

PROTECTION FOR REPORTERS

School Districts are prohibited from retaliating against an employee who reports maltreatment. People who make reports cannot be punished by demotion, suspension, or change in assignment. The identity of reporters must be protected and there is civil and criminal immunity for good faith reports.

ORIGINS OF MDE'S ROLE

An effort to protect students and assist schools

Prior to assigning investigations of student maltreatment to MDE, a legislative task force devoted two years to studying child protection procedures statewide. The panel, which included officials from schools, law enforcement, social services, advocacy groups, and others, identified concerns about the handling of cases of maltreatment in schools by school employees.

Based on its findings, the task force recommended that a neutral agency investigate such cases. In 1999, the Minnesota Legislature assigned that authority to MDE.

THE RESPONSE

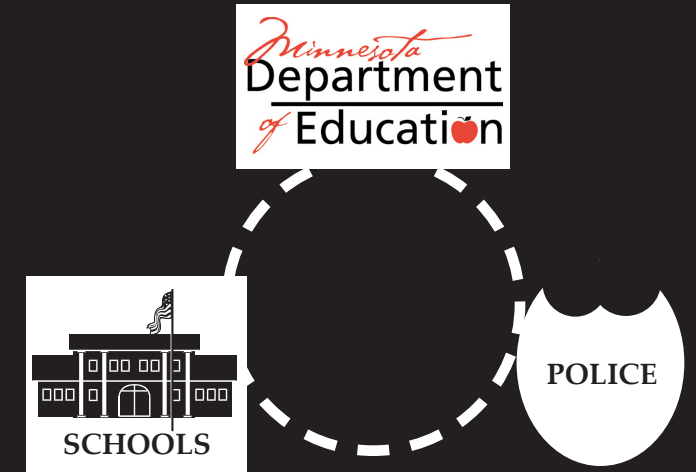
The Student Maltreatment Program at MDE, in conjunction with local law enforcement agencies, now investigates reports of student maltreatment in schools throughout the state of Minnesota. As knowledge of the mandate to report to MDE has increased, so has the number of reports received and the cooperation between MDE, law enforcement and schools. Where appropriate, MDE investigates the reports, determines whether maltreatment occurred and communicates its finding to those concerned as required by law, thus helping schools provide a safe environment for all students.



1500 Highway 36 West
Roseville, MN 55113

IT'S THE LAW

REPORTING MALTREATMENT BY SCHOOL EMPLOYEES



Reporting requirements and the
Minnesota Department of
Education's investigative authority

Important
information for
school educators, law
enforcement and
parents

The Minnesota Department of Education (MDE) is designated by law as the agency responsible to investigate reports of maltreatment of public school students by school employees. Reports of abuse in families should be reported to county social services agencies. Minn. Stat. § 626.556, Subd. 3b.

HOW TO REPORT

Reports can be made by telephone, letter or fax.

- MDE has a 24-hour reporting hotline. To report an allegation of maltreatment, call 651-582-8546.
- Mandated reports should be made immediately upon learning of the maltreatment which, under state law, means within 24 hours.
- Reports should include the identity of the student and the alleged offender, a description of the abuse or neglect and the name and address of the reporter. An oral report must be followed by a written report within 72 hours.
- Reporting forms and additional information are available online at education.state.mn.us and can be submitted to a confidential fax at MDE at 651-634-2277.

WHAT TO REPORT

Maltreatment includes physical abuse, sexual abuse and neglect.

- **Physical abuse:** A report should be made of any incident that involves physical injury or threatened injury that is not inflicted by accidental means as well as certain violations of special education rules that involve prohibited procedures. Egregious and documented mental injury can also constitute maltreatment.
- **Sexual abuse:** A report should be made of any incident that involves inappropriate sexual contact. Verbal sexual harassment does not constitute sexual abuse. Such conduct should be addressed according to mandatory school sexual harassment procedures.

- **Neglect:** A report should be made of any situation involving failure to provide required care for a student, failure to protect a student from endangerment or failure to provide appropriate supervision. Neglect can go beyond the acts of an individual. For example, neglect by the school facility can be found in cases when understaffing or lack of training cause the neglect.

WHO MUST REPORT

*State law requires that mandated reporters report alleged maltreatment by school employees to MDE or law enforcement as soon as they **know or have reason to believe** that maltreatment has occurred.*

- Teachers, administrators, social workers and other school personnel are mandated reporters.
- Reporters are required to report directly to MDE or law enforcement, not to other administrators.
- MDE requests that reporters also report to MDE in cases when a report is made first to local law enforcement.
- Local law enforcement agencies are mandated to report allegations of abuse by school employees to MDE. Minn. Stat. § 626.556, Subd.3(a)(2); Subd. 3(b); Subd 6a.
- Schools must inform employees of their reporting duties and protection from retaliation.
- Schools must still report to the Board of Teaching as required by law.

MDE has a 24-hour reporting hotline. To report an allegation of maltreatment, call 651-582-8546. Additional information can also be found on our Web site at: education.state.mn.us

THE INVESTIGATIVE PROCESS

Reports are handled by the Student Maltreatment Program at MDE.

- Maltreatment Investigators have specialized training in child protection law, school social work, screening and investigation of reports, forensic interviewing of children and the area of special needs students, especially important because such students are particularly vulnerable. Reports related to special needs students approximate 40 percent to 50 percent of reports received.
- Upon receipt of a report, the Student Maltreatment Program staff will assess the report.
- When appropriate, a report will be referred to other agencies or to MDE's special education unit.
- MDE will cross-report immediately to law enforcement as required.
- MDE will then defer the investigation to law enforcement, work cooperatively with law enforcement and the school on the investigation or conduct its own investigation.
- MDE investigators and law enforcement must be given access to related school records when they are needed for maltreatment investigations. The Minnesota Government Data Practices Act does not prohibit schools from providing such information when maltreatment is being investigated. Minn. Stat. § 13.32, Subd. 3(n); § 13.43, Subd. 14; Minn. Stat. § 626.556, Subd.10; see esp. 10(g), and Subd. 10b.

FINAL REPORT

MDE is required to issue a final report on the outcome of investigations.

- Upon completion of an investigation, MDE will issue a determination of whether or not maltreatment occurred.
- The report must protect the identity of the reporter, the student, the alleged offender and witnesses.
- When maltreatment is found, the determination must be provided to the victim's parents, the alleged offender, the principal, the school board and the appropriate licensing agency if the employee is licensed.
- Licensing boards such as the Board of Teaching are not bound by MDE's determination.