

Policy

Board of Education Las Cruces Public Schools

Related Entries: ACA, ACA-RA, JI, JI-RA, JICK, JICK-RA, [JLF-RA](#), KLG, KLG-RA
Responsible Office: Chief Operating Officer

Reporting Child Abuse

I. PURPOSE

To ensure all Las Cruces students and staff fully understand their legal responsibility to report suspected child abuse.

II. POSITION

32A-4-3 NMSA requires that school employees who know or suspect that a child is an abused or a neglected child shall immediately report the matter to the Children, Youth and Families Department (CYFD) or a local law enforcement agency. So long as such report is made in good faith, the reporting school employee shall be immune from civil liability or criminal sanctions for his/her action. The failure of any school employee to report knowledge or suspicion of child abuse or neglect will be cause for criminal prosecution and is cause for discipline of the employee.

III. REQUIREMENTS


- A. All licensed school employees shall be required to complete training in the detection and reporting of child abuse and neglect and substance abuse. This requirement shall be completed within the licensed school employee's first year of employment by a school district.
- B. Every person, including a teacher or a school official who has information that is not privileged as a matter of law, who *knows or has reasonable suspicion* that a child is an abused or neglected child shall report the matter immediately to:
 1. a local law enforcement agency; the department office in the county where the child resides; or
 2. a tribal law enforcement or social services agency for any Indian child residing in Indian country.
- C. The report shall contain the following information:
 1. The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.

2. The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.
 3. Any other information that such person believes might be pertinent in establishing the cause of the injury or physical neglect.
 4. The employee will, document the incident on LCPS Form *JLF-EI Child Abuse Report Form*. The information on this form will be kept confidential and will be used by the district to document, report, and aggregate data on the district's child abuse reporting.
- D. A building administrator and/or their designee may permit a member of a law enforcement agency or an employee of the Human Services Department to interview the child with respect to a report without the permission of the child's parent, guardian or custodian.

IV. FAILURE TO REPORT

A person who fails to report abuse as provided in 32A-4-3 NMSA 1978 is guilty of a misdemeanor. A person failing, neglecting or refusing to report a suspected case of child abuse, neglect or starving as provided in 9 N.N.C. 1123 is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Policy History: Formerly Policy 216, Policy 363 and Policy 446, Revised 01.17.06
Legal Ref: 22-10A-32 NMSA (1978), 22-5-4.2 NMSA (1978), 32A-4-2 NMSA (1978),
32A-4-3 NMSA (1978)



President, Board of Education

01.17.06

Date