



# **Special Education Advisory Committee**

## **Draft Policy 7530**

### **DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT**

#### **Recommendations Summary**

**December 7, 2022**

Prepared For:  
SEAC Membership  
Special Education Community  
Loudoun County School Board

## Overview: Policy 7530

### DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT

The Loudoun County School Board is committed to an environment that protects and supports the well-being of all students. This policy outlines the mandated requirements for school personnel in their professional or official capacity, who have reason to suspect that a child or adult student is abused or neglected to report such abuse to Child or Adult Protective Services. Va. Code [§ 63.2-1509](#) et seq., and Va. Code [§ 63.2-1606](#).

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia reflect the state and federal requirements for the provision of special education and related services. Section [8VAC20-81-230 D.2](#) of the Virginia regulations mandate that an active SEAC exists, specifies membership that requires that a majority of members be individuals with disabilities or parents of children with disabilities as well as defines specific functions of the SEAC, which are as follows:

1. Advise the local school division of needs in the education of students with disabilities;
2. Participate in the development of priorities and strategies for meeting the identified needs of students with disabilities;
3. Submit periodic reports and recommendations regarding the education of students with disabilities to the division superintendent for transmission to the local school board;
4. Assist the local school division in interpreting plans to the community for meeting the special needs of students with disabilities for educational services;
5. Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and
6. Participate in the review of the local school division's annual plan.

This report satisfies requirement 3 above. SEAC has reviewed the draft policy and determined that it does not meet the needs of students with disabilities.

## Concerns and Recommendations

**Concern 1:** Students with disabilities are the most vulnerable minority population that are often the victims of physical, sexual, and mental abuse.

Draft policy 7530 addresses both sexual and physical abuse but omits addressing mental abuse as defined in [22 VAC 40-705-30 \(C\)](#). To be consistent with Virginia Code, all three areas of abuse should be addressed in the policy.

**Recommendation 1:** After Line 86, insert new 3. Add text, “Allegations of an employee inflicting mental abuse or neglect on a student or making a threat of mental abuse or neglect to a student.”

87     **3. Allegations of an employee inflicting mental abuse or neglect on a student or making a threat of mental abuse or neglect to a student.**

## SEAC Membership Vote

### SEAC Membership Vote on Recommendation

**Quorum:** 13 of 16 SEAC Members present – Quorum Established

**Motion:** Motion by Melissa Waugh to adopt the recommended change, Rozeena Khattak, seconded the motion.

**Vote Summary:** Unanimous

## DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT

The Loudoun County School Board is committed to an environment that protects and supports the well-being of all students.

Pursuant to Va. Code § 63.2-1509 et seq., and Va. Code § 63.2-1606, Any employee, who, in ~~their~~~~his or her~~ professional or official capacity, knows, or has reasonable suspicion that a child or student is the subject of abuse or neglect, or exploitation if a student is 18 years old or over, shall report such knowledge or reasonable suspicion immediately (i.e., as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect) in accordance with this policy.

1. The initial report ~~should~~ may be an oral report submitted directly to Child Protective Services (CPS), or Adult Protective Services (APS), if the student is over 18.

2. The principal or designee shall then submit such report, ~~shall then be recorded in writing, and submitted via the Loudoun County Public Schools (LCPS) online CPS reporting portal. to Child Protective Services (CPS) and also to Adult Protective Services (APS) if the student is 18 years old or over.~~

Failure to report may result in disciplinary action, up to, and including, termination.

A. Reporting Requirements.

1. Any teacher or other school employee who has reason to suspect abuse, neglect, or exploitation of a child or student shall immediately report it to:

a. The principal, ~~or his/her~~ designee (such as an assistant principal, counselor, social worker, etc.), or supervisor of the department, who shall make such report forthwith. The principal, ~~or his/her~~ designee, or supervisor of the department, ~~who~~ th makes the report to the local or state agencies (i.e., CPS, and/or APS, as applicable) must notify the person making the initial report when the report of the suspected abuse or neglect is made ~~to the local or state agencies (CPS, and/or as applicable; APS if the student is 18 years or older)~~ and of the name of the individual receiving the report. That reporting party, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report; and

b. During business hours, contact The Loudoun County Department of Health and Human Services at (703) 771-KIDS (5437) for CPS, and (703) 777-0437 for APS.

~~b.c. After hours and on the weekend, call The Virginia Department of Social Services 24-hour toll-free child abuse and neglect hotline and/or APS Adult Protective Services toll-free hotline, if the employee has the need to report after business hours. The Virginia Department of Social~~

## DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT

~~Services abuse and neglect toll-free hotline number is at (800) 552-7096 for CPS or (888) 832-3858 for APS. In addition, the principal, or his/her designee (such as an assistant principal, counselor, social worker, etc.), or supervisor of the department, must also be notified of the report as soon as practicable during the following business hours.~~

2. If any principal is suspected of abuse or neglect of a child or student, the school employee who has this suspicion shall report it to the ~~S~~division superintendent, or ~~his/her Department of Human Resources and Talent Development~~ designee, who shall report it to the local or state agencies (i.e., CPS, and, if applicable, APS).

3. Reports of reasonable suspicion that a student, ~~who is age~~ 18 and older, is the subject of abuse or neglect shall be reported immediately, in accordance with this policy, to ~~Child Protective Services~~, and also to ~~Adult Protective Services~~, regardless of the student's intellectual ability. In addition, the principal, or ~~his/her~~ designee (~~such as an assistant principal, counselor, social worker, etc.~~), or supervisor of the department, must also be notified of the report.

3.4. In accordance with School Board Policy 7542 (Required Notification and Consequences of Criminal Charges, Convictions, and Pleas and Department of Social Services Investigations or Dispositions for Employees), any employee who is the subject of a CPS and/or APS investigation into an allegation of child abuse or neglect must notify the Superintendent or designee of the investigation.

B. Example of Employee Behavior to Report. Principals or ~~his/her~~ designees (~~such as an assistant principal, counselor, social worker, etc.~~), or department supervisors ~~s of the department~~, shall report the following alleged or observed employee behaviors to an administrator in the Department of Human Resources and Talent Development (HRTD) in addition to appropriate reporting to law enforcement, if ~~they~~he or she hasve reason to believe a crime may have been committed, and to ~~Child Protective Services~~, and/or ~~Adult Protective Services~~ in accordance with this policy. Reporting to HRTD~~the Department of Human Resources and Talent Development~~ shall occur as soon as possible, but within one workday of becoming aware of the allegations. Allegations or observed behaviors to report include, but are not limited to, the following:

1. Allegations of employee sexual misconduct with a student;
2. Allegations of an employee using physical force or making a threat of physical harm to a student; and
3. Employee Behavior ~~that~~which includes, but is not limited to, the following:
  - a. Sexual or romantic invitations to students;
  - b. Dating students or soliciting dates with students;

## DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT

- c. Engaging in sexualized dialogue with students;
- d. Making suggestive comments to students or in the known presence of students;
- e. Physical exposure of a sexual, romantic, or erotic nature;
- f. Self-disclosure of a sexual or erotic nature to students or in the known presence of students; and
- f.
- g. Sexual contact or inappropriate overtures to students, whether they be physical, verbal, non-verbal, written, or electronic.

C. Administrators' Principal or Designee, His/Her Designee, or Department Supervisor of the Department Responsibilities.

1. The principal, or ~~his/her~~ designee (~~such as an assistant principal, counselor, social worker, etc.~~), or department supervisor ~~of the department~~ shall report the suspected abuse or neglect by a non-LCPS employee to the local or state department of social services. Upon making such a report~~such report~~, ~~they/he/she~~ should~~all~~ also inform the ~~division superintendent's proper~~ Department of Instruction and Department of Pupil Services designees.

2. If any LCPS employee is suspected of abuse or neglect of a child or student, the principal, or ~~his/her~~ designee (~~such as an assistant principal, counselor, social worker, etc.~~), or department supervisor ~~of the department~~, shall report it to the proper ~~division superintendent's HRTD Department of Human Resources and Talent Development~~ designee and to the local or state department of social services.

3. The principal, or ~~his/her~~ designee (~~such as an assistant principal, counselor, social worker, etc.~~), or department supervisor ~~of the department~~, is responsible for ensuring that all personnel are fully informed of their responsibilities under the law and the procedures of this policy. The principal or department supervisor of the department is ultimately responsible for any member of the staff who fails to timely report suspected or declared child abuse or neglect.

4. Notice of the duty to report suspected child abuse or neglect shall be posted in each school pursuant to Va. Code §~~Code of Virginia~~ 22.1-291.3. The notice of the duty to report posting shall state that:

- a. A~~any~~ teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his

## DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT

designee; and

- b. All persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

D. Records. The principal, or ~~his/her~~ designee (~~such as an assistant principal, counselor, social worker, etc.~~), or department supervisor ~~of the department~~ shall, upon request, make available to the ~~CPS/APS child and/or adult protective services~~ worker any school records or reports ~~that which~~ document the basis of the report. The Federal Education al Rights and Privacy Act of 1974 (FERPA) prohibits the sharing of student information without explicit parental or eligible student consent unless the ~~CPS/APS Child or Adult Protective Services~~ worker has a court order to review the record ~~or~~ unless release without parental consent would not violate FERPA. For instance, in a health or safety emergency situation, the school or department could provide access to the record. The school principal or department supervisor will determine what constitutes an emergency in accordance with School Board Policy 8640 (Disclosure of Student Personally Identifiable Information) 8-74(E).

E. Consequences of Non-Compliance with Reporting Procedures. Any employee who fails to comply with the reporting requirements for child abuse and neglect may be subject to disciplinary action, up to, and including, termination. In addition, Virginia law provides that any person required to file a report regarding suspected child abuse or neglect who fails to do so within in 24 hours, may be convicted of a Class 1 Misdemeanor and fined accordingly.

F. Memorandum of Understanding with Child Protective Services. A written interagency agreement between the Loudoun County Health and Human Services local department for social services and the School Board shall be adopted as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student.

[Former Policy 8-55]

Adopted: 5/10/77

Revised: 7/10/84, 6/22/93, 12/08/15

Current Revision: 11/28/17

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Legal Refs: Code of Virginia § 22.1-291.3, 63.2-100, 63.2-1509, 63.2-1511, 63.2-1605, 63.2-1606, 20 U.S.C. § 1232g

DUTY TO REPORT CHILD OR STUDENT ABUSE AND NEGLECT

184 Cross Refs: [8640](#), Disclosure of Personally Identifiable Information; [7542, Required](#)  
185 [Notification and Consequences of Criminal Charges, Convictions, and Pleas and](#)  
186 [Department of Social Services Investigations or Dispositions for Employees](#)