



OFFICE OF INDIAN EDUCATION PROGRAMS

Requirements and Protocol for
Reporting
Suspected Child Abuse/Neglect
(SCAN)

Office of Indian Education Programs

Requirements and Protocol for Reporting Suspected Child Abuse/Neglect (SCAN)

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CHAPTER 1 Reporting Requirements

1.0 Introduction. The Assistant Secretary - Indian Affairs announced the establishment and release of the Child Protection Handbook *Protecting American Indian/Alaska Native Children*, in the summer of 1998. The Handbook contained important information regarding the reporting and administration of the requirements set forth in the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act of 1990. The Handbook has been a valuable tool for BIA and Tribes in administering their reporting requirements. However, since 1998, the Indian Child Protection and Family Violence Prevention Act has had two significant amendments and the procedures outlined were general.

In August 2002, the Assistant Secretary - Indian Affairs established the Personnel Security and Suitability Program for Office of Indian Education Programs (OIEP) in order to increase accountability for the program. As the program was developed it became apparent that child abuse reporting had a significant impact on employee suitability. It was determined that OIEP needed specific step-by-step procedures for managers and principals; consistent reporting formats; consistency in what was being reported; and requirements for follow-up action. Training and a method for tracking and initiating pro-active action plans was also needed. The OIEP Requirements and Protocol for Reporting Suspected Child Abuse/Neglect (SCAN Protocol) is specific to OIEP and has been developed to supplement the Child Protection Handbook issued in 1998, as well as any amendments that were subsequently issued. In areas where the Child Protection Procedures conflict with the protocol, the SCAN Protocol will supercede.

1.1 Authorities.

1.1.A Public Law 101-630, as amended, (Codified in 25 United States Code 3203, § 1169), *Indian Child Protection and Family Violence Prevention Act, as amended*, requires that any person identified as a Mandated Reporter who knows or has a reasonable suspicion that a child has been abused in Indian country, must report the information to the local protective services agency or local law enforcement agency. Further, if the Mandated Reporter knows or has a reasonable suspicion that actions are being taken, or are going to be taken, that would reasonably be expected to result in the abuse of a child in Indian country he/she must report the information to the local protective services agency or local law enforcement agency. Public Law 101-630 also specifically identifies positions designated as Mandatory Reporters, outlines the penalties for Mandated Reporters who fail to immediately report such abuse or actions described to the proper authorities, and the penalties for supervisors, or those having authority over Mandated Reporters, who prevent or inhibit a Mandated Reporter from making the proper reports (*Appendix A*).

1.1.B Public Law 101-647, (Codified in 42 United States Code Section 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*, requires that any person who, while in a professional capacity or activity on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated to receive the report (*Appendix B*).

1.2 Notification of Responsibilities. Each OIEP employee will receive notice of their responsibilities as a Mandated Reporter of child abuse upon initial employment and annually thereafter. (See Sample – Appendix L) The notification will be in writing and the employee will sign that they did receive a copy of the notice. At a minimum, the notice will include: (1) all of the positions designated as Mandatory Reporters; (2) when a Mandated Reporter must report child abuse or suspected child abuse; (3) how the Mandated Reporter is to report the information; and (4) the ramifications for not reporting child abuse or suspected child abuse.

CHAPTER 2 Mandatory Reporters

2.0 Introduction. Public Law 101-630 (codified in 25 U.S.C. 3203 § 1169) and Public Law 101-647 (codified in 42 U.S.C. § 13031) require that specific individuals working in fields that come into contact with children who know or have a reasonable suspicion that a child was abused in Indian country, Federal land or federally operated facility must immediately report such abuse. This chapter covers the requirements for Mandatory Reporters.

2.1 Positions Designated as Mandatory Reporters.

2.1.A The following are the positions that are designated as Mandatory Reporters within OIEP:

- Teachers
- School counselors
- Instructional aides
- Teacher's aides
- Teacher's assistants
- Bus drivers
- Administrative officers
- Child welfare and attendance supervisors
- Truancy officers
- Child day care workers
- Psychiatrists
- Psychologists
- Psychological assistants
- Licensed or unlicensed marriage, family, or child counselors

2.1.B Additional Mandated Reporters that may have an impact on OIEP positions include:

- Nurses/physicians/surgeons
- Dentists/dental hygienists
- Optometrists
- Medical examiners
- EMTs/paramedics
- Health care providers
- Headstart teachers
- Public assistance workers
- Group home, day care, residential workers
- Social workers
- Mental health personnel
- Law enforcement officers
- Probation officers
- Juvenile rehabilitation or detention workers
- Personnel responsible for enforcing laws and judicial orders

2.1.C Persons engaged in the following professions and activities are also subject to the mandatory reporting of child abuse or suspected abuse:

- Alcohol or drug treatment personnel;
- Persons performing a healing role or practicing the healing arts;
- Guidance personnel;
- School officials, i.e., anyone who has management oversight of a school; and
- School administrators, i.e., anyone working in an official capacity at a school

2.1.D In addition to the positions and activities specifically identified in sections 2.1.A through 2.1.C, all Federal employees and contractor employees within OIEP also have a duty to report any reasonable suspicion of child abuse for any Indian child for which they have responsibility.

2.2 Reporting Requirements. Mandated Reporters who learn of facts that give reason to suspect that a child has suffered an incident of child abuse; know or have a reasonable suspicion that a child was abused in Indian country; OR know that actions are being taken OR will be taken that would reasonably be expected to result in the abuse of a child in Indian country, MUST immediately contact local law enforcement, local child protective services or the Indian Country Child Abuse Hotline. The hotline number is 1-800-633-5155.

Chapter 3, Child Abuse Reporting Process, covers specifically how a Mandated Reporter is to report such information within the OIEP.

2.3 Failure to Report Child Abuse.

Mandated Reporters who, while engaged in a professional capacity or activity on Federal land or in federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in Public Law 101-630 and Public Law 101-647, and fails to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to \$5,000 and/or imprisoned up to 6 months in jail.

Any supervisor or person in authority who inhibits or prevents a Mandated Reporter from making a report may be fined up to \$5,000 and/or imprisoned up to 6 months in jail.

In instances where it has been determined that an OIEP employee has failed to report child abuse as required, OIEP management will take disciplinary action against the employee up to and including removal. OIEP management will also take action against employees who fail to report child abuse in a timely manner. Timely is defined as within the timeframes established in Chapter 3.

CHAPTER 3 Child Abuse Reporting Protocol

3.0 Introduction. It is mandated that all knowledge of or suspected child abuse be reported to the local law enforcement agency or to child protection services. However, the incident that is being reported must meet the definitions of child abuse contained within Public Law 101-630 and Public Law 101-647 to be considered “abuse”. Since 1998, when the Child Protection Handbook was released, numerous reports of suspected occurrences of child abuse have been documented. The seriousness of these reports of alleged child abuse varied greatly. There were reports as serious as sexual molestation to as minimal as an employee engaging in discourteous verbal conduct involving a student. All of these reports were reported to local law enforcement and child protection services, regardless of the severity of the occurrences, and were treated with the same degree of seriousness. As a result, a large number of these reports were unsubstantiated or were found not to meet the definitions of child abuse in accordance with Public Law 101-630 and Public Law 101-647. Additionally, due to the large volume of reports, local law enforcement/child protective services took additional time completing investigations.

To address this issue, OIEP has developed seriousness levels as a tool for management to ensure that all incidents that may negatively impact children continue to be documented, but at the same time ensure that only the incidents that meet the definitions of child abuse are reported to law enforcement or child protection authorities. OIEP will also begin using Administrative Inquiry Teams in order to assist management in ensuring the SCAN Reports are completed accurately and at the correct levels. The Administrative Inquiry Teams will provide needed information and recommendations to assist management in making prompt decisions as to whether or not the individual may be a threat to Indian children. This chapter covers the procedures and logistics for reporting child abuse and/or suspected child abuse within OIEP.

3.1 Reporting Format – SCAN Report. The Suspected Child Abuse/Neglect Report, *Revised December 2005*, shall be used for documenting all incidents of suspected child abuse within OIEP. The report will be referred to as the “SCAN Report” (See *Appendix C*.) A report of suspected abuse is the equivalent of a request for an investigation by local law enforcement and/or child protection authorities. The actual investigation is the lawful assessment by an authorized individual to determine if a harmful condition exists involving a minor and what emergency action should be undertaken for the safety of the minor. OIEP’s role is to ensure the suspected child abuse is reported in a manner that is clear and as accurate as possible so that an investigation can be initiated by the proper authorities.

A SCAN Report will be completed when a Mandated Reporter, while engaged in a professional capacity or activity, learns of facts that give reason to suspect that a child has suffered an incident of child abuse. The Mandated Reporter does not have to prove the suspected child abuse has occurred when making a report, but they must describe the behavior or physical signs that led them to suspect a child was abused. Persons who make a report of child abuse based upon their reasonable belief and in good faith are immune from civil and criminal liability. The Mandated Reporter will contact their immediate supervisor and work with their supervisor to complete the report. The report must be completed within the Mandated Reporter’s regularly scheduled workday and the SCAN Report must be submitted/distributed to the proper OIEP officials in the timeframes established in this Chapter. The specific reporting timeframes are identified in 3.4 of this chapter and specific instructions on how to complete the SCAN Report are contained in *Appendix D*.

If the suspected abuser is the Mandated Reporter's immediate supervisor or if the Mandated Reporter has concerns about reporting directly to their immediate supervisor they may submit the SCAN Report directly to the OIEP Security Office.

3.2 Categorizing Types of Abuse. Child abuse can take many forms, however, there are four major types of abuse that must be reported. When completing a SCAN Report it is crucial that the individual completing the report indicates the specific type of abuse for which they have knowledge of or suspicion of. For reporting purposes, any knowledge of or suspicion of sexual abuse, physical abuse, emotional abuse, or physical and/or emotional neglect, must be documented and if the abuse meets the definitions outlined in Public Law 101-630 and/or Public Law 101-647, the abuse must be reported to the proper law enforcement and child protection authorities.

The definition of abuse can vary depending on the perspective of the individual. However, Public Law 101-630 and Public Law 101-647 define 'abuse' as follows:

Public Law 101-630 Definitions. Any case in which a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and such conditions that are not justifiably explained or may not be the product of an accidental occurrence; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution.

Child abuse does include child neglect. Child neglect includes but is not limited to negligent treatment or maltreatment of a child by a person, including a person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened.

A 'child' is defined as an individual that is not married, and has not attained 18 years of age.

Public Law 101-647 Definitions. The term "child abuse" means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. The term "child abuse" shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty. Additionally, the following definitions are provided:

- The term "physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;
- The term "mental injury" means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;
- The term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;
- The term "sexually explicit conduct" means actual or simulated – (1) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the

genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person; (2) bestiality; (3) masturbation; (4) lascivious exhibition of the genitals or pubic area of a person or animal; or (5) sadistic or masochistic abuse;

- The term "exploitation" means child pornography or child prostitution;
- The term "negligent treatment" means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child.

3.3 Establishing Seriousness Levels. There are three seriousness levels that have been developed with Level 1 being the most serious and Level 3 being the least. Also see *Appendix E* for Reportable Incident Tables.

3.3.A Level 1 - In situations where it is clear that abuse or suspected abuse has occurred and the circumstances meet the definition of child abuse and/or the circumstance poses an immediate danger or short-term threat to a child, the incident will be considered a "Level 1" incident. Level 1 incidents include, but are not limited to:

- Any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, sexually explicit conduct, or prostitution;
- Evidence of physical injury such as severe skin bruising and/or bleeding after being struck, thrown, or treated inappropriately;
- Evidence of burns, fracture of any bone, subdural hematoma (head injuries), soft tissue swelling, and/or such conditions that are not justifiably explained or may not be the product of an accidental occurrence;
- Confirmed or suspected malnutrition or failure to thrive;
- Confirmed or suspected fighting, threatening, or inflicting bodily harm on a student;
- Any situation that is comparable in nature to the examples and situations identified above.

3.3.B Level 2 - Incidents that occur in which it is not clear if the situation meets the definition of "abuse" and/or the circumstance poses a near- or long-term threat to a child and/or includes physical contact, will be considered a "Level 2" incident. Level 2 incidents require an official opinion from BIA Law Enforcement Services. Level 2 incidents include, but are not limited to:

- Corporal punishment, defined as punishment administered by an adult to the body of a child ranging in severity from a slap to a spanking;
- Incidents of grabbing or pushing a child, grabbing a child by their clothing, or pulling a child's hair.
- Child appears to be treated in a neglectful way such as clothing inappropriate; lack of needed medical and/or dental care;
- School-age child (1st – 6th grade) left without adequate supervision for extended periods during day or night such as periods exceeding 2 hours or overnight (time of day and reason child is left alone must be taken into consideration);
- Pre-school child left without any supervision;
- Any situation that is comparable in nature to the examples and situations identified above.

3.3.C Level 3 - Incidents that occur that do not meet the definitions of “abuse” where no physical contact took place will be considered a “Level 3” incident. Level 3 incidents include, but are not limited to:

- OIEP employee engaged in discourteous conduct involving a student, such as using inappropriate language, making inappropriate comments of a non-sexual manner, calling names, insulting or humiliating a child, shouting, cursing;
- Rude, boisterous play that adversely affect production, discipline, or morale of student;
- Use of abusive, demeaning, degrading, or insulting language;
- Quarreling or inciting to quarrel;
- Any situation that is comparable in nature to the examples and situations identified above.

3.3.D Incidents that do not meet the definition of child abuse but are criminal in nature should be reported directly to local law enforcement. These incidents are not reported through the SCAN Report, however, if OIEP employees are involved in such incidents they shall also be reported to the Employee/Labor Relations Section and OIEP Security Services in writing via an interoffice memorandum. Examples of criminal incidents include, but are not limited to:

- Confirmed or suspected drinking with, transferring, or selling intoxicants to students on or off OIEP/government premises;
- Confirmed or suspected transferring or selling marijuana, narcotics, or dangerous drugs to students on or off OIEP/ government premises;
- Confirmed or suspected transferring or selling prohibited items such as cigarettes to students on or off OIEP/ government premises;
- Any situation that is comparable in nature to the examples and situations identified above.

3.4 Reporting to Law Enforcement and Child Protection Services. Reference is made in PL 101-630 that all incidents or suspected incidents of child abuse must be reported to Law Enforcement or Child Protection Services *immediately*. PL 101-647 states that the reports shall be made to the proper authorities *timely*. Immediately and timely are not defined in either Public Law, therefore, OIEP has defined the reporting times based on the seriousness level and to ensure consistency of reporting. Additionally, the Public Laws mandate that either local law enforcement or child protection authorities be notified of an incident of suspected child abuse. It is the policy of OIEP that all reports of suspected child abuse will be made to local law enforcement and child protection authorities. The following must be adhered to by all OIEP Mandated Reporters:

3.4.A Level 1 Incidents.

3.4.A(1) Notification to Local Law Enforcement – The Mandated Reporter working with their Principal/Education Line Officer and/or Administrative Inquiry Team must notify their Local Law Enforcement Agency of the incident within one hour of completing pages 1 through 4 of the SCAN Report. They must indicate on page 5 of the SCAN Report specifically which law enforcement agency they contacted, the name of the person they contacted, their title, and their telephone number. The notification must be initiated verbally and followed up in writing by forwarding, via facsimile, pages 1 through 4 of the SCAN Report to the local law enforcement agency. Due to the confidential information contained on the SCAN Report, all SCAN Reports that are faxed must have a coversheet identifying the contents as administratively restricted and that unauthorized use is prohibited. Prior to faxing the SCAN Report, it must be confirmed that the fax

number is correct and the intended recipient is available to pick up the facsimile transmission.

3.4.A(2) Notification to Child Protective Services - The Mandated Reporter working with their Principal/Education Line Officer and Administrative Inquiry Team must also notify their local child protective services of the incident within one hour of completing pages 1 through 4 of the SCAN Report. They must indicate on page 5 of the SCAN Report specifically which child protection agency they contacted, the name of the person they contacted, their title, and their telephone number. The notification must be initiated verbally and followed up in writing by forwarding, via facsimile, pages 1 through 4 of the SCAN Report to the child protective services. Due to the confidential information contained on the SCAN Report, all SCAN Reports that are faxed must have a coversheet identifying the contents as administratively restricted and that unauthorized use is prohibited. Prior to faxing the SCAN Report, it must be confirmed that the fax number is correct and the intended recipient is available to pick up the facsimile transmission.

3.4.A(3) Documentation – Once the SCAN Report is closed and the SCAN Closure Notification completed, the school/agency will forward the official file for the SCAN Report to the OIEP Security Office. The school will maintain a copy of the SCAN report. The official file should include but is not limited to:

- SCAN report (pages 1-5);
- Request for Review Memorandum to Law Enforcement Services (if utilized);
- Notification to Alleged Offender;
- Administrative Inquiry Team Recommendation Memorandum;
- Follow-up Letter to Law Enforcement (if utilized);
- SCAN Closure Notification;
- Any direction received from local law enforcement and/or child protective services as a result of the submission of the SCAN Report;
- Copies of fax transmittals and receipts;
- Information obtained or developed by the Administrative Inquiry Team; and
- Victim/Witness/Alleged Offender's statements, etc.

3.4.B Level 2 Incidents.

3.4.B(1) Notification to Local Law Enforcement or BIA Law Enforcement – The Mandated Reporter working with their Principal/Education Line Officer and Administrative Inquiry Team, must request Local Law Enforcement or BIA Law Enforcement to review the merits of the SCAN Report and provide an official recommendation as to whether the incident rises to the level of child abuse as defined in Public Law 101-630 and/or Public Law 101-647. This request is accomplished by forwarding a Request for Review memorandum along with pages 1 through 4 of the SCAN Report to Local Law Enforcement or BIA Law Enforcement within 4 hours of completing pages 1 through 4 of the SCAN Report (*See Appendix F (Revised December 2005) for sample memorandum*). The notification should be sent via facsimile, and confirmation of receipt must be indicated on page 5 of the SCAN Report. Specifically, the name of the person contacted, their title, and their telephone number. Although the incident may be reported within 4 hours, the notification must be completed by the end of the Mandated Reporter's regularly scheduled work day.

3.4.B(2) Response from Local Law Enforcement or BIA Law Enforcement – Within 24 hours of receipt, Local Law Enforcement or BIA Law Enforcement will make a determination as to whether the incident meets the definition of child abuse in accordance with Public Law 101-630 and/or Public Law 101-647. Local Law Enforcement or BIA Law Enforcement will document their determination in writing and return their response to the submitting Principal/Education Line Officer.

3.4.B(2)(a) Notification to OIEP/BIA Designated Law Enforcement Representative – If a response is not received from Local Law Enforcement or BIA Law Enforcement within 24 hours, the Principal/Education Line Officer and/or Administrative Inquiry Team may forward the Request for Review memorandum (See Appendix F), along with pages 1 through 4 of the SCAN Report, to the OIEP/BIA Designated Law Enforcement Representative. The notification should be sent via facsimile to the attention of the OIEP/BIA Designated Law Enforcement Representative and confirmation of receipt of the Request for Review must be indicated on page 5 of the SCAN Report. In addition, the Request for Review memorandum requires the date and time of distribution to the OIEP/BIA Designated Law Enforcement Representative.

3.4.B(3) Notification to Local Law Enforcement or BIA Law Enforcement and Local Child Protection Services – If it is determined that the reported information meets the definitions of child abuse, notification will be made to the local law enforcement or BIA Law Enforcement and/or child protection services immediately upon receipt of the determination from Local Law Enforcement or BIA Law Enforcement and in the same manner as a Level 1 incident.

3.4.B(4) Notification to Employee/Labor Relations - If the situation does not meet the definitions of child abuse, the incident will be referred to the OIEP Employee/Labor Relations Section, Human Resources Office, or appropriate officials in the same manner as a Level 3 incident.

3.4.B(5) Documentation – Once the SCAN Report is closed and the SCAN Closure Notification completed, the school/agency will forward the official file for the SCAN Report to the OIEP Security Office. The school will maintain a copy of the SCAN report. The official file should include but not limited to:

- SCAN report (pages 1-5);
- Request for Review Memorandum to Law Enforcement Services (if utilized);
- Notification to Alleged Offender;
- Administrative Inquiry Team Recommendation Memorandum;
- Follow-up Letter to Law Enforcement (if utilized);
- SCAN Closure Notification;
- Any direction received from local law enforcement and/or child protective services as a result of the submission of the SCAN Report;
- Copies of fax transmittals and receipts;
- Information obtained or developed by the Administrative Inquiry Team; and
- Victim/Witness/Alleged Offender's statements, etc.

3.4.C Level 3 Incidents for OIEP Employees.

3.4.C(1). Notification to Employee/Labor Relations – The Mandated Reporter working with their Principal/Education Line Officer and Administrative Inquiry Team must notify OIEP Employee/Labor Relations of the incident within 24 hours of completing pages 1 through 4 of the SCAN Report.

3.4.C(2). Response from Employee/Labor Relations – Within 24 hours of receipt, Employee/Labor Relations will verbally contact the submitting Principal/Education Line Officer and advise them of the appropriate action that may be taken as a result of the conduct in question by the OIEP employee. Resulting action will be documented accordingly.

3.4.C(3). Documentation – Once the SCAN Report is closed and the SCAN Closure Notification completed, the school/agency will forward the official file for the SCAN Report to the OIEP Security Office. The school will maintain a copy of the SCAN report. The official file should include but not limited to:

- SCAN report (pages 1-5);
- Request for Review Memorandum to Law Enforcement Services (if utilized);
- Notification to Alleged Offender;
- Administrative Inquiry Team Recommendation Memorandum;
- Follow-up Letter to Law Enforcement (if utilized);
- SCAN Closure Notification;
- Any direction received from local law enforcement and/or child protective services as a result of the submission of the SCAN Report;
- Copies of fax transmittals and receipts;
- Information obtained or developed by the Administrative Inquiry Team; and
- Victim/Witness/Alleged Offender's statements, etc.

3.4.D Level 3 Incidents for non-OIEP Employees. The Principal/Education Line Officer will establish an official file for the SCAN Report. The Principal/Education Line Officer will take appropriate action for all students, volunteers, or others that were alleged to have been involved in a Level 3 incident. All documentation must be made a permanent part of the official file. The SCAN Report will remain open until resolution is made and documented.

3.4.E Changing of Seriousness Levels. Upon initial completion of the SCAN Report and after review by the Local Law Enforcement, Child Protection Services, BIA Law Enforcement, or Employee/Labor Relations, or after an administrative inquiry, if deemed necessary, seriousness levels may be changed to a higher or lower level. The Principal/Education Line Officer will ensure documentation of the seriousness level change is received and included in the official file for the SCAN Report and then will follow the notification requirements as appropriate.

3.5 Reporting to OIEP Management

3.5.A Level 1 Incidents – Upon completion of the SCAN Report and notification to Local Law Enforcement or BIA Law Enforcement and Child Protective Services, the responsible Principal/Education Line Officer must ensure the following distribution:

- Original SCAN Report is maintained in the official SCAN Report file;
- Copy to the Administrative Inquiry Team;

- Copy to responsible Education Line Officer; and
- Copy (Pages 1-5) to OIEP Security Services;

The distribution must be made by the end of the business day in which the SCAN Report was initiated. The distribution of the SCAN Report must be forwarded via facsimile and receipt confirmed. Due to the confidential information contained on the SCAN Report, all SCAN Reports that are faxed must have a coversheet identifying the contents as administratively restricted and that unauthorized use is prohibited. Prior to faxing the SCAN Report, it must be confirmed that the fax number is correct and the intended recipient is available to pick up the facsimile transmission.

3.5.B Level 2 Incidents – Upon completion of the SCAN Report and notification to Local Law Enforcement Agency/BIA Law Enforcement, the responsible Principal/Education Line Officer must ensure the following distribution:

- Original SCAN Report is maintained in the official SCAN Report file;
- Copy to the Administrative Inquiry Team;
- Copy to responsible Education Line Officer; and
- Copy (Pages 1-5) to OIEP Security Services;

The distribution must be made by the end of the business day in which the SCAN Report was initiated. The distribution of the SCAN Report must be forwarded via facsimile and receipt confirmed. Due to the confidential information contained on the SCAN Report, all SCAN Reports that are faxed must have a coversheet identifying the contents as administratively restricted and that unauthorized use is prohibited. Prior to faxing the SCAN Report, it must be confirmed that the fax number is correct and the intended recipient is available to pick up the facsimile transmission.

3.5.C Level 3 Incidents – Upon completion of the SCAN Report, the responsible Principal/Education Line Officer must ensure the following distribution:

- Original SCAN Report is maintained in the official SCAN Report file;
- Copy to the Administrative Inquiry Team;
- Copy to responsible Education Line Officer; and
- Copy (Pages 1-5) to OIEP Security Services;

The distribution must be made within 24 hours from the day in which the SCAN Report was initiated. The distribution of the SCAN Report must be forwarded via facsimile and receipt confirmed. Due to the confidential information contained on the SCAN Report, all SCAN Reports that are faxed must have a coversheet identifying the contents as administratively restricted and that unauthorized use is prohibited. Prior to faxing the SCAN Report, it must be confirmed that the fax number is correct and the intended recipient is available to pick up the facsimile transmission.

3.5.D. Upon receipt of the SCAN Report the responsible parties on the distribution list will initiate the following actions:

3.5.D(1) Administrative Inquiry Team. The team members will initiate an inquiry into the reported information contained in the SCAN Report as outlined in Chapter 4, Sections 4.4 through 4.5.

3.5.D(2) Education Line Officer. The Education Line Officer will ensure that the incident was reported in a timely manner, the appropriate authorities were notified, and SCAN Report contains all necessary information; and ensure the reporting Principal receives any additional support deemed necessary to address the incident. Any concerns will be addressed and resolved by the Education Line Officer.

3.5.D(3) OIEP Security Services. The designated security specialist will review merits of the incident and confirm the appropriate type of abuse was indicated, ensure the seriousness level is appropriate, log the SCAN Report into a tracking database. If the alleged offender is not an OIEP employee the SCAN Report will be filed in the school/agencies' physical security file. If the alleged offender is an OIEP employee the SCAN Report will be maintained in a suspense file until the case is resolved. The employee's official security file will also be pulled and an assessment as to whether the incident affects the employee's suitability will be made. Action will be taken as appropriate.

3.5.D(4) Employee/Labor Relations Team. The designated human resources specialist in concert with local management will make an assessment as to whether the incident affects the employee's status. Action will be recommended as appropriate. Notification of any disciplinary action taken will be provided to OIEP Security Services by the Employee/Labor Relations Team.

3.6 Confidentiality. All cases of child abuse allegations shall be treated within the guidelines of Federal laws protecting children, employees, and all parties involved. Confidentiality must be a priority throughout the process. The Mandated Reporter may remain anonymous, but in order to document that a Mandated Reporter did not fail to report child abuse in accordance with Federal law, and so that law enforcement and child protective services can contact the Mandated Reporter if they need additional information, a SCAN Report must be completed. The SCAN Report has a section regarding protecting the confidentiality of individuals involved. On the appropriate section, the Mandatory Reporter must indicate if they want their identity protected and initial their intent on the SCAN Report. If the Mandated Reporter indicates that they want their identity protected, a cover sheet indicating a protected source must be used to cover page 1 of the SCAN Report. (See *Appendix G for cover sheet*). The identity of all reported victims must always be protected and must not be disclosed to anyone who does not have a need to know. Individuals who have a need to know is limited to direct line supervisors of the individuals involved, Employee/Labor Relations staff, the Security Services staff, Law Enforcement representatives, and Child Protection Services personnel.

Even if the Mandated Reporter indicates that they do not want their identity protected, all SCAN Reports are considered "*Administratively Restricted*". Dissemination, distribution, copying, or unauthorized use of the information contained in the SCAN Report or official SCAN Report file is strictly prohibited. The identity of the person making a child abuse report will not be disclosed to individuals who do not have a need to know the information as part of their official duties without the written consent of the individual. However, an investigative agency (law enforcement or social services) may provide information, records and the name of the informant without written consent to a court of competent jurisdiction or an employee of a tribe, state or the Federal Government who needs to know the information in the performance of his/her duties.

CHAPTER 4 Post Report Action

4.0 Introduction. When an incident occurs that warrants a SCAN Report being completed, it is critical that the SCAN Report be completed accurately and that all the appropriate notifications are made. Of equal importance is the action that is taken after the SCAN Report has been completed. Depending on the seriousness, there is some action that must be taken almost simultaneously to completing the SCAN Report. This chapter discusses the action that is required immediately following the completion of a SCAN Report.

4.1 Protection of Involved Child. An initial assessment must be done by the Principal, Education Line Officer, or appropriate personnel at the time of the incident. The assessment would address whether there is a need for protection of the child and what action is required to ensure the protection and well-being of the child. Depending on the seriousness and the direction received from local law enforcement or child protection services action may include but is not limited to: medical attention, counseling services, removal or protective placement, contacting relatives, etc. All arrangements to protect the child shall be made immediately in conjunction with law enforcement and child protection services.

4.2 Mandatory Segregation. An employee against whom an allegation of child abuse has been raised, will be immediately segregated from the child involved. The employee will also be immediately removed from contact with or control over all children and placed on administrative leave. The employee will be advised that they must be available for contact by local law enforcement, child protection services, the Principal/Education Line Officer and/or the member of an Administrative Inquiry Team as part of the post report action.

A non-employee with an OIEP agreement or contract such as a contractor or consultant, against whom an allegation of child abuse has been raised, will be immediately segregated from the child involved. The individual will also be immediately removed from contact with or control over all children indefinitely until the incident is resolved. The individual will be advised that they must be available for contact by local law enforcement, child protection services, the Principal/Education Line Officer and/or the member of an Administrative Inquiry Team as part of the post report action.

A non-employee not directly associated with OIEP such as a volunteer, relative, vendor, visitor, against whom an allegation of child abuse has been raised, will be immediately segregated from the child involved. The individual will also be immediately removed from contact with or control over all children and denied any unescorted privileges to OIEP facilities indefinitely until the incident is resolved. These precautions need not be taken if the individual has no contact with children for whom OIEP is responsible or if the allegations of abuse occurred on non-Federal property during a non-Federally sponsored activity.

Students against whom an allegation of child abuse has been raised will be handled in accordance with the procedures already in place at the school.

4.3 Notification to Alleged Offender. Employees against whom allegations of child abuse have been raised, must be notified in writing of the allegation and the resulting actions that will be taken. The notification of the allegation will include the date of the SCAN Report, the type of abuse alleged, the seriousness level, a brief summary of the allegation, and the role of the Administrative Inquiry Team. (*See Appendix H for sample letter*). A copy of the notification to the alleged offender will be provided to OIEP Security Services. The resulting actions refer to the mandatory segregation, the expected duration of administrative leave, if the allegations are

substantiated the possibility that the SCAN Report may result in action that may impact their employment status and/or their suitability to work with children.

Non-employees with OIEP agreements or contracts such as contractors or consultants, against whom allegations of child abuse have been raised, must be notified in writing of the allegation and the resulting actions that will be taken. The notification of the allegation will include the date of the SCAN Report, the type of abuse alleged, the seriousness level, a brief summary of the allegation, and the role of the Administrative Inquiry Team. The resulting actions refer to the mandatory segregation, expected duration of denial of contact or control over children, if the allegations are substantiated the possibility that the SCAN Report may result in action that may impact their volunteer/employment status and/or their suitability to work with children.

Non-employees not directly associated with OIEP such as volunteers, relatives, vendors, visitors, against whom allegations of child abuse have been raised, will not be issued any notices in writing unless deemed necessary by the Principal/Education Line Officer.

Students against whom allegations of child abuse have been raised, will be handled in accordance with the procedures already in place at the school.

4.4 Administrative Inquiry Teams. The goal of the Administrative Inquiry Team is to assist management in ensuring the school continues to function in an efficient and effective way without further impact on the involved child or any additional children.

4.4.A Purpose of Administrative Inquiry Team. The purpose of an Administrative Inquiry Team is to review the merits of the SCAN Report and the information reported, and conducts a preliminary inquiry so that they can make recommendations to management. The Administrative Inquiry Team will not conduct an investigation of the incident. Investigations shall be left to law enforcement authorities and/or child protection services.

4.4.B Composition of Administrative Inquiry Team. The team will be comprised of at least three individuals who have been appointed to the team by the Education Line Officer. It is at the discretion of the Education Line Officer to determine who will be on their Administrative Inquiry Teams for their area. However, the Education Line Officer must ensure that the team members are properly trained and are available to each school so that they can initiate an inquiry immediately following the completion of a SCAN Report. Each team member will have been trained in conducting administrative inquiries, understanding the guidelines for recommending the return of individuals to their positions, and the development of proactive measures to prevent reoccurrences of child abuse and incidents that negatively impact children.

4.5 Preliminary Inquiry.

4.5.A. A preliminary inquiry will be conducted as follows:

- As soon as the Principal/Education Line Officer becomes aware of an incident that requires the completion of a SCAN Report they must notify the members of the Administrative Inquiry Team that a SCAN Report has been initiated.
- As many team members that are available will convene and at the completion of pages 1-4 of the SCAN Report the team member(s) will review the merits of the incident. Education Line Officers must ensure that a contingency plan is devised to ensure coverage when Administrative Inquiry Team members are out of the office or on leave.

- The Administrative Inquiry Team will independently confirm the appropriate type of abuse indicated on the SCAN Report, confirm that the seriousness level is appropriate, ensure the SCAN Report was fully completed, and ensure all the proper notifications were made.
- If deemed necessary, the team members may collect additional information to assist management with administrative decisions and to ensure the SCAN Report is complete. Additional information may include but is not limited to the collection of names of witnesses, collection or clarification of statements from the alleged offender, and/or victim, etc. In order for an investigation to be initiated from the SCAN Report, it is important that as much information as possible be provided about the suspected child abuse and/or harmful condition. The team members will not investigate the allegations, but ensure all the required information is provided on the SCAN Report. The Administrative Inquiry Team will also coordinate with Employee/Labor Relations and/or Security Services, if deemed necessary.
- At the conclusion of the preliminary inquiry, the team will make recommendations to the Principal/Education Line Officer relating to the specific SCAN Report. The recommendations must address returning the individual to their position and proactive measures to prevent a similar incident from occurring in the future. The Administrative Inquiry Team has a maximum of three working days to complete their inquiry. However, the recommendations should be made as expeditiously as possible. Disciplinary action, if warranted, should be determined by Management. Managers considering disciplinary action should consult with Employee/Labor Relations.

4.5.B Although administrative inquiries will be conducted for contractors and consultants, administrative inquiries will not be conducted on non-employees not directly associated with OIEP such as volunteers, relatives, vendors, or visitors. In these cases, the Principal/Education Line Officer will take action to ensure the child involved is safe and the individual is denied access to children for which OIEP is responsible.

CHAPTER 5 Post Inquiry Action

5.0 Introduction. The actions that are taken after the administrative inquiry, directly impact the management's goal to ensure that the school continues to function in an efficient and effective way without further impacting the involved child or any additional children. This chapter addresses the actions that must be taken to meet this goal and to make timely decisions regarding the alleged offender.

5.1 Recommendations from Administrative Inquiry Team. The Administration Inquiry Team will document their recommendations on a standardized memorandum format (*Appendix I*). The memorandum will confirm the type of alleged abuse, seriousness level, and document their findings. Finally, the memorandum will include the Administrative Inquiry Team's proposed proactive and/or corrective measures to prevent a similar incident from occurring in the future. The memorandum will be forwarded to the Principal/Education Line Officer and OIEP Security Services within three working days from the day the inquiry was initiated.

5.2 Action Taken After Administrative Inquiry Team Recommendations. Upon receipt of the recommendations from the Administrative Inquiry Team the Principal/Education Line Officer will take the following action:

5.2.A Level 1 Incidents.

5.2.A(1) Law Enforcement Follow-up - The Principal/Education Line Officer will issue a letter to the Local Law Enforcement agency to which the original SCAN Report was reported. The follow-up letter will request a status of the reported case. (*See Appendix J for sample form letter*). If no investigation has been initiated or a report is not yet completed, Principal/Education Line Officer will document the current status of the investigation in the official file. The Principal/Education Line Officer will issue follow-up letters on a weekly basis until resolution.

5.2.A(2) Child Protective Services Follow-up - Once a report has been forwarded to Child Protection Services, no follow-up action will be pursued by OIEP.

5.2.A(3) Follow-up Action for OIEP Employees - A copy of the Administrative Inquiry Team's recommendation(s) will be forwarded to Employee/Labor Relations Section, Human Resource Office, for advice and consultation on appropriate administrative action required. An additional copy of the recommendation(s) will be forwarded to OIEP Security Services for logging/tracking and inclusion in the employee's security file. OIEP Security Services will review the information and take appropriate action regarding suitability if deemed necessary.

5.2.A(4) Follow-up Action for Non-Employees (Contractor/Consultants) - A copy of the recommendation(s) will be forwarded to OIEP Security Services for logging/tracking and inclusion in the individual's security file. OIEP Security Services will review the information and take appropriate action regarding suitability if deemed necessary. Copies may be forwarded to the Contracting Officer for advice and consultation on appropriate administrative action required, if deemed necessary.

5.2.A(5) Contact with Children Considerations – If law enforcement indicates that prosecution is likely or imminent, the individual will be temporarily assigned to a position that does not have contact with or control over Indian children or remain on administratively leave until official charges are filed. Upon receipt of a notice that the individual has been indicted or otherwise officially charged with an offense in which imprisonment may be imposed, an indefinite suspension and/or removal action will be initiated. If law enforcement notifies management that the allegations are unfounded, the employee may be returned to duty after consultation with Employee/Labor Relations and OIEP Security Services. It is noted, that administrative action may still be required to be taken for employee misconduct. Additionally, the employee's conduct although it may not have risen to the level of a violation of law may still have impact on the individual's suitability for the position they occupy.

For individuals who have been on administrative leave due to a SCAN Report for more than five days, the following will be applied: 1) Probationary Employees - The Principal/Education Line Officer may take action to terminate the employee during their probation period if the decision is considered in the best interest of OIEP; and 2) Non-Probationary Employees – The employee may be detailed indefinitely to another position as long as the employee does not have contact with or control over Indian children. These actions are at the sole discretion of the Principal/Education Line Officer, however, those employees who have an unresolved SCAN Report and have been deemed a threat to children requiring prolonged administrative leave or administrative detail, shall not have their contract renewed.

5.2.B Level 2 Incidents.

5.2.B(1) Local Law Enforcement or BIA Law Enforcement Follow-up - If a response is not received from Local Law Enforcement or BIA Law Enforcement within 24 hours follow procedures outlined in Chapter 3 Section 3.4.B(2)(a).

5.2.B(2) Follow-up Action for Employees - A copy of the Administrative Inquiry Team's recommendations will be forwarded to Employee/Labor Relations for advice and consultation on appropriate administrative action required. An additional copy of the recommendations will be forwarded to OIEP Security Services for logging/tracking and inclusion in the employee's security file. OIEP Security Services will review the information and take appropriate action regarding suitability, if deemed necessary.

5.2.B(3) Follow-up Action for Non-Employees - A copy of the recommendations will be forwarded to OIEP Security Services for logging/tracking and inclusion in the individual's security file. OIEP Security Services will review the information and take appropriate action regarding suitability if deemed necessary. Copies may be forwarded to the Contracting Officer for advice and consultation on appropriate administrative action required, if deemed necessary.

5.2.B(4) Contact with Children Considerations – If Local Law Enforcement or BIA Law Enforcement indicates that the reported conduct meets the definitions of child abuse, the individual will be temporarily assigned to a position that does not have contact with or control over Indian children or remain on administratively leave until law enforcement can initiate an investigation and official charges are filed. Upon receipt of a notice that the individual has been indicted or otherwise officially charged with an offense in which imprisonment may be imposed, an indefinite suspension and/or removal action will be

initiated. If law enforcement notifies management that the allegations are unfounded, the employee may be returned to duty after consultation with Employee/Labor Relations and OIEP Security Services. It is noted, the employee's conduct although it may not have risen to the level of a violation of law may still have impact on the individual's suitability for the position they occupy.

If Local Law Enforcement or BIA Law Enforcement indicates that the conduct does not meet the definitions of child abuse Employee/Labor Relations will be consulted on the appropriate administrative action. It is noted, that administrative action may still be required to be taken for employee misconduct. Additionally, the employee's conduct although it may not have risen to the level of a violation of law may still have impact on the individual's suitability for the position they occupy. However, if the individual is not considered a threat to children, the individual may be returned to their position pending any possible administrative or suitability action.

5.2.C Level 3 Incidents.

5.2.C(1) Follow-up Action for Employees - A copy of the Administrative Inquiry Team's recommendation(s) will be forwarded to Employee/Labor Relations for advice and consultation on appropriate administrative action required. An additional copy of the recommendations will be forwarded to OIEP Security Services for inclusion in the employee's security file. OIEP Security Services will review the information and take appropriate action regarding suitability, if deemed necessary.

5.2.C(2) Follow-up Action for Non-Employees - A copy of the recommendations will be forwarded to OIEP Security Services for inclusion in the individual's security file. OIEP Security Services will review the information and take appropriate action regarding suitability if deemed necessary. Copies may be forwarded to the Contracting Officer for advice and consultation on appropriate administrative action required, if deemed necessary.

5.2.C(3) Contact with Children Considerations – If the individual is not considered a threat, the individual may be returned to their position pending any possible administrative or suitability action.

5.3 Continuous Tracking of SCAN Reports through Closure. OIEP Security Services is the function that is responsible for tracking SCAN Reports through closure. Upon initial receipt of a SCAN Report, OIEP Security Services will log the SCAN Report into a tracking database. On a weekly basis the status of SCAN Reports will be reviewed. Any SCAN Reports that do not meet the action timelines outlined in Chapter 3 will be reported to the appropriate Education Line Officer.

5.4 Closing a SCAN Report and Notification to Alleged Offender. A closure notification will be issued to the individual against whom an allegation of child abuse was raised (*Appendix K*). The notification will be issued in person so that the Principal/Education Line Officer can go over the contents of the notification with the individual. The individual will sign a receipt page to document that they were informed of the closure of the SCAN Report. The signature receipt along with a copy of the notification will be included in the official SCAN Report file and a copy forwarded to OIEP Security Services. This final action closes the SCAN Report. If administrative or proactive action is proposed or corrective action is required that affects the

employee, it is the responsibility of the Principal/Education Line Officer to ensure that any of these action(s) are acted upon and followed through.

CHAPTER 6 Training

6.0 Introduction. To ensure that the child protection procedures are implemented properly and that all OIEP employees understand their responsibilities as Mandated Reporters, training will be conducted on a regularly scheduled basis.

6.1 Awareness Training. Each OIEP employee will receive information (See Appendix L for sample) advising them of the requirements of their positions to include the reporting of child abuse or suspected child abuse. The OIEP employee will receive this information upon a tentative offer of employment and annually thereafter.

6.2. Mandated Reporters. All OIEP employees whose positions have been designated as a Mandated Reporter must attend a briefing on the requirements of this designation. The Mandated Reporters will receive the briefing upon hiring and annually at the beginning of each school year. Attendance is mandatory and will be documented through employee signature of attendance rosters. The documentation of attendance will be maintained by the Principal/Education Line Officer. Any employee who refuses to attend the training will have appropriate administrative action taken against them.

6.3 Supervisory Positions. All OIEP school supervisors must attend briefings on the requirements of Mandated Reporters and the responsibilities of supervisors. The training will include the proper completion of SCAN Reports and the follow-up procedures. Upon completion of the briefings the supervisors will be qualified to administer the briefings to their employees on the requirements of Mandated Reporters. The supervisors will receive the briefing upon hiring and annually prior to the beginning of each school year. Attendance is mandatory and will be documented through certificates that will be issued to attendees. The documentation of attendance will be maintained by the Education Line Officer for schools and the Deputy Director's Office for agencies. Any employee who refuses to attend the training will have appropriate administrative action taken against them.

6.4 Administrative Inquiry Team Members. All individuals that have been designated as an Administrative Inquiry Team Member must attend Administrative Inquiry Training. The training will include the proper completion of SCAN Reports, inquiry procedures, and the development of proactive and corrective action recommendations. Team members are prohibited from conducting administrative inquiries until they have successfully completed the training. The training will be offered annually. The documentation of attendance will be maintained by the Education Line Officer for schools and the Deputy Director's Office for agencies.