



FLORIDA VIRTUAL SCHOOL MISCONDUCT AND ABUSE REPORTING POLICY

Florida legislation mandates that all school staff know the signs and symptoms of abuse, how to report it, and how to follow-up with a child when a report has been made.

The penalty for not reporting or preventing someone else from reporting the suspicion of child abuse is a first-degree misdemeanor punishable by up to a year in prison. There is no discretion. Suspicion must be reported when an allegation comes to the employee's attention regardless of the incident date. There are no legal ramifications for making an alleged abuse report as long as it was made in good faith.

Please refer to the information provided in this document regarding the procedure for reporting suspected child abuse as well as the procedure for what to do if you suspect that a child may be a risk to himself/herself. Any questions that you have in regards to these procedures should be directed to the FLVS Human Resources Compliance Officer.

MANDATED CHILD ABUSE REPORTING

If you suspect that a child is being abused, or if you have knowledge of information that suggests the student is being abused you have a legal obligation to report the abuse.

Suspicion or knowledge of child abuse may include, but is not limited to, the following:

- Physical Abuse
- Emotional Abuse
- Neglect
- Domestic Violence in the Home
- Drug Use in the Home
- Abandonment or Unsafe Living Conditions

STEP 1:

- A. You must call the Department of Children and Families abuse hotline (1-800-96-ABUSE; 1-800-962-2863). Upon conclusion of the call, the DCF representative will provide you their name and a case number. Write down both of these pieces of information.
- B. If you have reason to believe that the student may be in imminent danger, you must call 911.
- C. Complete the FLVS Management Directive A-01 Reporting Form. You will only need to submit the form to Human Resources Compliance Officer if the suspected abuse was by an FLVS employee. You must follow instructions located at the top of the form.



STEP 2:

Should you receive any follow up contact either from DCF or the investigating law enforcement agency, you may request to speak to the facts of the case in the presence of the Compliance Officer or other representative.

Important Notes:

1. ALWAYS error on the side of caution. If you feel that abuse may be taking place it is your professional responsibility to call the hotline.
2. Do not inform the student, their parents or guardians, friends, or anyone else of the fact that you reported suspected abuse to the hotline.
3. It is not the responsibility of FLVS administration to investigate whether the suspected abuse is real. It is the legal responsibility to report suspected abuse. DCF and appropriate law enforcement agencies will handle the investigation.

For additional answers to your questions, attached please find FAQ based upon current statute as it relates to child abuse reporting. Also as a reminder, the FLVS management directive on child abuse is attached for your information. Should you have any general questions regarding this information, please feel free to contact your FLVS School Counselor.



EMPLOYEE ACCOUNTABILITY FOR REPORTING CHILD ABUSE, NEGLECT, OR ABANDONMENT

**POLICY NUMBER: SM001
ISSUE DATE: JULY 1, 2009**

POLICY:

All employees of FLVS have an affirmative duty to immediately report known or suspected child abuse, neglect, or abandonment. The threshold for mandated reporting is "reasonable cause to suspect" that a child has been abused or neglected. To have reasonable suspicion you must be able to articulate some objective, factual basis for your suspicion.

In determining whether reasonable suspicion exists, the totality of circumstances must be considered, such as the signs or indicators of abuse, the appearance and behavior of the child and anything unusual when viewed in light of the reporter's experience, knowledge or expertise. Mere guesswork, a hunch or an arbitrary inference without any factual basis is insufficient to trigger this reporting obligation. An initial assessment may be necessary to determine whether reasonable cause exists for making a report. If a reporter has reasonable cause to suspect that physical or sexual abuse has occurred, he or she should not undertake any further investigation to prove whether his or her suspicion is founded or unfounded before making a report. In instances where an FLVS employee or volunteer is suspected of committing abuse or neglect, the Human Resources Compliance Officer will direct staff in the performance of any subsequent investigations when warranted.

Any FLVS employee who fails to report known or suspected child abuse, neglect or abandonment to DCF may be subject to criminal prosecution pursuant to Florida Statutes and/or subject to disciplinary action by FLVS which may include, but is not limited to, termination of employment.

The abused, neglected or abandoned child and other concerned individuals have a right to privacy, and all information incidental to the report shall be confidential and not discussed or disclosed except as specifically authorized by Florida Statutes.

No FLVS employee will be subject to retaliatory employment practices for making a good-faith report of child abuse, neglect or abandonment.

PROCEDURE:

For purposes of reporting child abuse, neglect or abandonment, the following terms are defined as:

- **"Abuse"** means any willful act or threatened act that results in any physical, mental or sexual injury or harm that causes, or is likely to cause, the child's physical, mental and emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purpose does not in itself constitute abuse when it does not result in harm to the child.

- **“Harm”** to a child’s health or welfare can occur when any person, through a willful act, inflicts or allows to be inflicted upon the child physical, mental or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to: a) sprains, dislocations or cartilage damage; b) bone or skull fractures; c) brain or spinal cord damage; d) intracranial hemorrhage or injury to other internal organs; e) asphyxiation, suffocation or drowning; f) injury resulting from the use of a deadly weapon; g) burns or scalding; h) cuts, lacerations, punctures or bites; i) permanent or temporary disfigurement; j) permanent or temporary loss or impairment of a body part or function. The term “willful” refers to the intent to perform an action, not the intent to cause the injury that occurs.
- **“Mental injury”** means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.
- **“Neglect”** means that a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or other medical treatment, or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. “Necessary Medical Treatment” means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child’s condition or to alleviate immediate pain of a child.
- **“Abandonment” or “abandoned”** means a situation in which the parent or legal custodian of a child or in the absence of a parent or legal custodian, the care-giver responsible for the child’s welfare, while being able, makes no provision for the child’s support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent, or legal custodian, or care-giver, primarily responsible for the child’s welfare to support and communicate with the child, are only marginal efforts that do not evince a settled purpose to assume all parental duties, then under any of these circumstances the child may be determined to be abandoned.

REPORTING PROCEDURES

All employees of Florida Virtual School have an affirmative duty to immediately report known or suspected child abuse, neglect or abandonment. The threshold for mandated reporting is “reasonable cause to suspect” that a child has been abused or neglected. To have reasonable suspicion you must be able to articulate some objective, factual basis for your suspicion. In determining whether reasonable suspicion exists, the totality of circumstances must be considered, such as the signs or indicators of abuse, the appearance and behavior of the child and anything unusual when viewed in light of the reporter’s experience, knowledge or expertise. Mere guesswork, a hunch or an arbitrary inference without any factual basis is insufficient to trigger this reporting obligation. An initial assessment may be necessary to determine whether reasonable cause exists for making a report. If a reporter has reasonable cause to suspect that physical or sexual abuse has occurred, he or she should not undertake any further investigation to prove whether his or her suspicion is founded or unfounded before making a report. In instances where an FLVS employee is suspected of committing abuse or neglect the



Human Resources Department Compliance Officer will direct staff in the performance of any subsequent investigation.

All such reports shall be made in the following order of priority:

1. Call the Department of Children & Families "DCF" Central Abuse Hotline 1-800-96ABUSE (1-800-962-2873).
 - Document on an FLVS Management Directive A-01 Reporting Form (see attached) the date of the report to DCF and the name of the person taking the report or their employee identification number. DCF will screen all calls and notify law enforcement or transfer your call to law enforcement when appropriate. If you are transferred you must document your report to law enforcement in Section 2 of the A-01 Reporting Form.
2. If an FLVS employee is suspected of committing abuse, call Human Resources Compliance Officer (407-513-3692), fax the completed A-01 Reporting Form to Employee Relations at fax number 407-513-3482.

Any doubt as to whether abuse, neglect or abandonment has occurred shall be resolved in favor of reporting. DCF personnel at the Central Abuse Hotline are specifically trained to determine if a report meets statutory criteria for child protective investigations. The appropriate law enforcement agency will conduct law enforcement investigations when warranted.

Any FLVS employee who fails to report known or suspected child abuse, neglect or abandonment to DCF may be subject to criminal prosecution pursuant to Florida Statutes and/or subject to disciplinary action by FLVS which may include, but is not limited to, termination of employment.

The abused, neglected or abandoned child and other concerned individuals have a right to privacy, and all information incidental to the report shall be confidential and not discussed or disclosed except as specifically authorized by Florida Statutes.

No FLVS employee will be subject to retaliatory employment practices for making a good-faith report of child abuse, neglect or abandonment.

IDENTIFICATION OF CHILD ABUSE OR NEGLECT

For purposes of identification and referral, all staff members should look for the following signs of child abuse and neglect while interacting with students. If several indicators are present, or if they occur repeatedly, the probability of maltreatment is greater. **Remember that this list is neither exhaustive nor definitive.** Be alert for other signs, such as deteriorating academic performance. Any reasonable doubt as to the existence of abuse should be resolved in favor of reporting.

SIGNS OF ABUSE

Physical Indicators

- Unexplained scratches, bruises and welts on face, lips, mouth, neck, torso, back, arms, buttocks, thighs; in various stages of healing; reflecting shape of article used to inflict; regularly appearing after absence, weekend or vacation;
- Unexplained burns (cigar or cigarette burns, especially on soles, palms, back, or buttocks; immersion burns; burns patterned like electric burner, iron, etc.; rope burns on arms, legs, neck, or torso);
- Unexplained fractures to skull, nose, facial structure, fractures in various stages of healing; multiple or spiral fractures;
- Unexplained lacerations to mouth, lips, gums, or eyes;

Behavioral Indicators

- Wary of adult contacts;
- Apprehensive when other children cry;
- Behavioral extremes (aggressiveness or withdrawal);
- Frightened of parents or afraid to go home;
- Reporting injury, sexual abuse, or frequent spankings by parent or other caretaker;
- Role-playing abusive parents or dramatizing abusive situations;
- Parent shows signs of abusive behavior (e.g., shows loss of control, is unusually negative about child, and/or frequently mentions spanking child).

Signs of Neglect

- Consistent hunger, poor hygiene, inappropriate dress (such as no coat in cold weather);
- Lack of supervision apparent at home;
- Unattended physical problems or medical needs;
- Abandonment;
- Begging, stealing food;
- Extended stays at school (early arrival and late departure);
- Constant fatigue, listlessness, or falling asleep in class;
- Delinquency;
- Saying there is no caretaker.

SECTION 2 - DCF ABUSE HOTLINE AND LAW ENFORCEMENT

Complete this section with the assistance of the Abuse Hotline operator to document that a report was made.

Name of DCF employee to whom report was made _____

Identification number of DCF employee _____ Did DCF accept the report for investigation? ↑Yes ↑No

If your call was transferred to a local law enforcement agency, provide the name of the agency

the Incident or Event No. assigned to the report _____ and the name or Identification No. of the employee to whom the report was made _____.

SECTION 3 - EMPLOYEE RELATIONS REPORT

If the report involves suspected abuse by an FLVS employee, complete this section, call Human Resources Compliance Officer at 407-513-3692 and fax this form to their attention at 407-513-3482.

Work location of suspected FLVS employee _____

Director notified that report was made to DCF _____



Answers to the Most Commonly Asked Questions Regarding Child Abuse

(The responses below are based on Florida Statutes)

1. What does Florida Law require?

F.S 39.201 requires that any person, including but not limited to, school teacher or other school official or personnel who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected shall report such knowledge to the Department of Children and Families. Each report of known or suspected child abuse or neglect pursuant to this section shall be made to the abuse hotline (1-800-96-ABUSE).

2. Can I be sued for making a report?

No. F.S 39.203(1) (a) “Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.”

3. Do I have to identify myself?

Yes. F.S 39.201 (1) (b) Reporters in occupation categories designated in subsection (1) are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in F.S 39.202.

4. What if I don't report?

There is a legal penalty for failure to report pursuant to F.S 39.205 (1). Any person required by F.S 39.201 to report known or suspected child abuse or neglect and knowingly and willfully fails to do so or who prevents another person from doing so, is guilty of a misdemeanor of the first degree.

5. Do I have to have prior approval from my administration to make a report?

No. It is not the responsibility of the school staff to investigate or prove that a child has been victimized OR to determine whether a child is in need of protection.

6. What if the Abuse Hotline does not accept my report for further investigation?

If the hotline counselor indicates that your report does not meet the statutory criteria for a report, other referrals for assistance will be provided. You may decide to contact your local DCF office as there may be other services available. You may also want to contact a FLVS School Counselor for assistance.

7. Should I include anything about the abuse report in the student's cumulative records?

No. Place no communication regarding child abuse in the child's records.

8. Should I speak with a DCF investigator regarding the report I filed?

Yes. All educational personnel have a duty to give full cooperation, assistance, and information to the authorities that will enable the state child protection worker to fulfill their responsibilities for investigation of alleged cases and treatment.

9. Do parents have to give their permission for protective investigators/law enforcement authorities to interview their child?

No. These agencies have the right and authority to question a student or obtain information without any notification to the parents.

10. How do investigators decide to take a child into custody?

DCF investigators or appropriate law enforcement agencies determine whether there are reasonable grounds to believe a child is suffering from illness or injury or is in danger from his or her surroundings and removal is necessary. If the custodian of the child has violated a condition imposed by the courts, then a child may also be taken into custody. In less than 7 percent of cases, the child is taken to an emergency shelter. Because such placement is so disruptive to the child, investigators are very cautious in taking this step.

11. What if at the time I make the report, I am afraid to allow the child to go home?

Make sure the hotline counselor understands that you feel the child is in imminent danger. You may also contact your local law enforcement agency if you feel immediate assistance is required.



12. Does the school have to notify a parent when a report is made to the Abuse Hotline?

No. It is DCF's responsibility to notify the parent.

13. Who contacts the parent when a child is taken into state protective custody?

It is the responsibility of the agency taken the child into custody to notify the parent.

14. Can the parents find out who made a report?

No, your name will not be released without permission. However, many times parents realize that the report can from "someone" at the school and often times the students tell them who they reported it to. If a parent confronts you, assure them of your continuing interest in the child's welfare and that of their family. Be professional, direct, and honest.



Answers to the Most Commonly Asked Questions Regarding Child Abuse

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