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**AURORA PUBLIC SCHOOLS**

**APS Code: JLF**

**Adopted October 1977**

**Revised December 1990**

**Recoded August 1995**

**Revised April 2004**

**Revised September 2007**

**Reviewed August 2016**

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## **REPORTING CHILD ABUSE/CHILD PROTECTION**

Aurora Public Schools is committed to the safety and welfare of the children it serves. Aurora Public Schools recognizes that child abuse and neglect can result in school failure and other damaging physical and emotional consequences. School employees can play a significant role in the prevention and intervention of child abuse and neglect. Accordingly, school personnel shall report suspected or known child abuse or neglect according to the Child Protection Act of 1987, (Title 19, the Children's Code, Article 3, Part 3).

Staff training is important in meeting the reporting requirements of Colorado law. Accordingly, staff members shall receive training.

All school officials and employees are affirmatively charged with familiarizing themselves with the requirements found in this policy and its accompanying regulation.

LEGAL REFS.:       C.R.S. 18-3-401(4)  
                          C.R.S. 19-1-103  
                          C.R.S. 19-3-102  
                          C.R.S. 19-3-304  
                          C.R.S. 19-3-304.4  
                          C.R.S. 19-3-309  
                          C.R.S. 22-32-109(1)(z)

CROSS REFS.:       JKA, Corporal Punishment

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### **SCHOOL EMPLOYEES ARE MANDATED REPORTERS (C.R.S. 19-3-304)**

The Colorado Child Protection Act of 1987 states that certain persons, among them any school official or employee who has reasonable cause to know or suspect that a child has been abused or neglected, are required to make an immediate oral report (or cause a report to be made) to the County Department of Human Services in which the child resides, local law enforcement (in instances of non-interfamilial abuse), or through the statewide child abuse reporting hotline system at 1-844-CO-4-KIDS or 1-844-264-5437. The oral report must be followed promptly by a written report (district form #1203). It is not the responsibility of school personnel to make a determination if abuse or neglect has occurred. Human Services or local law enforcement will make that decision.

The legal responsibility of the individual school official or employee who suspects abuse or neglect is not satisfied by reporting that suspicion to other school personnel (unless the individual verifies that the report was actually made by other school personnel). If the school employee is uncertain as to whether reasonable cause exists, the employee should nevertheless make a report to human services or law enforcement and allow those agencies to determine whether an investigation is warranted.

Even if suspected abuse involves a case which is very old, and even if the suspected perpetrator is also a minor, a report must be made.

### **DEFINITION OF CHILD ABUSE AND NEGLECT (C.R.S. 19-1-103)**

For purposes of reporting, child abuse or neglect is defined as an act or omission in one of the following categories that threatens the health or welfare of a child.

**PHYSICAL ABUSE:** Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death, and either (a) such condition or death is not justifiably explained; (b) the history given concerning such condition or death is at variance with the degree or type of

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such condition or death; or (c) circumstances indicate that such condition or death may not be the product of an accidental occurrence.

SEXUAL ABUSE: Any case in which a child is subjected to unlawful sexual behavior as that term is defined in Colorado law. (See C.R.S. 16-22-102).

EMOTIONAL ABUSE: An identifiable and substantial impairment of the child's intellectual or psychological functioning or development, or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

NEGLECT: Any case in which a child is a child in need of services because the child's parents, legal guardians or custodians fails to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.

**NEGLECTED OR DEPENDENT CHILD (CRS 19-3-102):**

A child is neglected or dependent if:

- a. A parent, guardian or legal custodian has abandoned the child or has subjected him to mistreatment or abuse or a parent, guardian or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;
- b. The child lacks proper parental care through the actions or omissions of the parent, guardian or legal custodian;
- c. The child's environment is injurious to her/his welfare;
- d. A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for her/his

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- health, guidance or well-being;
- e. The child is homeless, without proper care or not domiciled with her/his parent, guardian or legal custodian through no fault of such parent, guardian or legal custodian; and
  - f. The child has run away from home or is otherwise beyond the control of her/his parent, guardian or legal custodian.

### **REPORTING PROCEDURES**

Reports of suspected child abuse or neglect should be made on the child abuse/neglect form available through the district warehouse (district form #1203) and, to the extent possible, shall include all the information requested on the form.

### **DISTRICT PROCEDURE**

Aurora Public Schools employees shall:

- a. Promptly inform the principal that a report of suspected child abuse or neglect is being made.
- b. Immediately make an oral report of suspicion or knowledge of child abuse or neglect via telephone to the county Human Services Department or local law enforcement agency.
- c. Promptly follow up with a written report on the district child abuse/neglect, available from the district warehouse.
  - 1. Send the white and yellow copies to the county Human Services Department;
  - 2. Fax a copy to the district child protection advocate;

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3. Keep the pink copy (or an electronic image of that copy) at the school in a secure confidential file for 10 years.
  - d. District personnel will check the identity of the investigating person who comes to a district site by checking their identification card or badge number.

In the case of suspected intrafamilial (by a family member or member of the child's household) abuse or neglect, or intrafamilial sexual abuse, school employees and officials shall not contact the child's family or any other person to determine the cause of the suspected abuse or neglect. Such contacts will be made by Human Services or law enforcement. In the case of suspected third-party (by someone unrelated to the child) abuse or neglect, in addition to the immediate reporting responsibilities to Human Services or law enforcement, the building principal or supervisor shall (unless instructed other by law enforcement or Human Services) then take steps to assure that the parent/guardian or legal custodian is immediately notified that a report has been made. Caution should be exercised in sharing details of the allegations with the parent/guardian since this may influence the outcome of the investigation.

The building principal or supervisor shall also take steps to notify the parent/guardian or legal custodian immediately whenever there is reasonable cause to know or suspect that sexual contact has occurred between students (whether or not consensual) while the student is on school property, at school activities, or in school vehicles. "Sexual conduct," for purposes of this regulation, is defined in Section 18-3-401(4), Colorado Revised Statutes, and included at the end of this regulation.

School personnel shall cooperate with the investigating authorities. School personnel should notify the investigating authorities of any special needs or conditions of the child.

When a school employee is the alleged perpetrator, to the extent it is appropriate and practical as determined by law enforcement personnel, the investigation shall be a joint one between law enforcement and the school district. If deemed appropriate and practical by law enforcement personnel, a representative of the school district may participate in witness interviews conducted by

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law enforcement. If a school district representative does not participate in the interview, law enforcement personnel shall immediately report, either verbally or in writing, the results of the interview to the school district.

The identity of the child, family, and suspected perpetrator is highly confidential and shall be shared only with those with a need to know the information.

### **IMMUNITY FROM LIABILITY (C.R.S. 19-3-309)**

School employees acting in good faith in the making of a report are immune from any liability, civil or criminal, or termination of employment, unless the employee's action is of willful, wanton, and malicious intent.

### **PENALTY FOR FAILURE TO REPORT (C.R.S. 19-3-304.4)**

Any school employee who fails to report or cause a report to be made of suspected cases of child abuse or neglect, commits a Class 3 misdemeanor and may be subject to up to six months in prison and/or a \$750 fine. There may also be civil liabilities for damages caused by failure to report. The obligation to report, or cause a report to be made, is that of the person who has reason to know or suspect that child abuse or neglect has occurred.

### **RELEASING CONFIDENTIAL INFORMATION**

In order to effectively report suspected abuse or neglect, district employees will disclose information about the suspected incident, the name and address of the child, family, informant and other identifying information requested by the investigating agency.

Under a standing "blanket order" from district court judges of Adams and Arapahoe Counties, the school principal/designee is required to grant interviews at school with the child who is the subject of a report (that is, the alleged victim) to any representative of either Human Services or law

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enforcement who displays proper identification.

### **TEMPORARY CUSTODY OF THE CHILD**

A law enforcement officer may take a child into temporary custody without a court order.

A caseworker may take a child into temporary custody **only** with a verbal or written court order. Before releasing a child to a caseworker, the principal/designee shall verify the court order by telephoning the clerk of the juvenile court or the judge issuing the order.

### **DISCIPLINARY ACTION**

Employees who fail to fulfill their duties under this regulation may be subject to disciplinary action, including termination of employment.

### **DISTRICT RESOURCES**

Aurora Public Schools has designated a staff member in each school as the child abuse representative. This person, usually the school nurse or paraeducator, health/office, has taken additional training in identifying and reporting suspected child abuse and is a resource for staff members, along with other support personnel, e.g. counselors, school psychologists, social workers. However, the child abuse building representative should not ordinarily make reports for other staff members. They provide consultation and support to the reporting party in the reporting process. Health Services also employs the district child protection advocate who (along with the Aurora Public Schools Human Resources Department in cases involving APS employees) serves as a liaison to Human Services and law enforcement agencies and is also available to staff members as a consultant.

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C.R.S. 18-3-401(4): “Sexual Contact” means the knowing touching of the victim’s intimate parts by

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the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse.