



5635

## Reporting Maltreatment of Minors and Vulnerable Adults

***Policy 5635***

Original Adoption: 05/10/1977

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Review Dates: 07/17/2013, 06/15/2015; 03/15/2018

### **I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of children or vulnerable adults.

### **II. GENERAL STATEMENT OF POLICY**

- A. It is the policy of the District to fully comply with Minnesota Statutes requiring school personnel to report suspected maltreatment, neglect, physical or sexual abuse of children who attend Minneapolis Public Schools.
- B. It is the policy of the District to fully comply with Minnesota Statutes requiring school personnel to report suspected maltreatment of vulnerable adults who attend Minneapolis Public Schools.
- C. It shall be a violation of this policy for any District personnel to fail to immediately make a report when :
  1. the school personnel knows or has reason to believe that a child
    - (a) is being neglected,
    - (b) is being physically abused,
    - (c) is being sexually abused or
    - (d) has been neglected, physically or sexually abused within the preceding three years.
    - (e) has been kidnapped,
    - (f) is being concealed from the child's parent, or
    - (g) has been taken, retained or failed to be returned to the child's parent by any individual without legal right to keep the child.
  2. the school personnel, other than a health care professional or social service professional who is providing the woman with prenatal care or other health care services, knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including but not limited to:
    - (a) tetrahydrocannabinol, (THC, also known as marijuana)
    - (b) alcoholic beverages in any way that is habitual or excessive.
  3. the school personnel knows or has reason to believe that a vulnerable adult is being maltreated, or
  4. the school personnel knows that a vulnerable adult has sustained a physical injury which is not reasonably explained.



- D. It shall be a violation of this policy for any person to retaliate against any employee who in good faith makes a report required under paragraph C, above.
  - 1. There is a rebuttable presumption that any adverse action taken within ninety (90) days against an employee who in good faith makes a required report is retaliatory.
- E. It shall be a violation of this policy for any employee to retaliate against any child or vulnerable adult about whom any report is made.
- F. Intentional failure to make a report required under paragraph C, above, shall make the mandated reporter subject to discipline in keeping with district policy, collective bargaining agreements, and state and federal law. The District may refer such failures to the local authorities for possible criminal prosecution.
- G. Any employee who maliciously or recklessly makes a report is subject to discipline in keeping with district policy, collective bargaining agreements and state and federal law. The District shall not indemnify any employee who is found by a court to have made a maltreatment report maliciously or recklessly.

### III. RESPONSIBILITY

- A. The Superintendent is authorized to issue regulations for the implementation of this policy and to provide for such training for staff as is necessary to implement the policy.
- B. This policy shall be reviewed at least annually for compliance with state law.

#### ***Legal References:***

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act – FERPA)  
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.58 (Corporal Punishment)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. § 609.221 *et seq.* (Assault)  
Minn. Stat. § 602.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.25 (Kidnapping)  
Minn. Stat. § 609.26 (Depriving Another of Custodial or Parental Rights)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions [Criminal Sexual Conduct])  
Minn. Stat. § 609.342 *et seq.* (Criminal Sexual Conduct)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)  
Minn. Stat. § 626.557 *et seq.* (Reporting of Maltreatment of Vulnerable Adults)

#### ***Cross References:***

MPS Policy 1040 (Student and Staff Data Protection)



*Page 3 of 3*

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MPS Policy 4002 (Harassment and Violence Prohibition)  
MPS Policy 5201 (Bullying and Hazing Prohibition)

MPS Regulation 5635 A (Reporting Procedures)  
MPS Regulation 5635 B (Definitions)