the official files. The Incident Report will remain open until resolution is made and resulting actions documented.

The Principal/Human Resources Manager will complete the "Notification to Alleged Offender – Employee Incident Report" that will include the date of the report, Type of Incident Alleged, Summary of Allegations, resulting actions and the role of the Principal/Human Resources Manager. This form must be signed by the alleged offender. This signature only acknowledges receipt of the Notification and not in any manner an admission of guilt.

While the Principal/Human Resources Manager reviews the Incident Report, the employee will be segregated from the student population or placed on Administrative Leave for no more than ten (10) days. The Principal and Human Resources Manager will coordinate to determine appropriate administrative action required if determined that the Incident Report is substantiated. This resulting action may include disciplinary action or termination from employment depending on the severity of the employee's conduct. Non-employees are requested to temporarily discontinue their services until the Principal/Human Resources Manager makes a determination on the merits of the Incident Report. The resulting action may include terminating of their contract and notification to BIE regarding the Incident Report and will not enter into another contract with PLHS.

If the Principal and Human Resources Manager determine that the accusation is unfounded or unsubstantiated, the employee will return to duty after consultation with the BIE Program Specialist (SCAN). However, administration action may be required for employee misconduct that may include some form of disciplinary action. The non-employee will be allowed to resume their services after a meeting with the Principal to review resulting actions.

The Human Resources Manager will issue an “Employee Incident Closure Notification” to the employee upon completion of the review. This will include the Date of the Report, the Allegation, Findings, Conclusion and the Corrective Action/Proactive Plan. The Employee is also required to acknowledge receipt of this notification.

The Employee Incident documents will be maintained by the Human Resources Manager in a secure, locked file cabinet separate from other personnel files/documents. The BIE Program Specialist (SCAN) will receive the original documents as the official repository for Incident files.