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Office of the Child Advocate

Melissa D. Carter, Director

March 2, 2010

Honorable Sonny Perdue
Governor of Georgia
State Capitol
Atlanta, GA 30334

Dear Governor Perdue:

Under cover of this letter, I am submitting the executive report and recommendations of the School Abuse Taskforce convened pursuant to your directive. I commend each of the members of this group for their commitment to this effort and extend my gratitude for the contributions each of them made to the examination of these issues. I believe you will find their report thorough and their recommendations insightful.

As you will see in the attached report, the Taskforce respectfully submits the following recommendations for your consideration:

- Modification to the Department of Education Rule that cross-references the state mandated reporter statute, O.C.G.A. § 19-7-5, to eliminate the institutional discretion which often precludes a report and to require that the school notify parents/guardians of the nature of any allegation of abuse occurring in the school setting;
- Amending the state Model Child Abuse Protocol (CAP) to incorporate best practices in the reporting and investigation of abuse allegations occurring in the school setting and a related recommendation to require local CAP committees to address abuse in educational settings in the protocols required by state law pursuant to O.C.G.A. § 19-15-2;
- Amending Georgia's Mandated Reporter statute, O.C.G.A. § 19-7-5, to eliminate institutional discretion as with the DOE rule above and to specify additional professional capacities to clarify further who is governed by this statute;
- Deploying a comprehensive statewide training initiative to increase awareness and empower children, parents, and school officials to properly report and investigate abuse in the school setting, particularly with regard to cases involving special needs children;
- Improved collection of data on reports of abuse in educational settings;
- Developing a helpline to assist reporters of abuse in school to follow-up on their reports and provide instructive guidance to callers on when and how to report such occurrences of abuse; and
- Institution of this School Abuse Taskforce as a Standing Advisory Committee for another 12-month period, or longer to monitor implementation of any approved recommendations.

On behalf of the members of this Taskforce, I thank you for your commitment to addressing the problem of abuse of children in educational settings, with particular sensitivity to the unique vulnerabilities of special needs children. The Taskforce members and the Office of the Child Advocate stand ready to assist in the next phase of this work.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa D. Carter", is written over a horizontal line.

MELISSA D. CARTER
Director

EXECUTIVE SUMMARY

Recommendations and Work of the Governor's Task Force on Abuse in the School Setting 2009-2010

HISTORY OF THE TASK FORCE:

This task force was convened in the fall of 2010, subsequent to a highly publicized case of alleged physical abuse of a child with autism in a school setting. That matter is still pending in the courts and will therefore not be discussed specifically here. The group was chaired until December 21, by Child Advocate Tom Rawlings. After that point, Rachele Carnesale, OCA staff member and a special needs parent, became the functioning chair. The work group met a total of six times.

Working Group Members included: Mr. Matt Arthur, Superintendent, Rabun County Schools; Dr. Emily Lembeck, Superintendent, Marietta City Schools; Ms. Jeannie Edwards, Student Health Coordinator, Dawson County Schools; Mrs. Stephanie Williams, Early Intervention Director, Montgomery Elementary School, Atlanta; Mr. Jay Fowler, Principal, Rocky Creek Elementary, Hampton; Mr. Pete Skandalakis, District Attorney, Coweta Judicial Circuit; Ms. Rachael Barron, Parent Representative, Atlanta; Ms. Linda Cowan, Executive Director, Oconee RESA; and, Ms. Tamla Hodges, School Social Worker, Sandtown Middle School.

Ex-Officio and Advisory Members included: Mr. Garry McGiboney, Associate Superintendent, GDE, Atlanta; Mr. Mark Washington, Director, DFCS (proxy was Bobby Cagle); Mr. Kelly Henson, Director, GPSC; Ms. Pam Brown, Director of Programs, PCA Georgia; Ms. Lori Brown, parent of a special needs child and Director of Forensic Services, Crimes Against Children Unit, Oconee County Sheriff's Office; Ms. Cynthia Howell, Chief Executive Officer, CAC of Georgia; and Beth Locker, Policy Director, Voices for Georgia's Children .

OCA staff support was provided by Ms. Rachele Carnesale, Director, Georgia Child Fatality Investigation Program.

GOVERNOR'S CHARGE:

As originally stated, the charge to this task force was to develop recommendations for procedures, which when applied uniformly across the state would:

- 1) specify how parents and children report incidents of abuse occurring in the school setting;
- 2) specify who has responsibility to receive, document, investigate and respond to the allegations; and,
- 3) specify the process for responding and ensure that the process is transparent and will hold any wrongdoer accountable.

The Governor further requested that this task force address the confusing lines of authority and responsibility existing in the current psychoeducational school system.

Finally, subsequent to the process and deliberations of the task force; the Governor requested that a report be prepared and that the task force members serve as advocates for implementing the recommendations statewide.

SUMMARY OF ISSUES PERCEIVED BY TASK FORCE:

As a starting point, this group agreed that several systemic issues required attention:

Mandated Reporting: O.C.G.A. § 19-7-5 (Attachment A)

First, the task force notes that school employees may be unclear as to who is required to report suspected cases of child abuse and neglect under the current statute.

Many brochures and websites (including DHS) contain the following excerpt from OCGA § 19-7-5(c)(1) : “The following persons who have reasonable cause to believe that a child has been abused must report that abuse:

- Physicians licensed to practice medicine, interns or residents
- Hospital or medical personnel
- Dentists
- Licensed psychologists and persons participating in internships to obtain licensing
- Podiatrists
- Registered professional nurses or licensed practical nurses
- Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of title 43
- School teachers* *(Includes day care providers)
- School administrators
- School guidance counselors, visiting teachers, school social workers, or school psychologists
- Child welfare agency personnel
- Child service organization personnel
- Law enforcement personnel

More often than not, the materials do not reference this additional section of the statute, which is a catch-all provision:

(2) If a person is required to report abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as a member of the staff of a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. A staff member who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(d) Any other person, other than one specified in subsection (c) of this Code section, who has reasonable cause to believe that a child is abused may report or cause reports to be made as provided in this Code section.

Investigative Process:

Most importantly, the group agreed that based on the language of the current Mandated Reporter Statute, O.C.G.A. § 19-7-5, the typical approach of school personnel upon receiving a complaint of abuse in the school setting is to perform an initial investigation to determine whether evidence exists to support a “reasonable belief” that the child was abused before making a report to authorities. These individuals typically do not have training in the intricacies and best practices of child abuse investigations or in the specific measures needed to tailor an investigation where the alleged victim has special needs. Second, the group recognized that throughout the State, there are many jurisdictions lacking both resources and training to properly perform these investigations, particularly with regard to victims with special needs. Thirdly, the group noted the unique lack of transparency in cases involving allegations of abuse in the school setting, in contrast to cases of child abuse occurring in the home or elsewhere, attributing this problem to the additional layer of investigation taking place where abuse is alleged to have occurred in school settings.

Thus, applying the mandate of the Governor to the issues at hand, the focus of this group became recommending a variety

of options that would serve to build transparency and better reporting into the system when abuse is alleged to have occurred in a school setting as well as promulgating and supporting best practices in investigations to be utilized in such cases.

Guiding Principle:

Any accusations of abuse against children must be addressed strongly, rapidly, and appropriately.

RECOMMENDATIONS OF THE TASK FORCE

MANDATE I. - SPECIFY HOW PARENTS AND CHILDREN (AS WELL AS SCHOOL EMPLOYEES) REPORT ABUSE IN THE SCHOOL SETTING

A. THE MANDATED REPORTER STATUTE

As noted, O.C.G.A. § 19-7-5, controls mandated reporting of child abuse in Georgia. It explicitly outlines the process for promulgating reports of child abuse.

School Employees: With respect to allegations raised by individuals attending to the child in school, the task force noted that school districts, and even schools, individually determine the process for reporting within the school. The task force identified the better practice of encouraging, or even requiring, that individuals who become aware of alleged abuse be responsible for directly reporting the matter to the State. The task force further noted that currently, Children's Healthcare of Atlanta follows this policy, requiring individual staff members to report child abuse rather than referring the matter to a designee within the hospital. This prevents potential dilution of the information in the report caused by involving individuals who are not direct witnesses to an event or report.

Parents/Children: In terms of complaints raised by parents or children themselves, the task force feels it is imperative to demand consistency throughout school systems in terms of recommended procedures to be utilized to raise an allegation of abuse occurring in the school setting. Further, the task force suggested a variety of means for notifying parents and students of the procedures for reporting alleged abuse, such as inclusion in parent and student handbooks and the Parental Rights Form Concerning Special Education; and, display on posters and on the school district and/or school websites.

B. DEVELOPMENT OF A REPORTING HELPLINE & CHILD ABUSE PROTOCOLS

Due to concerns about consistency in reporting and confusion for lay and professional reporters about the child welfare and criminal justice systems, the task force recommends the development of a helpline to be utilized by all reporters as a back-up to the reporting system outlined in Georgia law. This helpline, as considered by the task force, would serve a dual purpose: to follow up where there was confusion or concern about the status of a report made to school or state authorities previously; and/or, to offer an alternative for lay individuals with confusion or concern about making the initial report directly to school or state authorities.

There are references to this helpline in the newly promulgated model child abuse protocol section on abuse in the school setting (ATTACHMENT B) and in proposed changes to O.C.G.A. § 19-5-2 (ATTACHMENT C). The Office of the Child Advocate is responsible for issuing and training each year on the Model Child Abuse Protocol (CAP), which outlines best practices in investigation and case management of child abuse cases. In the fall of 2009, a large statewide interdisciplinary group of subject matter experts were gathered in a one-day symposium to update the model protocol. Fortuitously, this task force initiative occurred at approximately the same time. A new section on abuse in the school setting was developed by the protocol update committee and was reviewed and edited by the task force. This new section of the CAP will be disseminated, along with the entire updated CAP, in the spring of 2010.

O.C.G.A. § 19-5-2 requires jurisdictions to convene local child abuse protocol committees to promulgate local protocols.

The task force recommends that a section be added to this code section, requiring local CAP committees to amend their protocols with sections specific to abuse in a school setting. Minimum standards of best practices are recommended in the proposed addition to this code section, particularly with respect to the simplification of reporting and investigations involving children with special needs. Because of the current state of the reporting statute, the Model CAP requires that each school district designate a specified position within the district's central office to receive reports of child abuse for reporting. In the event that the mandated reporter statute is updated to require a different practice, the Model CAP will be updated to comport with state law.

Clarity of Reporting Requirements:

Reporting requirements and procedures must be straightforward, uncomplicated and widely disseminated.

MANDATE II - SPECIFY WHO HAS THE RESPONSIBILITY TO RECEIVE, DOCUMENT, INVESTIGATE AND RESPOND TO THE ALLEGATIONS

The primary issue identified by the task force is based on the statutory language of the Mandated Reporter Statute requiring that reports be made after "there is a reasonable cause to believe a child has been abused." As noted previously, this language has traditionally caused school officials to perform initial investigations to determine whether they have reasonable cause to believe an allegation although they are neither professional investigators nor trained specialists qualified to perform interviews of any abused children, let alone special needs victims. This burden is unfair to the school officials and victims alike.

A. THE MANDATED REPORTER STATUTE
O.C.G.A. § 19-7-5 (e) provides:

An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital staff, physicians, law enforcement personnel, school officials, or staff of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photograph shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority.

Thus, current law requires that the report be made to the Department of Human Services first. In the absence of a local Department of Family and Children Services (DFCS) office, the report is to be made to appropriate police authorities or the district attorney. As noted by the task force, local practice in child abuse cases is typically for whichever of the three agencies is notified of any case of child abuse to make referrals to at least one of the other two entities.

B. PROPOSED CHANGES IN APPROACH BY POLICY AND STATUTE

The task force notes that with respect to cases of alleged abuse in the school setting, as in all cases involving alleged abuse of children, there is merit to utilizing a multi-disciplinary approach to the investigation that begins with reporting. To this end, the task force approves of the specific outline of case flow in the Model CAP section on school abuse and recommends new language in O.C.G.A. § 19-15-2 to reflect the same. Briefly, reports of abuse in the school setting are to be referred directly to regional specialists with DFCS and in turn to local law enforcement and prosecution. Although they are not parties to the investigation pursuant to the Model CAP, parents/guardians, school authorities and the Professional

Standards Commission (PSC) are all to be notified simultaneously of the nature of the allegations after the referral is made in cases alleging that abuse has occurred in the school setting. This may be achieved by distributing the initial report form, redacted as necessary. A recommended form for the initial report and referral is included as an amendment to the Model CAP.

C. HELPLINE

The recommendation of a helpline is a check on the local processes serving as a second line of follow-up for parents or any reporter to verify that the reporting law has been followed and that The Model CAP sets out guidelines for the helpline staff to notify appropriate entities upon receipt of a referral and to follow-up on outcomes of the local investigation within a discrete period of time based on a form to be filled out by local authorities.

D. DOE RULE 160-4-8.04 (ORIGINAL - ATTACHMENT D, PROPOSED - ATTACHMENT E)

The task force further recommends that the Department of Education update rule 160-4-8.04, which requires local boards of education to adopt and implement policies and procedures to comport with O.C.G.A§ 19-7-5. Specifically, the rule should mirror the statute in terms of the standard of "reasonable cause to believe" abuse has occurred and the relevant reporting procedures.

Protection of the Mandated Reporter:

School systems, the Georgia Code and related protocols will support and emphasize the protection of the mandated reporter. School employees and the community should know that when a report is filed in good faith, the reporter cannot be held liable to any person for any damages they may suffer.

MANDATE III - SPECIFY THE PROCESS FOR RESPONDING AND ENSURE THAT THE PROCESS IS TRANSPARENT AND WILL HOLD WRONGDOERS ACCOUNTABLE

Within the Model CAP and the recommended changes to the DOE Rule 160-4-8.04, there is specific language mandating that where the abuse is alleged to have occurred in the school setting (and parents/guardians are therefore not suspects), notice and information will be provided to parents/guardians about the existence of the allegation, the nature of the alleged abuse and the status of the investigation. The school and the PSC are also to be notified. Due to the nature of investigations of potentially criminal behavior, evidence such as audio/video recorded forensic interviews will be reviewed only by investigators from DFCS and law enforcement and staff for the prosecution.

The task force recognizes that to hold wrongdoers accountable, abuse must be reported properly and investigations must be performed by specifically trained personnel, particularly with regard to special needs victims due to the inherent issues with communication in many of those cases. A review of resources in the state reflects a desperate need for training of school personnel, prosecutors, law enforcement, child protective services personnel and forensic interviewers on the profound importance of determining the individual developmental issues of a child witness and the therefore necessary measures to be taken in forensic interviews with the child. Further, approaches to be utilized in investigations where the child is entirely or primarily non-verbal must be understood and utilized by investigators. To this end, the task force recommends training initiatives at the local level for prosecutors, law enforcement, forensic interviewers and child protective services on this subject matter. Currently, the Office of the Child Advocate is responsible for disseminating training on the Model CAP. Upcoming training can and should focus on the piece on abuse in the school setting. Moreover, the task force recommends mandatory training statewide for school personnel on recognizing child abuse in a school environment and the appropriate methods for reporting such abuse, without performing a pre-report investigation, which often contaminates the case for later prosecution.

Indicator for Success:

Effective communication and coordination between the school, law enforcement, prosecution and DFCS is paramount.

MANDATE IV - ADDRESSING THE CONFUSING LINES OF AUTHORITY IN THE PSYCHOEDUCATIONAL SCHOOL SYSTEM

Because some special needs children are being educated at Regional Educational Service Agency (RESA) facilities outside of their home school districts, the task force supports the portion of the Model CAP section on abuse in a school setting, requiring that upon receipt of a complaint of abuse, the RESA must notify the superintendent of the child's home school district in addition to the other reporting requirements.

Protection of Children in RESA Settings:

To ensure proper action is taken within the school setting, even out of district, RESA facilities must be required to notify the superintendent of the child's home school district of alleged abuse in the RESA setting.

SUMMARY OF THE RECOMMENDATIONS

1. Proposed Language Amendments to GDOE in regard to Rule 160-4-8-.04

Proposed Change to DOE Rule - This rule was modified in two significant ways. First, the term "reasonable" was removed to eliminate discretion as to when allegations should be reported. If this rule is modified, it should dramatically improve the problem of schools performing pre-report investigations to determine if there is a reasonable belief that abuse occurred. Second, the rule was altered to require the school to notify parents/guardians of the nature of the allegation immediately after making the DFCS referral. This does not eliminate notification of parents/guardians by DFCS. Logistically, where the parent is not a suspect, DFCS policy/practice dictates that the parents/guardians be informed. Parents are needed to transport to forensic interviews and to medical exams, and are therefore necessary to the investigation.

2. School Abuse Section for the CAP

Offering best practices in the investigation of cases, this piece has been added and will be trained upon regardless of legislative or other actions to modify the current system for reporting and investigating abuse in the school setting. It is simply a piece of a better system that will improve in phases. In addition to promoting best practices, the CAP promotes transparency in the process and better notification to parents/guardians of alleged abuse.

3. Proposed change in the statutory requirement that school abuse sections be added to local protocols
The task force recommends language to be added to the statutory requirement that CAP committees be convened to promulgate local protocols. Perhaps more importantly, it outlines minimum standards for those sections so that jurisdictions that do not adopt the model will still have to comply with the majority of recommended processes from the CAP piece. Of course, absent training, jurisdictions will not be aware of such a new requirement. This will have to be a piece of the training offered as a result of this initiative.

4. Proposed change in the Mandated Reporter Statute

The task force recommends that "reasonable" be removed from the language of O.C.G.A. § 19-7-5 as in the DOE rule. Additionally, while there is catch-all language in this statute that some members feel covers any individual working with the child in a school setting, there is a list of mandated reporters specified within the statute, as well. Thus, there is a request to determine if it is necessary to further specify potential reporters in a school setting to additionally include, but not be limited to: nurses, speech therapists, occupational therapists, physical therapists, para-pros, coaches and transportation personnel in addition to the professionals already mentioned in the statute.

With respect to this legislative issue, the task force requests that a legislative study committee be formed to examine aforementioned issues, particularly as relates to the language "has reasonable cause to believe."

5. Training Initiative

The working group recommends a rigorous and standardized statewide training initiative on the issues surrounding the mandated reporter statute, abuse in the school setting and how it differs from child abuse in general, the appropriate protocols for investigating abuse in the school setting, and the appropriate investigation of cases involving special needs children. This training would also properly address the penalties for failure to report and the protections for those who do report. This group is comprised of a number of individuals who are well-qualified and wish to be involved in preparing this training. It has been suggested that this training could be delivered via electronic means and that it should be a minimum of two hours.

6. Measurement Tool

Currently, there is no available data on the number of reports of abuse in a school setting that are made. Unless schools are required to report allegations without performing a pre-report investigation, there is little hope of quantifying the number of allegations being made. The task force strongly recommends that a system is put into place to track and quantify reports and outcomes. Again, there is a contingent of members that are interested in developing this tool, which may be as simple as utilizing a tracking system currently used by a task force member agency.

7. Development of a Helpline

The task force recommends that a helpline be developed as a check on the current system for reporting and as an alternative reporting source for individuals concerned or confused about channels for reporting abuse in the school setting. This number would be published in the student and parent handbooks, Parental Rights Form, school websites and in posters throughout schools.

8. Institution of the Work Group as a Standing Advisory Committee

For at least a year but longer if possible, the group wishes to remain empowered to review the steps taken and to advise with respect to the process of developing the helpline. A task for the group would be the development of a system to track referrals received and assistance with development of training and the helpline. The group is additionally interested in analyzing the effectiveness of the evolving system, reporting progress and identifying additional recommendations as necessary.

CONCLUSION

This task force recognizes that there are problems with the current system of reporting and investigating allegations of abuse in the school setting. The system as it currently exists is not sufficiently transparent and investigations are based on inconsistent standards and insufficient practices. The task force believes that the fundamental key to an effective response system is consistency in reporting, investigation and training. It is the hope of this task force that the work presented herein will be a first step toward a dramatic improvement of these school abuse cases in the future and that it will inform practices in all cases involving special needs children regardless of where the allegations arise.

ATTACHMENT A

O.C.G.A. § 19-7-5

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*** Current through the 2009 Regular Session ***

TITLE 19. DOMESTIC RELATIONS
CHAPTER 7. PARENT AND CHILD RELATIONSHIP GENERALLY
ARTICLE 1. GENERAL PROVISIONS

O.C.G.A. § 19-7-5 (2009)

§ 19-7-5. Reporting of child abuse; when mandated or authorized; content of report; to whom made; immunity from liability; report based upon privileged communication; penalty for failure to report

(a) The purpose of this Code section is to provide for the protection of children whose health and welfare are adversely affected and further threatened by the conduct of those responsible for their care and protection. It is intended that the mandatory reporting of such cases will cause the protective services of the state to be brought to bear on the situation in an effort to prevent further abuses, to protect and enhance the welfare of these children, and to preserve family life wherever possible. This Code section shall be liberally construed so as to carry out the purposes thereof.

(b) As used in this Code section, the term:

(1) "Abused" means subjected to child abuse.

(2) "Child" means any person under 18 years of age.

(3) "Child abuse" means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child. However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

(3.1) "Sexual abuse" means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure. "Sexual abuse" shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

(4) "Sexual exploitation" means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.

(c)(1) The following persons having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made as provided in this Code section:

(A) Physicians licensed to practice medicine, interns, or residents;

(B) Hospital or medical personnel;

(C) Dentists;

(D) Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

(E) Podiatrists;

(F) Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 24 of Title 43;

(G) Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;

(H) School teachers;

(I) School administrators;

(J) School guidance counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;

(K) Child welfare agency personnel, as that agency is defined pursuant to Code Section 49-5-12;

(L) Child-counseling personnel;

(M) Child service organization personnel; or

(N) Law enforcement personnel.

(2) If a person is required to report abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as a member of the staff of a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. A staff member who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report.

(d) Any other person, other than one specified in subsection (c) of this Code section, who has

reasonable cause to believe that a child is abused may report or cause reports to be made as provided in this Code section.

(e) An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital staff, physicians, law enforcement personnel, school officials, or staff of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such photograph shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority.

(f) Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in the making of a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority pursuant to this Code section or any other law or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith. Any person making a report, whether required by this Code section or not, shall be immune from liability as provided in this subsection.

(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law.

(h) Any person or official required by subsection (c) of this Code section to report a suspected case of child abuse who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

(i) A report of child abuse or information relating thereto and contained in such report, when provided to a law enforcement agency or district attorney pursuant to subsection (e) of this Code section or pursuant to Code Section 49-5-41, shall not be subject to public inspection under Article 4 of Chapter 18 of Title 50 even though such report or information is contained in or part of closed records compiled for law enforcement or prosecution purposes unless:

(1) There is a criminal or civil court proceeding which has been initiated based in whole or in part upon the facts regarding abuse which are alleged in the child abuse reports and the person or

entity seeking to inspect such records provides clear and convincing evidence of such proceeding; or

(2) The superior court in the county in which is located the office of the law enforcement agency or district attorney which compiled the records containing such reports, after application for inspection and a hearing on the issue, shall permit inspection of such records by or release of information from such records to individuals or entities who are engaged in legitimate research for educational, scientific, or public purposes and who comply with the provisions of this paragraph. When those records are located in more than one county, the application may be made to the superior court of any one of such counties. A copy of any application authorized by this paragraph shall be served on the office of the law enforcement agency or district attorney which compiled the records containing such reports. In cases where the location of the records is unknown to the applicant, the application may be made to the Superior Court of Fulton County. The superior court to which an application is made shall not grant the application unless:

(A) The application includes a description of the proposed research project, including a specific statement of the information required, the purpose for which the project requires that information, and a methodology to assure the information is not arbitrarily sought;

(B) The applicant carries the burden of showing the legitimacy of the research project; and

(C) Names and addresses of individuals, other than officials, employees, or agents of agencies receiving or investigating a report of abuse which is the subject of a report, shall be deleted from any information released pursuant to this subsection unless the court determines that having the names and addresses open for review is essential to the research and the child, through his or her representative, gives permission to release the information.

HISTORY: Code 1933, § 74-111, enacted by Ga. L. 1965, p. 588, § 1; Ga. L. 1968, p. 1196, § 1; Ga. L. 1973, p. 309, § 1; Ga. L. 1974, p. 438, § 1; Ga. L. 1977, p. 242, §§ 1-3; Ga. L. 1978, p. 2059, §§ 1, 2; Ga. L. 1980, p. 921, § 1; Ga. L. 1981, p. 1034, §§ 1-3; Ga. L. 1988, p. 1624, § 1; Ga. L. 1990, p. 1761, § 1; Ga. L. 1993, p. 1695, §§ 1, 1.1; Ga. L. 1994, p. 97, § 19; Ga. L. 1999, p. 81, § 19; Ga. L. 2006, p. 485, § 1/SB 442; Ga. L. 2009, p. 453, § 2-2/HB 228; Ga. L. 2009, p. 733, § 1/SB 69.

ATTACHMENT B

MODEL CHILD ABUSE PROTOCOL

Section _____.

ABUSE IN THE SCHOOL SETTING

Because of the inherent employment and public trust issues involved in cases involving allegations of abuse in the school setting, this section is designed to supplement the foregoing child abuse protocol. Procedures apply to both special needs and typical students unless otherwise indicated. In cases involving special needs children that do not take place in the school setting, professionals should be informed by the best practices involving these children with communication difficulties that are outlined in this section.

A statewide helpline number, for use only in cases alleged to have occurred in a school environment, is in development to be utilized as a back-up to the local reporting system. Reporters of all types may utilize the helpline number initially, although the purpose of the helpline is to allow a reporter to follow-up where there is concern that an initial report made pursuant to local practice has not been investigated. This section presumes availability of the helpline.

In the student handbook and within the any school building in the jurisdiction, the current local reporting method and the secondary abuse reporting helpline number will be provided for parents.

Reporting:

Each school district in this state and each RESA or other agency operating a public school shall designate a specified position within the district's central office (the "reporting officer") to receive all reports of child abuse in the educational setting that are alleged to have occurred to a student of that district. The name, phone number, facsimile number, and email address of the designated individual or position shall be visibly posted in each principal's office, shall be posted on the district's website, and shall be prominently featured in the student-parent handbook along with standard forms and detailed instructions for making a complaint of child abuse in the educational setting.

2. In addition to the reporting responsibilities set forth in OCGA § 19-7-5, each school district and each RESA or other agency operating a public school shall require all Paraprofessionals, Substitutes, Teachers, Family Service Coordinators, School Nurses, School Social Workers and Counselors, Administrators, Secretaries, and all other staff to forward to the reporting officer all allegations of child abuse in the educational setting received from a student, parent or legal guardian, caregiver, volunteer, or mandated reporter (as that term is defined by OCGA § 19-7-5). Such report shall be made in writing on the form approved by the district. Any report of child abuse in the educational setting received by such staff must be forwarded to the reporting officer as soon as possible but in no case later than 24 hours from the time it is received.
3. Each school district and each RESA or other agency operating a public school shall develop a form for recording allegations of child abuse in the educational setting. The form shall be in substantial compliance with the form featured in Appendix A. Each school district shall disseminate the form to all principals, shall include a copy of the form in its parent-student handbooks, and shall post a printable and downloadable copy of the form on its district website.
4. Upon receipt of a report of child abuse in the educational setting, the reporting officer of a school district shall immediately take the following actions:
 - Forward the written report to the Division of Family and Children Services, for immediate review by a trained specialist, who will in turn report to law enforcement and the district attorney, as appropriate. Immediately after making the referral to DFCS, the reporting officer will thereafter notify the parents/guardians of the alleged victim about the referral to DFCS as well as the nature of the allegations of abuse in the school setting. The appropriate medium for

this notification is the written report of abuse, redacted as necessary to protect confidentiality.

- Determine, based on school district policies, whether the allegations contained in the report on their face and/or any information received from a subsequent investigation performed by DFCS and/or law enforcement suggest the need to remove the alleged offender from contact with the alleged victim and/or from contact with students. Such recommendation and the reasons therefor must be made in writing to the school district's superintendent. Nothing in this policy shall prohibit a school superintendent or school board from taking immediate personnel action against a school system employee upon receipt of a complaint.
5. Upon receipt of a report of child abuse in the educational setting, the reporting officer of a RESA or other agency operating a public school that serves students enrolled in a school district shall immediately take the following actions:
- Forward the written report to the Department of Family and Children Services for immediate review by a trained specialist, who will in turn report to law enforcement and the district attorney, as appropriate. Immediately after making the referral to DFCS, the reporting officer will thereafter notify the parents/guardians of the alleged victim about the nature of the allegations of abuse in the school setting. An appropriate medium for this notification is the written report of abuse, redacted as necessary to protect confidentiality. Immediately after making the referral to DFCS, the reporting officer will thereafter notify the guardians/parents of the alleged victim about the referral to DFCS, as well as the nature of the allegations of abuse in the school setting. The appropriate medium for this notification is the written report of abuse, redacted as necessary to protect confidentiality.
 - Determine, based on school district policies, whether the allegations contained in the report on their face and/or any information received from a subsequent investigation performed by DFCS and/or law enforcement suggest the need to remove the alleged offender from contact with the alleged victim and/or from contact with students. Such recommendation and the reasons therefore must be made in writing to the school district's superintendent. Such recommendation and the reasons therefore must be made in writing to the school district's superintendent and to the executive director of the RESA or other agency.

6. Helpline Reports

- Parents or other concerned individuals who are not mandated reporters, should report alleged abuse pursuant to local practice and may additionally make report to the helpline if they desire.
- Mandated reporters are required to report alleged abuse pursuant to the law and should additionally utilize the helpline, where there is concern or question as to whether the initial report resulted in the initiation of an investigation.
- Upon receiving a report, Helpline staff will disseminate the report of alleged abuse to appropriate local authorities, to include: law enforcement with appropriate jurisdiction, local DFCS, the appropriate regional DFCS Specialist, the local district attorney, the PSC and the local school superintendant. Helpline staff will confirm that the guardians/parents of the alleged victim have been notified of the nature of the allegations of abuse.

Investigative Procedures:

1. When a report of abuse in the school setting is received by the Department of Family and Children Services, the matter shall be assigned to a specialist who has received training on the unique nature of cases where abuse is alleged in a school environment. This specialist will have information about resources needed for the investigation, such as forensic interviewers with specific training regarding evaluation of special developmental needs.
2. Within 72 hours of the receipt of the report, an audio/visual recorded forensic interview of the child in question should be performed by trained personnel. An example of appropriate training is the Child First/Finding Words Program offered by the Office of the Child Advocate. *If the child has special needs, the interview will be conducted by a professional specifically trained to assess and conduct the forensic interview to accommodate the special needs of the individual child.* This forensic interview will be monitored or immediately reviewed by the DFCS specialist assigned to the case.
3. The forensic interview recording will immediately be made available to law enforcement, the district attorney and DFCS. This schedule will be monitored by the DFCS specialist assigned to the case.
4. Within five days of the forensic interview, the case should be staffed by

appropriate law enforcement, prosecution and DFCS personnel. This staffing could be organized and/or led by the DFCS specialist assigned to the case.

5. Within 24 hours of the staffing, the local authorities should provide a preliminary summary of the information in the case to the PSC and to the local Superintendent to be used in the employment and licensing investigations. The DFCS specialist or another participating local authority will prepare this summary. The DFCS specialist shall ensure that the summary is made available to the PSC and Superintendent.
6. In cases where the helpline was utilized to initiate the investigation, within 45 days of the report, the DFCS specialist should forward to the helpline staff, a summary of the investigation, utilizing a form including basic information regarding the allegation, the stage of the investigation and any actions taken by local authorities.
 - * Said report shall be presented to the District Attorney and shall be provided to the school district's superintendent, the chairman of the local school board, DFCS, the Professional Standards Commission, the parent or legal guardian of the alleged victim, the alleged offender, and the local district attorney. If the child is enrolled in a school operated by a RESA or other agency, the determination report shall also be forwarded to the executive director of the agency.
 - * In cases in which the summary of the current status of the investigation cannot be completed within 45 days for good cause, the lead agency shall give appropriate notification of the delay.
 - * In cases in which the investigation is unconfirmed, the report shall note any interviews or evidence the investigating agency was unable to obtain and give reasons such interviews or evidence were unavailable.
 - * If the investigatory report is not presented to the District Attorney within the time allowed, the District Attorney may take such action necessary to ensure the report is prepared and issued in a timely and appropriate manner.

Recommendations for School Authorities:

1. School authorities should consider taking some or all of the following steps to protect both the alleged victim and the alleged perpetrator during the course of the investigation:

- immediate removal of the teacher or the child (with measures taken to ensure the student will receive appropriate instruction) from one another's presence;
 - instructions to any potential witness to the allegations that their cooperation with the investigation is required and will not be penalized.
-

2. School authorities should consider taking some or all of the following steps to protect both teachers and students in special needs classrooms:

- inclusion of a two-way mirror in special needs classrooms so that parents can observe class time without disrupting the educational process, particularly in classrooms that include non-verbal children;
- mandating training specific to approaches to managing dangerous or disruptive situations with children that provide alternatives to seclusion, restraint and physical management for all personnel working in special needs classrooms;
- consider banning the practice of restraint and seclusion of special needs children.

3. All mandated reporter training of school personnel should include training on indicators of abuse which occurs in the school setting and appropriate reporting methods in addition to training on recognizing signs of abuse that occurs outside the school setting.

APPENDIX A

Report of Alleged Child Abuse in the Educational Setting
_____ Schools

From: _____ Position/Title: _____

School: _____

Child's Name: _____ Age: _____ Grade: _____

Teacher/HR Teacher: _____

Child's Parent or Guardian: _____

Address: _____

Phone: _____

Nature of Allegation: _____

Allegation made against: _____

Allegation made by: (Name, position, contact information): _____

Reporter is: _____ Alleged victim: _____

If reporter other than alleged victim, did reporter witness the incident? _____

____ Student _____

____ Staff _____

____ Parent/Guardian _____

____ Mandated Reporter _____

____ Other _____

Details of allegation: _____

Witnesses to incident: _____

Actions taken: _____

Report made by: (/s, date) /s (Reporting Official)

Received by: (/s, date)

ATTACHMENT C

§ 19-15-2. Child abuse protocol committee; written child abuse protocol; training of members; written sexual abuse and exploitation protocol

- (a) Each county shall be required to establish a child abuse protocol as provided in this Code section.
- (b) The chief superior court judge of the circuit in which the county is located shall establish a child abuse protocol committee as provided in subsection (c) of this Code section and shall appoint an interim chairperson who shall preside over the first meeting and the chief superior court judge shall appoint persons to fill any vacancies on the committee. Thus established, the committee shall thereafter elect a chairperson from its membership.
- (c)(1) Each of the following agencies of the county shall designate a representative to serve on the committee:
- (A) The office of the sheriff;
 - (B) The county department of family and children services;
 - (C) The office of the district attorney;
 - (D) The juvenile court;
 - (E) The magistrate court;
 - (F) The county board of education;
 - (G) The county mental health organization;
 - (H) The office of the chief of police of a county in counties which have a county police department;
 - (I) The office of the chief of police of the largest municipality in the county;
 - (J) The county board of health, which shall designate a physician to serve on the committee; and
 - (K) The office of the coroner or county medical examiner.
- (2) In addition to the representatives serving on the committee as provided for in paragraph (1) of this subsection, the chief superior court judge shall designate a representative from a local citizen or advocacy group which focuses on child abuse awareness and prevention.
- (3) If any designated agency fails to carry out its duties relating to participation on the committee, the chief superior court judge of the circuit may issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.
- (d) Each protocol committee shall elect or appoint a chairperson who shall be responsible for ensuring that written protocol procedures are followed by all agencies. That person can be independent of agencies listed in paragraph (1) of subsection (c) of this Code section. The child abuse protocol committee thus established may appoint such additional members as necessary and proper to accomplish the purposes of the protocol committee.
- (e) The protocol committee shall adopt a written child abuse protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the Georgia Child Fatality Review Panel, a copy of which shall be furnished to each agency in the county handling the cases of abused children. The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child abuse and the methods to be used in coordinating treatment programs for the perpetrator, the family, and the child. The protocol shall also outline procedures to be used when child abuse occurs in a household where there is violence between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living

in the same household. The protocol adopted shall not be inconsistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services.

(f) The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases, to minimize the stress created for the allegedly abused child by the legal and investigatory process, and to ensure that more effective treatment is provided for the perpetrator, the family, and the child, including counseling.

(g) Upon completion of the writing of the child abuse protocol, the protocol committee shall continue in existence and shall meet at least semiannually for the purpose of evaluating the effectiveness of the protocol and appropriately modifying and updating same.

(h) Each protocol committee shall adopt or amend its written child abuse protocol no later than July 1, 2001, to specify the circumstances under which law enforcement officers will and will not be required to accompany child abuse investigators from the county department of family and children services when these investigators investigate reports of child abuse. In determining when law enforcement officers shall and shall not accompany child abuse investigators, the protocol committee shall consider the need to protect the alleged victim and the need to preserve the confidentiality of the report. Each protocol committee shall establish joint work efforts between the law enforcement and child abuse investigative agencies in child abuse investigations. The adoption or amendment of the protocol shall also describe measures which can be taken within the county to prevent child abuse and shall be filed with and furnished to the same entities with or to which an original protocol is required to be filed or furnished. The protocol will be further amended to specify procedures to be adopted by the protocol committee to ensure that written protocol procedures are followed.

(i) The protocol committee shall issue a report no later than the first day of July in 2001 and no later than the first day of July each year thereafter. That report shall evaluate the extent to which child abuse investigations during the 12 months prior to the report have complied with the child abuse protocols of the protocol committee, recommend measures to improve compliance, and describe which measures taken within the county to prevent child abuse have been successful. The report shall be transmitted to the county governing authority, the fall term grand jury of the judicial circuit, the Georgia Child Fatality Review Panel, and the chief superior court judge.

(j) By July 1, 2001, members of each protocol committee shall receive appropriate training. As new members are appointed, they will also receive training within 12 months after their appointment. The ~~Department of Human Services~~ Office of the Child Advocate for the Protection of Children shall provide such training.

(k) The protocol committee shall adopt a written sexual abuse and exploitation protocol which shall be filed with the Division of Family and Children Services of the Department of Human Services and the Office of the Child Advocate for the Protection of Children, a copy of which shall be furnished to each agency in the county handling the cases of sexually abused or exploited children. The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child sexual abuse and exploitation and the procedures to be followed concerning the obtainment of and payment for sexual assault examinations. Each protocol committee shall adopt or amend its written sexual abuse and exploitation protocol no later than December 31, 2004. The protocol may incorporate existing sexual abuse and exploitation protocols used within the county. The protocol adopted shall be consistent with the policies and procedures of the Division of Family and Children Services of the Department of Human Services. A failure by an agency to follow the protocol shall not

constitute an affirmative or other defense to prosecution of a sexual abuse or exploitation offense, nor shall a failure by an agency to follow the protocol give rise to a civil cause of action.

(l) The protocol committee shall adopt a written protocol outlining in detail the procedures to be used in reporting, investigating, and responding to allegations that a child has suffered abuse in the educational setting.

(1) For purposes of this subparagraph, "abuse in the educational setting" shall be defined to mean any of the following acts committed in an educational setting by a school employee or volunteer against a child:

(A) An act which would constitute "child abuse" as defined by OCGA § 19-7-5 if the perpetrator were a parent, guardian or caretaker of the child;

(B) Any act which would be considered cruelty to children in the first or second degree pursuant to OCGA § 16-5-70.

(2) This protocol shall be developed no later than December 31, 2010, and shall be published in the district's parent-student handbook, posted on the district's website, and a copy of the protocol shall be given to any individual filing a complaint of abuse in the educational setting. Such protocol shall designate, at a minimum:

(A) That the involved school system is precluded from conducting an investigation in isolation or screening out allegations without notifying authorities.

(B) The agency responsible for taking complaints; the method for forwarding said complaints to law enforcement, the District Attorney's Office and DFCS; and, the agency designated to lead such investigations;

(C) The role of DFCS, the District Attorney, Law Enforcement, the local Child Advocacy Center, and the school district in such investigations;

(D) That the District Attorney shall have authority to ensure the report of the investigation is prepared and issued in a timely manner.

(E) Specialized procedures for investigating reports involving non-verbal or special-needs victims.

(F) The procedures for interviewing the alleged victim and the alleged offender in order to minimize trauma to the alleged victim, protect the due process rights of the alleged offender, and ensure the professional licensing and disciplinary investigation process does not unduly interfere with any criminal investigation.

(i) Such protocol will provide that an audio/video recorded forensic interview is to be performed by trained personnel within a reasonable time after the report of the allegations and that said videotape will be made available to law enforcement, the District Attorney and DFCS immediately.

(ii) Such protocol will further provide that only personnel trained to evaluate developmental differences and adapt forensic interviews based on the communication limitations of special needs children will perform said interviews in cases involving such children.

160-4-8-.04 Child Abuse and Neglect Reporting.

(1) Requirements.

(a) Local boards of education shall adopt and implement a policy and procedures on the identification and reporting of child abuse according to the provisions of O.C.G.A.

19-7-5.

(b) All school system personnel who have reasonable cause to believe that any student under 18 years of age has been abused shall report the suspected abuse to the school social worker/visiting teacher or another person designated by the local superintendent to receive such reports.

(c) The school social worker/visiting teacher or other designee who receives reports shall immediately report in turn to the Department of Family and Children Services of the county in which the student lives and shall notify the school system superintendent of all referrals.

(d) All school personnel who have contact with students shall receive training in the identification and reporting of child abuse and neglect with annual updates in the form of memoranda, directives or other written information.

Authority O.C.G.A. Sec. 19-7-5. History. Original Rule entitled "Child Abuse and Neglect Reporting" adopted. F. Sept. 27, 1990; eff. Oct. 17, 1990.

ATTACHMENT E

Proposed Language Amendments to GDOE in regard to Rule 160-4-8-.04

(1) REQUIREMENTS

(a) Local boards of education shall adopt and implement a policy and procedures on the identification and report of child abuse according to the provisions of O.C.G.A. 19-7-5.

(b) All school system personnel who have ~~reasonable~~ cause to believe that any student under 18 years of age has been abused in school or at home or in any school event, shall report such abuse as required under O.C.G.A. 19-7-5.

(c) All school system personnel who have ~~reasonable~~ cause to believe that any student under 18 years of age has been abused shall report the suspected abuse to the school social worker/visiting teacher or another person designated by the local superintendent to receive such reports.

(d) The school social worker/visiting teacher or other designee who receives reports shall immediately report in turn to the Department of Family and Children Services of the county in which the student lives, and shall further provide the Department with the contact information for the parents/guardians of the child and shall notify the school system superintendant of all referrals. Immediately subsequent to the referral to the Department, the reporter shall make contact with the parents/guardians to inform them that a referral has been made and of the nature of the allegation of abuse.

(e) All school personnel who have contact with students shall receive training in the identification and report of child abuse and neglect, including that which could occur in schools, with annual updates in the form of memoranda, directives or other written information.