



## **SUBCHAPTER 11: REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN**

### **N.J.A.C. 6A:16-11.1 Adoption of policies and procedures**

- (a) The district board of education shall develop and adopt policies and procedures for school district employees, volunteers or interns to provide for the early detection of missing, abused or neglected children through notification of, reporting to and cooperation with the appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. 18A:36-25 and 9:6-8.10. School district board-approved policies and procedures developed pursuant to this subchapter shall be reviewed and approved by the county superintendent. At a minimum, these policies and procedures shall include:
1. A statement indicating the importance of early detection of missing, abused or neglected children;
  2. Provisions requiring school district employees, volunteers or interns, to immediately notify designated child welfare authorities of incidents of alleged missing, abused and neglected children.
    - i. The person having reason to believe that a child may be missing or may have been abused or neglected may, prior to notifying designated child welfare authorities, inform the principal or other designated school official(s) if the action will not delay immediate notification.
    - ii. The person notifying designated child welfare authorities shall inform the principal or other designated school official(s) of the notification, if such had not occurred prior to the notification;
      - (1) Notice to the principal or other designated school official(s) need not be given when the person believes that such notice would likely endanger the reporter or student involved or when the person believes that such disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.
  3. Provisions requiring the principal or other designated school official(s) to notify designated law enforcement authorities of incidents of potentially missing, abused or neglected child situations.
    - i. The school district shall identify the school district official(s) and their designees responsible for reporting to the designated law enforcement authorities.
    - ii. The school district policies and procedures shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.
    - iii. The notification to designated law enforcement authorities shall be made for all reports by school district employees, volunteers or interns made pursuant to (a)2 above;
  4. Under no condition shall the school district's policy require confirmation by another person to report the suspected missing, abused or neglected child situation.

5. Provisions for school district cooperation with designated child welfare and law enforcement authorities in all investigations of potential missing, abused or neglected children including the following:
  - i. Accommodations permitting the child welfare and law enforcement investigators to interview the student in the presence of the school principal or other designated school official.
    - (1) If the student is intimidated by the presence of that school representative, the student shall be requested to name a school district employee, volunteer or intern, whom he or she feels will be supportive, who will be allowed to accompany the student during the interview;
  - ii. Scheduling interviews with any school district employee, volunteer or intern who may have information relevant to the investigation;
  - iii. The release of all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and N.J.A.C. 6A:32-7 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99;
  - iv. The maintenance, security, and release of all confidential information about potential missing, abused or neglected child situations in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and N.J.A.C. 6A:32-7;
    - (1) All information regarding allegations of potentially missing, abused or neglected children reported to authorities about a school district employee, volunteer or intern shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to (a)2 and 3 above or by virtue of a court order.
      - (A) Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district chief school administrator or his or her designee;
  - v. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.
    - (1) Such removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30; and

- vi. The transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school;
- 6. A provision for the establishment of a school district liaison to designated child welfare authorities to act as the primary contact person between the schools in the school district and child welfare authorities with regard to general information sharing, the development of mutual training and other cooperative efforts;
- 7. A provision for designating the school district liaison to law enforcement authorities to act as the primary contact person between the schools in the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the memorandum of understanding, pursuant to N.J.A.C. 6A:16-6.2(b)13.
  - i. The designation of the school district liaison shall be consistent with the policies and procedures established by the district board of education for ensuring cooperation between school and law enforcement officials, pursuant to N.J.A.C. 6A:16-6.2(b)1;
- 8. Provisions for training school district employees, volunteers and interns on the district's policies and procedures for reporting allegations of missing, abused or neglected child situations.
  - i. All new school district employees, volunteers and interns shall receive the required information and training as part of their orientation;
- 9. Provisions regarding due process rights of a school employee, volunteer or intern who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused or neglected child situation.
  - i. Temporary reassignment or suspension of a school employee, volunteer or intern named as a suspect pursuant to (a)2 above shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in imminent danger due to continued contact between the school employee, volunteer or intern and the student.
  - ii. All references to a notification to the designated child welfare authorities of a potential missing, abused or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a; and
- 10. A statement that prohibits reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing, abused or neglected child situation pursuant to N.J.S.A. 9:6-8.13.