




NHSBA
NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

**Brief Compendium of Statutory Reporting
Requirements for School Employees**


NHSBA Webinar
September 28 & October 1, 2020

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**Abuse & Neglect
RSA 169-C**

NHSBA Sample Policy JLF



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169-C:29 – 31 Child Abuse & Neglect

WHO is required to report? Among the over 25 professions listed in 169-C:29, are “*teacher, school official, school nurse, school counselor, ... or any other person.*”

WHAT triggers the duty? “Having reason to suspect that a child has been abused or neglected.” If you are questioning whether you have suspicion, the answer is yes, you do have reason to suspect.

- “**Abuse**” – includes: sexual abuse or misconduct; intentional or non-accidental physical injury; human trafficking; female genital mutilation.
- “**Neglect**” - includes: lack of proper care, control, sustenance or mandatory education, necessary for physical, mental or emotional health, when a child’s health has or is likely to suffer serious impairment, provided deprivation is not due *primarily* to lack of financial means. Also, includes inability to care due to incarceration, hospitalization or incompetence.


169-C:29 – 31 Child Abuse & Neglect

HOW is the duty fulfilled? Oral report (generally by telephone) to DCYF, followed in writing if requested by DCYF.

Failure to report: Misdemeanor (RSA 169-C:39).

Protection with reporting: Immunity for good faith reporting.

NHSBA sample policy reference: JLF. The NHSBA sample also requires reports to the building principal, then the Superintendent. Orally in the first instance, followed in writing.



NH Code of Conduct For Educators

NH DOE Rule 510.01 & 05

NHSBA Sample Policy GBEAB

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NH DOE Rule 510.01 & .05 NH Code of Conduct

WHO is required to report? Any person holding a “credential” issued by the NH DOE Bureau of Credentialing, including, for instance, beginning and experienced educator licenses, in process of licensure authorization, intern authorization, emergency authorization, statement of eligibility, paraeducator I & II, and master teacher license.

WHAT triggers the duty?

- Suspected violation of Code of Conduct by any credential holder.
- Not dependent on whether the suspected act happened in performance of duties.
- Additionally, credential holders are required to self-report any arrests for any crime listed in 189:13-a, V (510.01 (b)(2)).

Mandatory Reporting
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**NH DOE Rule 510.01 & .05
NH Code of Conduct**

HOW is the duty fulfilled?

- According to LEA policy (GBEAB).
- Principals, however, report to Superintendent, and Superintendent to DOE.
- Reports re Superintendent violations, including failures made to DOE.

Failure to report: Is itself a violation of the Code of Conduct.

Protection with reporting: None given.


NHSBA sample policy reference: GBEAB. The NHSBA sample requires report to be made to the building principal or to the Superintendent. Districts choose whether to allow oral reports.

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**Bullying
RSA 193-F**

NHSBA Sample Policy JICK



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RSA 193-F Bullying (Pupil Safety and Violence Prevention)

Required reporting?

- Chapter 193-F does not include an express “initial” reporting requirement.
- The statute does require secondary reports from principals to superintendents and parents of victims/suspects.
- The statute also requires local policies to include provisions for initial reports.
- 193-F:5, I(a) requires annual training about reporting, preventing, identifying, and responding to “bullying and cyberbullying” to school employees, volunteers, or vendors, “who have significant contact with pupils”.

RSA 193-F Bullying (Pupil Safety and Violence Prevention)

WHO is required to report? Under NHSBA sample, “any school employee or volunteer who witnesses, receives a report of, or has knowledge or a belief that bullying may have occurred”.

WHEN?

- Initial: Under NHSBA sample, as soon as possible, but no later than the end of that school day.
- Principal to Parents: Per statute: within 48 hours of receiving an incident report; (waiver from superintendent to inform parent(s) if in best interest of either student); and report re “remedies and assistance” within 10 days of completion of investigation.
- Principal to Superintendent: Not specified in statute, but under NHSBA sample, within 10 days of report leading to finding of “substantiated”.

RSA 193-F
Bullying (Pupil Safety and Violence Prevention)

Protection with reporting: Civil immunity for good faith reports.

Failure to report: None per statute.

NHSBA sample policy reference: JICK. 193-F contains more mandatory, specific minimum requirements for local policies than for most “required” policies.

HAZING
RSA 631:7

NHSBA Sample Policy JICFA



671:7 Hazing

Note: Statute only applies to secondary and post-secondary schools/students.

WHO is required to report? Another oddly worded statute, but in essence, “any person”- including a victim. The school district itself is also a mandatory reporter.

WHAT triggers the duty?

- Individuals - Being “present at or otherwise having direct knowledge of student hazing”, or knowingly submitting to hazing.
- District/School – Receipt of any report, or other knowledge of any hazing.

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671:7 Hazing


HOW is the duty fulfilled? Students may report to either law enforcement or school authorities. The District/school must report to law enforcement.

Failure to report: Misdemeanor B if an individual fails to report, misdemeanor A or B if school/district fails to report.

Protection with reporting: None given.

NHSBA sample policy reference: JICFA.

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Safe Schools RSA 193-D:4

NHSBA Sample Policy ADD/EBB & JICD

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RSA 193-D:4 Safe Schools Violations

WHO is required to report? Any school employee, or any person providing continuing contract services to a school, for secondary, any principal or other “supervisor”.

WHAT triggers the duty? Initial report - Witnessing, or having information from a victim of an act of “theft, destruction or violence” in a “safe school zone.”

- **“Act of theft, destruction or violence”** – includes, for instance, first or second-degree assault, criminal mischief, unlawful possession of a firearm or other dangerous weapon, arson, burglary, robbery, theft, sale or possession of a controlled drug, or criminal threatening.
- **“Safe school zone”** - any school property, including buildings, equipment, and any property “used for school purposes”, including, e.g., school buses, field trips, athletic events, etc..

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**RSA 193-D:4
Safe Schools Violations**

WHAT triggers the duty? Secondary, etc. – Receipt of an initial report.

HOW is the duty fulfilled? Initial – Written report provided “immediately” to a supervisor/principal.

- Secondary – Supervisor transmits immediately to the principal, who must immediately inform law enforcement verbally, followed in writing within 48 hours. If the victim is a student, the principal must also immediately inform the parents.

Failure to report: Is a violation (non criminal).

Protection with reporting: Immunity for good faith report.



NHSBA sample policy reference: ADD/EBB & JICD.

NOTE – August 2020 amendments to RSA 193-D now require that any assault of a school employee, volunteer or visitor must be reported to the DOE, with an annual report to the local board of all such incidents.

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**Accidents
RSA 277:15-b
NHSBA Sample Policy EBBB**



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RSA 277:15-b Accidents & Injuries

WHO is required to report?

- Under the **policy** (EBBB), “the school district employee” who witnessed or first responded to an accident/injury.
- Under **RSA 277:15-b**, the principal or other supervisor, must report to the DOL any accident involving death or serious injury.

WHAT triggers the duty?

- **Policy EBBB** – Any accident/injury that:
 - Requires a student or employee to miss class or school;
 - Necessitates services of a health care provider;
 - Requires first aid; or
 - Might reasonably be anticipated to give rise to a claim for liability.

RSA 277:15-b Accidents & Injuries

WHAT triggers the duty?

- **RSA 277:15-b** – Any workplace accident involving death or “serious injury”
 - *Serious Injury is one that involves:*
 - amputation,
 - loss or fracture of any body part,
 - head injury, or
 - internal injury that necessitates immediate hospitalization

HOW is the duty fulfilled?

- **Policy – EBBB** – The employee who witnessed/first responded to the accident fills out and provides to the principal/ superintendent an accident form as soon as possible, but not more than 24 hours after accident. The principal/building supervisor is responsible facilitating.

RSA 277:15-b Accidents

HOW is the duty fulfilled?

➤ *RSA 277:15-b* –

- Within 8 hours of a death during school day or on school property, principal or other supervisor informs DOL via telephone or email.
- Within 24 hours of any serious injury during school day or on school property, principal or other supervisor informs DOL via telephone or email. This report also informs of where injured person was sent for evaluation or treatment.

Failure to report: Policy violation.

Protection with reporting: Immunity for good faith report.

NHSBA sample policy reference: EBBB.

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Title IX Sexual Harassment NHSBA Policy ACAC *34 C.F.R 106.30, .44 & 45*



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Title IX Sexual Harassment

WHO is required to report? Any school employee.

WHAT triggers the duty?

- Receipt of information of conduct which may constitute Title IX sexual harassment, i.e., conduct on the basis of sex of one or more of:
 - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
 - Violence against women act: "Sexual assault" "dating violence", "domestic violence", or "stalking".

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Title IX Sexual Harassment

HOW is the duty fulfilled? Making a report to the District or building Title IX Coordinator. Telephone or email, available 24/7.

Failure to report: Policy violation, can be violation of Educator Code of Conduct.

Protection with reporting: No retaliation if made in good faith. Intentionally false statements may be acted upon.

NHSBA sample policy: ACAC

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