

BUREAU OF INDIAN EDUCATION

# Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol

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Revised 2009



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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 the BIA (Bureau of Indian Affairs) and Tribes in administering their reporting requirements. However, since 1998, the Indian Child Protection and Family Violence Prevention Act 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) to increase accountability. As the program developed it became apparent that child abuse reporting had a significant impact on employee suitability. It was determined that the BIE (Bureau of Indian Education) 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 were also needed. The Bureau of Indian Education (BIE) Requirements and Protocol for Reporting Suspected Child Abuse/Neglect (SCAN Protocol) was developed specific to the BIE 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 supersede.

To further BIE's relationships particularly with grant & contract schools, more consistent implementation of the BIE Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting is necessary. It is therefore recommended that this protocol applies to all, including 638-Contract Schools. Specific step-by-step procedures for managers and principals; consistent reporting formats & what was being reported; and requirements for follow-up action were developed. These procedures will be followed by all bureau-operated schools as well as all grant and contract schools.

### 1.1 Legal 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 Responsibilities

Each BIE employee will receive notice of their responsibilities as a Mandated Reporter of child abuse upon initial employment and annually thereafter. The notification will be in written form and the employee will sign that they received a copy of the notice. At a minimum, the notice will include: (1) all 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 (*Appendix C*).

## CHAPTER 2 Mandatory Reporting

### 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

The following are the positions that are designated as Mandatory Reporters within BIE:

- 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

Additional Mandated Reporters that may have an impact on BIE positions include:

- Nurses/physicians/surgeons
- Dentists/dental hygienists
- Optometrists
- Medical examiners
- EMTs/paramedics
- Health care providers
- Head Start teachers
- Public assistance workers
- Group home, day care, residential workers
- House parent/dorm staff
- 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.A. 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.B. In addition to the positions and activities specifically identified in the above sections, all Federal employees and contractor employees within BIE 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.

## 2.3 Failure to Report

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 BIE employee has failed to report child abuse as required, BIE management will take disciplinary action against the employee to include removal. BIE 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 6.

## Chapter 3: Types of Abuse

### 3.0 Introduction

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 or suspicion. 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. Public Law 101-630 and Public Law 101-647 define 'abuse' as follows:

#### 3.1 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.

#### 3.2 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 Reportable Incidents

The BIE established two distinct categories for reporting with SCAN as the more serious and Incident Report as the least.

3.3.A. SCAN - Where it is clear that abuse or suspected abuse has occurred **to a student by anyone** 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 SCAN which includes but is 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.

Also, allegations that are not clear that they meet the definition of "abuse" and/or the circumstance poses a near- or long-term threat to a child, which may include physical contact, are also considered SCAN reports. They 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, assaulting a child, or pulling a child's hair in such a way that is harmful and/or intentional. Only those incidents exercised to ensure a child's safety are considered safety measures therefore are not reportable offenses.
- Lack of parental supervision/care:
  - Child appears to be treated in a neglectful way such as clothing inappropriate; lack of needed medical and/or dental care;
  - School-age child (1<sup>st</sup> – 6<sup>th</sup> 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) -- this could apply to students in the dormitory.

- Pre-school child left without any supervision.

3.3.B. Employee Incident Report – Activities that occur that do not meet the definitions of “abuse” where no physical contact occurred and which involve employees are considered an “Incident”. This includes but is not limited to:

- BIE 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, etc.
- As stated in 62 BIAM 9.12...“Corporal punishment of all kinds, and solitary confinement, or anything which smacks of imprisonment calculated to bring shame and humiliation upon pupils, is prohibited and may be made the basis for charges with a view to possible dismissal”.

3.3.C. Other. Incidents that do not meet the definition of child abuse but are criminal in nature should be reported directly to local law enforcement. If BIE employees are involved in such incidents they shall also be reported to the BIE Program Specialist (SCAN) in writing via an interoffice memorandum, and who will coordinate appropriately with Employee/Labor Relations Section. Examples of criminal incidents include, but are not limited to:

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

3.3.D. When an allegation of sexual abuse has been raised against another student, it will be filed immediately as a formal SCAN report. All other abuse cases will be handled in accordance with the procedures already in place at the school.

## Chapter 4 Child Abuse Reporting Summary

### 4.0 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 report 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.

The BIE developed a tool for Management to ensure 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. BIE also began using Administrative Inquiry Teams (AIT, to be discussed in Chapter 5) to assist management to ensure SCAN Reports are accurate and complete. AITs provide needed information and recommendations to assist management in making prompt decisions regarding whether an individual may be a threat to Indian children.

### 4.1 Reporting Format – SCAN Report

The Suspected Child Abuse/Neglect Report, *Revised in 2009*, is used for documenting incidents of suspected child abuse within the BIE. The report will be referred to as the “SCAN Report” (*Appendix D*) along with supporting documents; electronic forms are available at the BIE website. A report of suspected abuse is the equivalent of a request to 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 child. The BIE’s role is to ensure the suspected child abuse is reported in a manner that is clear and as accurately as possible so an investigation is initiated by proper authorities.

When a SCAN Report is filed, it is critical that the report be completed accurately and all appropriate notifications made accordingly. Of equal importance is the action taken after the SCAN Report has been completed. Depending on the seriousness, some action must be taken almost simultaneously to completing the SCAN Report.

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 but they must describe the behavior or physical signs that led them to suspect a child has been 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. If the alleged offender 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 BIE Program Specialist (SCAN) Office. The

report must be completed within the Mandated Reporter's regularly scheduled workday and the SCAN Report must be submitted to the BIE Program Specialist (SCAN) Office within the established timeframes. This includes those reports that are non-staff related. The timeframes for reporting are identified in Chapter 6 and specific instructions on how to complete the SCAN Report.

#### 4.2 Reporting Format – Employee Incident Report

The Employee Incident Report form (*Appendix E*) will be used to document non-physical incidents involving employee(s). The Principal/Administrator will intervene immediately to establish the validity of the report and resolve the issue(s) at the lowest level and as expeditiously as possible. A copy of the initial report with follow-up information must still be submitted to the Program Specialist (SCAN).

#### 4.3 Administrative Reporting Responsibilities

4.3.A. *BIE Program Specialist (SCAN)*. The Program Specialist (SCAN) will review the merits of the incident and confirm the appropriate type of abuse is indicated; maintain the SCAN Tracking Database; take appropriate follow-up action; and serve as the point-of-contact for all Child Protective Services and Law Enforcement Agencies, ELO and School Safety Specialists regarding all reports.

4.3.B. *Education Line Officer (ELO)*. The ELO will ensure that the incident is reported in a timely manner, the proper authorities notified; the SCAN Report contains all necessary information, and ensure the reporting Principal/Administrator receives support necessary to address the incident. Other concerns will be addressed and resolved by the ELO.

4.3.C. *Employee/Labor Relations Team*. The designated human resources specialist in concert with local management will make an assessment regarding whether the incident affects the employee's status. Follow-up action will be recommended and carried out appropriately. Copies of written notification of any disciplinary action will be provided to the BIE Program Specialist (SCAN) by the Employee/Labor Relations staff. Grant-Contract Schools may coordinate with their respective Human Resource rules & staff to make such determination and/or intervention. It is recommended that the established BIE SCAN Reporting Protocol be utilized as a guide for reporting.

#### 4.4 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 that section, the Mandatory Reporter must indicate whether 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 & Employee Incident Report (*Appendix F*). 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 are limited to direct line supervisors of the individuals involved, Employee/Labor Relations staff, the Program Specialist (SCAN), School Safety Specialists, 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*”. 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, as part of their official duties, will not be disclosed to individuals who do not have a need to know without 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.

#### 4.5 Bad Faith Reporting

A BIE employee who knowingly files a false report will be addressed accordingly by Management. Where a conflict-of-interest arises between employees, the Principal/Administrator will intervene and take all proper action(s) to resolve. There is no immunity from civil or criminal liability for Bad Faith Reporting and associated action.

#### 4.6 Protection of Involved Child

An initial assessment must be completed by the Principal/Administrator, ELO, and/or appropriate personnel at the time of the incident. The assessment will 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 instruction received from local law enforcement or child protection services, action may include, but not be 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.

#### 4.7 Mandatory Segregation

4.7.A. An employee who has had a SCAN report filed against them will immediately be removed from contact with or control over all children by re-assignment to another position; if that is not possible, the individual will be placed on administrative leave until clearance is established. If the employee is placed on administrative leave, they will be advised that they must be available at any time for contact by local law enforcement, child protections services and/or the respective Principal/Administrator.

4.7.B. For Employee Incident Reports, segregation is based on circumstances which are to be reviewed on an individual basis by the Principal/Administrator. A meeting between the Principal/Administrator and Human Resources may be convened immediately to determine the need for segregation with removal temporary pending an inquiry. Such cases should be handled administratively first by the Principal/Administrator with Human Resources, as needed. Written notification(s) should be issued immediately with copies forwarded to the Program Specialist (SCAN).

4.7.C A non-employee with an BIE 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 and/or the Principal/ Administrator as part of the post report process.

4.7.D A non-employee not directly associated with BIE 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 BIE facilities indefinitely until the incident is resolved. These precautions need not be taken if the individual has no contact with children for whom BIE is responsible or if the allegations of abuse occurred on non-Federal property during a non-Federally sponsored activity.

#### 4.8 Notification to Alleged Offender

An employee against whom an allegation of child abuse has been raised, must be notified in writing of the allegation and the resulting actions to occur. This notification [SCAN (*Appendix G*) or Employee Incident (*Appendix L*)] will include the date of the SCAN Report, the type of abuse alleged, a brief summary of the allegation, the resulting actions. The role of the AIT will only be included in SCAN case notifications. The resulting actions refer to the mandatory segregation, the expected duration of administrative leave, the possibility that the SCAN Report may result in action that may impact their employment status and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of the closure of the SCAN Report. A copy of the notification to the alleged offender will be provided to the BIE Program Specialist (SCAN) for filing.

Non-employees with BIE 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 to be taken. The notification of the allegation will include the date of the SCAN Report, the type of abuse alleged, a brief summary of the allegation, and the role of the AIT. 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 BIE (e.g., volunteers, relatives, vendors, visitors, etc.) against whom allegations of child abuse have been raised, will not be issued any notices in writing unless deemed necessary by the Principal/Administrator.

#### 4.9 Continuous Tracking of SCAN Reports through Closure

The BIE Program Specialist (SCAN) is responsible for tracking SCAN Reports through closure. Upon initial receipt of a SCAN Report, the BIE Program Specialist (SCAN) will log the SCAN Report into a tracking database and monitor it as needed. 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 6 will be reported to the appropriate ELO.

#### 4.10 Closing a SCAN Report and Notification to Alleged Offender

A closure notification [SCAN (*Appendix H*) & Employee Incident (*Appendix M*)] will be issued by the Principal/Administrator to the employee against whom an allegation of child abuse was raised. The notification will be issued in person so the Principal/Administrator can review the contents of the notification with the employee. The employee 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 with a copy forwarded to the BIE Program Specialist (SCAN). 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/Administrator to ensure these action(s) are carried out.

## Chapter 5 Administrative Inquiry Team

5.0 Goal of Administrative Inquiry Teams (AIT). The goal of the AIT is to assist management in ensuring the school continues to function efficiently and effectively without further impact on the involved child or any other children.

5.1 Purpose of Administrative Inquiry Team. The purpose of an AIT is to review the merits of the SCAN Report, review the information for completeness and provide recommendations to management when a BIE employee is involved. The AIT *will not* conduct investigation of any incident. Investigation is the responsibility of law enforcement authorities and/or child protection services.

5.2 Composition of Administrative Inquiry Team. The AIT will be comprised of at least three professional state licensed individuals (when possible) who have been appointed by the Principal/Administrator. It is at the discretion of the Principal/Administrator to determine who will serve on their AIT for their respective school. Further, it is recommended that by September 30 of each year, the ELO will ensure the respective Principal/Administrator has appointed three members to the AIT with the goal of appointing two new members annually to ensure as many staff as possible are familiar with the SCAN reporting procedures. The ELO, and/or the respective Principal/Administrator, will determine when to convene the AIT. These meetings may be best convened after-school unless warranted immediately. The ELO must ensure that the team members are properly trained and available so they can initiate an immediate inquiry following the completion of a SCAN Report. The AIT will be trained in conducting administrative inquiries, understanding the guidelines for recommending return of employees to their positions, and the development of proactive measures to prevent reoccurrences of child abuse/incidents that negatively impact children. This could occur concurrently with management's training as provided regularly by the BIE staff. The Principal/Administrator will coordinate with Employee/Labor Relations and/or the BIE Program Specialist (SCAN) as necessary.

The Administrative Inquiry Team will:

- Strictly adhere to confidentiality when addressing specific cases.
- Independently confirm the appropriate type of abuse indicated on the SCAN Report when a BIE employee is involved.
- Confirm the SCAN Report form is fully completed.
- Ensure all the proper notifications are made within stated timeframes.
- Gather additional information to ensure the SCAN Report is complete. Additional information may include but is not limited to collection of names of witnesses, collection and/or clarification of written statements from the alleged offender, and/or victim, etc. The team members will not investigate the allegations but ensure all the required information is provided on the SCAN & Employee Incident Report forms.

5.3 Preliminary Inquiry. A preliminary inquiry will be conducted as follows:

- Immediately after the Principal/Administrator becomes aware of an incident that requires the completion of a SCAN Report involving a BIE employee, they must notify the members of the AIT 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. The ELO must ensure that a contingency plan is devised to ensure coverage when AIT members are out of the office or on leave.

- Gather information utilizing the same tools as other team members. Further, all notes & other forms of documentation that is gathered during an inquiry will be submitted to the Principal/Administrator immediately after an inquiry is completed.
- At the conclusion of the preliminary inquiry, the AIT will make recommendations to the Principal/Administrator 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. It is recommended a minimum of three working days for the AIT to complete their inquiry; however, *24 hours* is preferred.

#### 5.3.A. Administrative Inquiry Team for Non-BIE Employees

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

#### 5.4 Recommendations from Administrative Inquiry Team (AIT)

The AIT will document their recommendations on a standardized memorandum format to the Principal/Administrator (*Appendix I*). The memorandum will confirm the type of alleged abuse and document other findings. The memorandum will also include the AIT's proposed proactive and/or corrective measures to prevent a similar incident from occurring in the future. Copies of the memorandum will be forwarded to the Principal/Administrator and BIE Program Specialist (SCAN) within three working days from the day the inquiry was initiated.

## Chapter 6 Reporting Procedures

6.0 Introduction. This section covers the procedures and logistics for reporting child abuse and/or suspected child abuse within BIE.

### 6.1 SCAN Reports involving a BIE Employee

- A. When a SCAN case is identified, all precise & pertinent information regarding the case will be obtained by the employee who made the initial contact with the child, and who has the information first-hand -- this employee is therefore deemed the designated mandatory reporter. The employee, working with the Principal/Administrator will ensure that pages 1 through 4 of the SCAN Report are completed thoroughly as soon as possible but no later than 24 hours after the disclosure of the incident, and with as much information as possible.
- B. The Principal/Administrator will convene the AIT to:
1. Notify Local Law Enforcement ***within one hour*** of the mandatory reporter completing pages 1 through 4 of the SCAN form. The AIT must ensure page 5 (Tracking of Notifications) of the SCAN Report is thoroughly completed and it clearly indicates specific contact information for law enforcement -- the name of the person contacted, their title, telephone number, and the dates these occurred. If a Law Enforcement report number is available, it should also be included on page 5.
    - Notification must be initiated verbally and followed-up in writing by faxing pages 1 through 5 of the SCAN Report utilizing the designated SCAN FAX Cover Sheet (Appendix J). It must be confirmed that the fax number is correct and the intended recipient is available to receive the facsimile transmission.
  2. Notify Child Protective Services ***within one hour*** of the mandatory reporter completing pages 1 through 4 of the SCAN Report. The AIT must ensure page 5 (Tracking Notification) of the SCAN Report is thoroughly completed and clearly indicates the specific Child Protective agency contacted -- the name of the person contacted, their title, telephone number, and the dates these occurred.
    - Notification must be initiated verbally and followed-up in writing by faxing pages 1 through 4 of the SCAN Report utilizing the designated SCAN FAX Cover Sheet (Appendix J). It must be confirmed that the fax number is correct and the intended recipient is available to receive the facsimile transmission.
  3. Notify the Program Specialist (SCAN) immediately & submit a copy of the SCAN Report to the Program Specialist (SCAN) office for review and the appropriate logging/tracking and follow-up action as necessary.
- C. The Program Specialist (SCAN) will notify Human Resources Dept. (BIE) ***within the***

**same day** by submitting a copy of the SCAN Report to the appropriate Employee/Labor Relations staff for advice and consultation on appropriate administrative action required.

- D. **Within 24 hours of receipt**, Employee/Labor Relations will verbally contact the submitting Principal/Administrator and advise them of the appropriate action that may be taken as a result of the conduct in question by the BIE employee. Resulting action will be documented accordingly.
- E. The Program Specialist (SCAN) will inform the School Safety Specialists who will inform the respective ELO of the report within 24 hours.
- F. The School Safety Specialists will verbally notify/inform the appropriate Associate Deputy Director and apprise them of serious SCAN reports.
- G. If/when a copy of the report is requested, the BIE Program Specialist (SCAN) will make the necessary distribution.
- H. Upon completion of all notifications, the Principal/Administrator will ensure the original SCAN Report is maintained in the official SCAN Report file at the school.
- I. The Principal/Administrator will issue Notification to Alleged Offender (*Appendix G*) to an employee against whom an allegation of child abuse has been raised; the written notification addresses the allegation and the resulting actions to occur. It further includes the date of the SCAN Report, the type of abuse alleged, and the resulting actions and the role of the AIT. 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. The employee will sign a receipt page to document that they were informed of the notice of the SCAN Report. A copy of the notification to the alleged offender will be provided to the BIE Program Specialist (SCAN) for filing.
  - Non-employees with BIE agreements or contracts such as contractors, consultants or volunteers, against whom allegations of child abuse have been raised, must be notified in writing of the allegation and the resulting actions to be taken. The notification of the allegation will include the date of the SCAN Report, the type of abuse alleged and a brief summary of the allegation. 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 BIE (e.g., relatives & visitors) against whom allegations of child abuse have been raised, will not be issued any notices in writing unless deemed necessary by the Principal/Administrator.
- J. Pending the outcome of the report, the Principal/Administrator will ensure the employee is re-assigned with no contact with children as a first option, and Administrative Leave as an alternative, until clearance is established.

- K. If law enforcement indicates that prosecution is likely or imminent, the employee will remain in re-assignment, or remain on administrative leave until official charges are filed. Upon receipt of a notice that the individual has been indicated or otherwise officially charged with an offense in which imprisonment may be imposed, an indefinite suspension and/or removal action will be initiated.
- The employee's official security file will also be pulled and an assessment made regarding whether the incident affects the employee's suitability.
- L. If law enforcement notifies management that the allegations are unsubstantiated, the Principal/Administrator will return the employee to duty after consultation with Employee/Labor Relations and BIE Program Specialist (SCAN). However, administrative action may still be required 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.
- M. The Principal/Administrator will issue a Notification of Closure to Alleged Offender (*Appendix H*) to the employee against whom an allegation of child abuse was raised after law enforcement notification. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee 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 with a copy forwarded to the BIE Program Specialist (SCAN). 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/Administrator to ensure these action(s) are carried out.
- N. For individuals who have been on Administrative Leave due to a SCAN Report for more than five days, the following will apply:
1. Probationary Employees - The Principal/Administrator may take action to terminate the employee during their probation period if the decision is considered in the best interest of the BIE.
  2. Non-Probationary Employees – The employee may be detailed pending an investigation to another position as long as the employee does not have contact with or control over children. Contract employees who have an unresolved SCAN Report and have been deemed a threat to children requiring prolonged Administrative Leave or administrative detail, may not have their contract renewed.
- O. If follow-up with Law Enforcement is necessary, the Principal/Administrator will issue a written letter referencing the original SCAN Report that was filed. The Follow-up Letter to Law Enforcement Services (*Appendix K*) requests a status of the report. If no investigation has been initiated or a report is not yet completed, the Principal/Administrator will document the current status of the investigation in the official file. The Principal/Administrator will issue follow-up letters on a weekly basis until it is resolved with copies forwarded to the Program Specialist (SCAN).
- P. The Program Specialist (SCAN), or their designee, will be the **only** contact with all Child Protective Service Agencies.

- Q. When the SCAN Report is closed and the SCAN Closure Notification form is completed, the Principal/Administrator will forward the official SCAN file to the BIE SCAN Office which serves as the official repository for SCAN files. The official file should include but is not limited to:
1. SCAN report (pages 1-5);
  2. Request for Review Memorandum to Law Enforcement Services (if utilized);
  3. Notification to Alleged Offender;
  4. Follow-up Letter to Law Enforcement (if utilized);
  5. SCAN Closure Notification;
  6. Any direction received from local law enforcement and/or child protective services as a result of the submission of the SCAN Report;
  7. Copies of fax transmittals and receipts;
  8. Information obtained or developed by the AIT; and
  9. Victim/Witness/Alleged Offender's statements, etc.
- R. If a temporary file, also known as suspense file exists at the school, the Principal/Administrator will ensure it is destroyed after the SCAN case is closed; such files should not be maintained after case closure. The file will be forwarded to the BIE Program Specialist (SCAN) for review and final disposition.

## 6.2 SCAN Reports involving a non-BIE Employee

1. When a SCAN case is identified, all precise & pertinent information regarding the case will be obtained by the employee who made the initial contact with the child -- this employee is therefore deemed the designated mandatory reporter. The employee, working with their Principal/Administrator will ensure that pages 1 through 4 of the SCAN Report are completed thoroughly.
2. The Principal/Administrator will along with the Mandated Reporter will:
  1. Notify Local Law Enforcement **within one hour** of the mandatory reporter completing pages 1 through 4 of the SCAN form. The Principal/Administrator must ensure page 5 (Tracking Notification) of the SCAN Report is thoroughly completed and clearly indicates contact information at law enforcement -- the name of the person contacted, their title, telephone number and the dates these occurred.
    - a. Notification must be initiated verbally and followed-up in writing by faxing pages 1 through 5 of the SCAN Report utilizing the designated SCAN FAX Cover Sheet (Appendix J). It must be confirmed that the fax number is correct and the intended recipient is available to receive the facsimile transmission.
  2. Notify Child Protective Services **within one hour** of the mandatory reporter completing pages 1 through 4 of the SCAN Report. The Principal/Administrator must ensure page 5 of the SCAN Report is thoroughly completed and clearly indicates the specific Child Protective agency contacted -- the name of the person contacted, their title, telephone number, and the dates these occurred.

- a. Notification must be initiated verbally and followed-up in writing by faxing pages 1 through 4 of the SCAN Report utilizing the designated SCAN FAX Cover Sheet (Appendix J). It must be confirmed that the fax number is correct and the intended recipient is available to receive the facsimile transmission.
  - b. Once a report has been forwarded to Child Protective Services, no follow-up action is pursued by BIE.
3. Notify the Program Specialist (SCAN) immediately by phone & submit a copy of the SCAN Report to the Program Specialist (SCAN) office for review the appropriate logging/tracking and who will take action, as necessary.
  4. Upon completion of all notifications, the Principal/Administrator will ensure that the original SCAN Report is maintained in the official SCAN Report file at the school.
  5. Follow-up for Non-Employees (Contractor/Consultants) - A copy of the report will be forwarded to the BIE Program Specialist (SCAN) for logging/tracking, further review and who will take appropriate action as necessary. Copies may be forwarded to the Contracting Officer for advice and consultation on appropriate administrative action required, if deemed necessary.

#### 6.3 SCAN Reports involving a Grant-Contract School Employee

- A. When a SCAN case is identified, the established BIE Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol shall be utilized as a guide for reporting. This includes ensuring all precise & pertinent information regarding the case be obtained by the employee who made the initial contact with the child and who has the information first-hand -- this employee is therefore deemed the designated mandatory reporter. The employee, working with the Principal/Administrator will ensure that pages 1 through 4 of the SCAN Report are completed thoroughly.
- B. Notify the Program Specialist (SCAN) immediately by phone & submit a copy of the SCAN Report to the Program Specialist (SCAN) office for review the appropriate logging/tracking and who will take action, as necessary.

#### 6.4. Employee Incident Reports

1. When an incident is identified, all precise & pertinent information regarding the case will be obtained by the employee who made the initial contact with the child and who has the information first-hand – the employee is therefore deemed the designated mandatory reporter. The employee, working with the Principal/Administrator will ensure that the Employee Incident Report Form (*Appendix E*) is completed thoroughly.
2. The Principal/Administrator will notify the BIE Program Specialist (SCAN) immediately & submit a copy of the SCAN Report for review, the appropriate logging/tracking and follow-up take action as necessary.
3. The BIE Program Specialist (SCAN) will notify BIE Employee/Labor Relations of the

incident within 24 hours of completing the Employee Incident Report Form.

4. Employee/Labor Relations will contact the submitting Principal/Administrator within 24 hours of receipt and advise them of the appropriate action that may be taken as a result of the conduct in question by the BIE employee. Resulting action will be documented accordingly.
5. The Principal/Administrator will issue Notification to Alleged Offender (*Appendix L*) to an employee against whom an Incident was raised; the written notification addresses the allegation and the resulting actions to occur. It further includes the date of the Employee Incident Report, the type of incident alleged, a brief summary of the allegation, the resulting actions and the role of the Principal/Administrator.
  - The resulting actions refer to the mandatory segregation, expected duration of administrative leave, if warranted, the possibility that the Employee Incident Report may result in action that may impact their employment status and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of the notification of the Employee Incident Report. A copy of this notification will be provided to the BIE Program Specialist (SCAN) for filing.
6. Principal/Administrator will coordinate with Employee/Labor Relations for advice and consultation on appropriate administrative action required. A copy of the recommendations will be forwarded to the BIE Program Specialist (SCAN) for review and take appropriate action as necessary.
7. If the Principal/Administrator determines the allegations are unsubstantiated, the employee will be returned to duty after consultation with Employee/Labor Relations and BIE Program Specialist (SCAN). However, administrative action may be required for employee misconduct, if warranted. 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.
8. The Principal/Administrator will issue a Notification of Closure to Alleged Offender (*Appendix M*) to the employee against whom an Employee Incident allegation was raised after the appropriate intervention. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to document that they were informed of the closure of the Employee Incident Report. The signature receipt along with a copy of the notification will be included in the official Employee Incident Report file and forwarded to the BIE Program Specialist (SCAN). This final action closes the Employee Incident Report. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Principal/Administrator to ensure these action(s) are carried out.
9. When the Employee Incident Report is closed and the closure notification completed, the Principal/Administrator will forward the official file to the BIE SCAN Office which serves as the official repository for Incident files. The official file should include but is not limited to:
  - A. Employee Incident Report Form

- B. Notification to Alleged Offender
  - C. Closure Notification
  - D. Copies of fax transmittals and receipts
  - E. Victim/Witness/Alleged Offender's statements, etc.
10. If a temporary file, also known as suspense file, exists at the school, the Principal/Administrator will ensure it is destroyed after the Employee Incident is closed; such files should not be maintained after case closure. The file will be forwarded to the BIE Program Specialist (SCAN) for review and final disposition.

6.5 *Non-BIE Employee Incident Reports*

The Principal/Administrator will establish an official file for the Incident Report. The Principal/Administrator will take appropriate action for all students, volunteers, or others that were alleged to have been involved in an Incident. All documentation must be made a permanent part of the official file. The Incident Report will remain open until resolution is made and documented.

- a. A copy of the recommendations will be forwarded to the BIE Program Specialist (SCAN). The BIE Program Specialist (SCAN) will review the information and take appropriate action as necessary. Copies may be forwarded to the Contracting Officer for advice and consultation on appropriate administrative action required, if deemed necessary.



## CHAPTER 7            Training

7.0    Introduction. Training will be conducted on a regularly scheduled basis to ensure child protection procedures are implemented properly and all BIE employees understand their responsibilities as Mandated Reporters.

7.1    Awareness Training. Every BIE employee will receive Notification of Responsibilities Form (Appendix C) advising them of the requirements of their positions to include child abuse or suspected child abuse reporting, Mandated Reporting responsibilities, the penalties for non-reporting, etc. BIE employees will receive this information upon a tentative offer of employment and annually thereafter.

7.2    Mandated Reporters. All BIE employees whose positions have been designated as a Mandated Reporter must attend a re-orientation on the requirements of this designation upon hiring and annually thereafter, preferably at the beginning of each school year. Attendance is mandatory and will be documented through employee signature of attendance rosters & through certificates that will be issued to attendees. The documentation of attendance will be maintained by the Principal/Administrator. If an employee refuses to attend such training, the appropriate corrective action will be taken.

7.3    Supervisory Positions. All BIE school supervisors must attend trainings pertaining to Mandated Reporters requirements and responsibilities of supervisors to include the proper completion of SCAN Reports and the follow-up procedures upon hire and annually thereafter, prior to each school year. Supervisors will then be qualified to administer trainings to their employees on Mandated Reporters requirements. Attendance is mandatory and will be documented through certificates that will be issued to attendees. Training & documentation will be maintained by the ELO for schools and the Deputy Director's Office for agencies. If an employee refuses to attend such training, the appropriate corrective action will be taken.

7.4    Administrative Inquiry Team. All individuals designated as Administrative Team members must attend annual AIT Training to receive information on the proper completion of SCAN Reports, follow-up and the development of proactive and corrective action recommendations. The AIT will then be responsible for providing ongoing training to the school board and Parent Action Committee (PAC) on an as-needed basis. Team members are prohibited from participating in AIT activities until they have successfully completed the training. The documentation of attendance will be maintained by the ELO for schools and the Deputy Director's Office for agencies.

## **Appendix 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*

## **Sec. 3203. - Reporting procedures**

**(a)** Omitted

**(b)** Notification of child abuse reports

**(1)** When a local law enforcement agency or local child protective services agency receives an initial report from any person of -

**(A)** the abuse of a child in Indian country, or

**(B)** actions which would reasonably be expected to result in abuse of a child in Indian country, the receiving agency shall immediately notify appropriate officials of the other agency of such report and shall also submit, when prepared, a copy of the written report required under subsection (c) of this section to such agency.

**(2)** Where a report of abuse involves an Indian child or where the alleged abuser is an Indian and where a preliminary inquiry indicates a criminal violation has occurred, the local law enforcement agency, if other than the Federal Bureau of Investigation, shall immediately report such occurrence to the Federal Bureau of Investigation.

**(c)** Written report of child abuse

**(1)** Within 36 hours after receiving an initial report described in subsection (b) of this section, the receiving agency shall prepare a written report which shall include, if available -

**(A)** the name, address, age, and sex of the child that is the subject of the report;

**(B)** the grade and the school in which the child is currently enrolled;

**(C)** the name and address of the child's parents or other person responsible for the child's care;

**(D)** the name and address of the alleged offender;

**(E)** the name and address of the person who made the report to the agency;

**(F)** a brief narrative as to the nature and extent of the child's injuries, including any previously known or suspected abuse of the child or the child's siblings and the suspected date of the abuse; and

**(G)** any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse.

**(2) (A)** Any local law enforcement agency or local child protective services agency that receives a report alleging abuse described in section 3202(3) [11](#) of this title shall immediately initiate an investigation of such allegation and shall take immediate, appropriate steps to secure the safety and well-being of the child or children involved.

**(B)** Upon completion of the investigation of any report of alleged abuse that is made to a local law enforcement agency or local child protective services agency, such agency shall prepare a final written report on such allegation.

**(d)** Confidentiality of informant

The identity of any person making a report described in subsection (b)(1) of this section shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or an employee of an Indian tribe, a State or the Federal Government who needs to know the information in the performance of such employee's duties

**Sec. 2258. - Failure to report child abuse**

A person who, while engaged in a professional capacity or activity described in subsection (b) of section 226 of the Victims of Child Abuse Act of 1990 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, as defined in subsection (c) of that section, and fails to make a timely report as required by subsection (a) of that section, shall be guilty of a Class B misdemeanor

## **Appendix B**

Public Law 101-647, (Codified in 42 United States Code 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*

## **Sec. 13031. - Child abuse reporting**

### **(a)** In general

A person who, while engaged in a professional capacity or activity described in subsection (b) of this section 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 under subsection (d) of this section.

### **(b)** Covered professionals

Persons engaged in the following professions and activities are subject to the requirements of subsection (a) of this section:

**(1)** Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.

**(2)** Psychologists, psychiatrists, and mental health professionals.

**(3)** Social workers, licensed or unlicensed marriage, family, and individual counselors.

**(4)** Teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, and school administrators.

**(5)** Child care workers and administrators.

**(6)** Law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees.

**(7)** Foster parents.

**(8)** Commercial film and photo processors.

### **(c)** Definitions

For the purposes of this section -

**(1)** the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;

**(2)** the term "physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;

**(3)** 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;

**(4)** 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;

**(5)** the term "sexually explicit conduct" means actual or simulated -

**(A)** 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;

**(B)** bestiality;

**(C)** masturbation;

**(D)** lascivious exhibition of the genitals or pubic area of a person or animal; or

**(E)** sadistic or masochistic abuse;

**(6)** the term "exploitation" means child pornography or child prostitution;

**(7)** 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; and

**(8)** 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.

**(d)** Agency designated to receive report and action to be taken

For all Federal lands and all federally operated (or contracted) facilities in which children are cared for or reside, the Attorney General shall designate an agency to receive and investigate the reports described in subsection (a) of this section. By formal written agreement, the designated agency may be a non-Federal agency. When such reports are received by social services or health care agencies, and involve allegations of sexual abuse, serious physical injury, or life-threatening neglect of a child, there shall be an immediate referral of the report to a law enforcement agency with authority to take emergency action to protect the child. All reports received shall be promptly investigated, and whenever appropriate, investigations shall be conducted jointly by social services and law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.

**(e)** Reporting form In every federally operated (or contracted) facility, and on all Federal lands, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but its use shall not take the place of the immediate making of oral reports, telephonically or otherwise, when circumstances dictate.

**(f)** Immunity for good faith reporting and associated actions

All persons who, acting in good faith, make a report by subsection (a) of this section, or otherwise provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith. If a person is sued because of the person's performance of one of the above functions, and the defendant prevails in the litigation, the court may order that the plaintiff pay the defendant's legal expenses. Immunity shall not be accorded to persons acting in bad faith.

**(g)** Omitted

**(h)** Training of prospective reporters

All individuals in the occupations listed in subsection (b)(1) of this section who work on Federal lands, or are employed in federally operated (or contracted) facilities, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children

Awareness Information



## **CHILD ABUSE/NEGLECT REPORTING AND MANDATED REPORTERS IN THE BUREAU OF INDIAN EDUCATION**

The Bureau of Indian Education (BIE), Requirements and Protocol for Reporting Suspected Child Abuse/Neglect (SCAN) provides that each BIE employee will receive notice of their responsibilities as a Mandated Reporter of child abuse upon initial employment and annually thereafter. Chapter 1 states, in part, that the notice will include all positions designated as Mandated reporters, when a Mandated Reporter must report child abuse or suspected child abuse, how the Mandated Reporter is to report the information, and the ramifications for not reporting child abuse or suspected child abuse. Further, Chapter 6 states, in part, that each BIE employee will receive information advising them of the requirements of their positions to include the reporting of child abuse or suspected child abuse. The information will be provided upon a tentative offer of employment, and annually thereafter. Finally, all BIE employees whose positions have been designated as a Mandated Reporter will receive a briefing on the requirements of this designation upon hiring and annually at the beginning of each school year.

The information sheet is designed to provide notice, information and training for Mandated Reporters in BIE. It also satisfies the requirement for employees to receive written information regarding their responsibilities as Mandated Reporters.

### **Mandated Reporters**

The following positions are designated as an impact on BIE Positions - Mandated Reporters within BIE:

- \* Teachers      \* Nurses/Physicians/Surgeons
- \* School Counselors      \* Dentists/Dental Hygienists
- \* Instructional Aides      \* Optometrists
- \* Teacher's Aides      \* Medical Examiners
- \* Teacher's Assistants      \* EMTs/Paramedics
- \* Bus Drivers      \* Health Care Providers
- \* Administrative Officers      \* Head Start Teachers
- \* Child Welfare & Attendance Supervisors \* Public Assistance Workers
- \* Truancy Officers      \* Group Home, Day Care, Residential Workers, House Parent/dorm staff
- \* Child Day Care Workers      \* Social Workers
- \* Psychiatrists      \* Mental Health Personnel
- \* Psychologists      \* Law Enforcement Officers
- \* Psychological Assistants      \* Probation Officers
- \* Licensed or Unlicensed Marriage, Family \* Juvenile Rehabilitation or Detention Workers  
or Child Counselors      \* Personnel responsible for enforcing laws and  
Judicial orders

Persons engaged in the following professions and activities are also subject to the mandated 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 or at a school); and School Administrators, (i.e., anyone working in an official capacity at a school).

Finally, in addition to the positions and activities specifically identified above, all Federal employees, contractor employees within BIE also have a duty to report any reasonable suspicion of child abuse for any Indian child for which they have responsibility.

### **Child Abuse and Neglect – Definitions**

“CHILD” means any person who is not married and has not attained 18 years of age.

“CHILD ABUSE” includes but is not limited to 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 condition is 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 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 that indicate that the child's health or welfare is harmed or threatened thereby.

**“FAILURE TO REPORT CHILD ABUSE”**

Mandated Reporters who fail 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. Furthermore, 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 is determined that an BIE employee has failed to report child abuse as required, BIE management reserves the right to impose administrative and/or disciplinary action against the involved employees, up to and including removal.

**Public Law 101-630**, as amended (Codified in 25 USC 3203 § 1169), *Indian Child Protection and Family Violence Prevention Act*, 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 child protective services agency or local law enforcement agency. Public Law 101-630 also specifically identifies positions designated as Mandated Reporters, outlines the penalties for Mandated reporters who fail to immediately report such abuse or actions described to 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.

**Public Law 101-647**, (Codified in 42 USC § 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.

**THE BOTTOM LINE?** If you work in any capacity, in any organization, within the Bureau of Indian Education, **YOU ARE A MANDATED REPORTER.**

In addition to the Federal laws described in this information sheet, every state, most tribes, and the BIA have laws, ordinances, or policies which make it mandatory that every person/employee report suspicions or any occurrence of child abuse and/or neglect. A report of the suspected abuse is only a request for an investigation or inquiry. The person making the report does not need to prove the abuse. Investigation and validation of child abuse reports are the responsibilities of law enforcement and child protective services. If additional incidents of suspected abuse occur after the initial report has been made, a Mandated Reporter must make another report.

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 (1-800-633-5155).

In addition, BIE has established specific procedures and guidelines for mandated reporters to follow when reporting such information within BIE. Those procedures are found in the *BIE Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol*. This Protocol is available from your Education Line Office, Principal/Administrator, Administrative Inquiry Team Members, the BIE Human Resources Office, or the BIE Web Page at: <http://enan.bia.edu/home.aspx>

**Resources for Mandated Reporters** BIE Website: <http://enan.bia.edu/home.aspx>  
Download program documents and you may also contact the Program Specialist (SCAN) at (505) 563-5290 or (505) 917-1742 to obtain additional information.

I \_\_\_\_\_ received this Notification of Responsibilities on \_\_\_\_\_.  
Print Name Date  
\_\_\_\_\_  
Employee Signature Date  
\_\_\_\_\_  
Supervisor’s Name – Print Supervisor’s Signature Date

Suspected Child Abuse/Neglect (SCAN) Reporting Form

## Suspected Child Abuse/Neglect Report (SCAN)

<b>Report Date:</b>		<b>Report Time:</b>
<b>SCHOOL INFORMATION</b>		
1. Reporting School:		2. School Supervisor:
3. School Phone No.:		4. Responsible Education Line Officer:

<b>PERSONAL INFORMATION OF VICTIM</b>					
5. Last Name:		First Name:		Middle Initial:	6. Census No.:
7. SSN:	8. DOB:	9. Age:	10. Grade:	11. Sex:	
12. Check Suspected Abuse:					
<input type="checkbox"/> Physical Abuse		<input type="checkbox"/> Emotional Abuse		<input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Neglect	
13. Describe Physical Indicators of Abuse:					
14. Name of Parent(s) , Guardian, Custodian:				15. Relation to Victim:	
16. Contact Telephone Number of Parents, Guardian, or Custodian:					
17. Complete Mailing Address:			18. Physical Location of Residence:		
(attach map, if applicable)					

<b>ALLEGED OFFENDER INFORMATION:</b>	
19. Full Name of Alleged Offender:	
21. If BIE Employee, Position Title:	
22. Contact Information for Alleged Offender:	
Day Telephone: (     )	Address or Physical Location:
23. Location of alleged incident:	24. Date of alleged incident:
	25. Time of alleged incident:
26. Full Names and telephone numbers of potential witness(es):	
20. Alleged Offender's Position/Status	
<input type="checkbox"/> <b>BIE Employee</b> <input type="checkbox"/> <b>BIE Contractor/Consultant</b> <input type="checkbox"/> <b>Volunteer *</b> <input type="checkbox"/> <b>Relative, _____</b> <span style="margin-left: 150px;">Specify</span> <input type="checkbox"/> <b>Other, _____</b> <span style="margin-left: 150px;">Specify</span> <input type="checkbox"/> <b>Student **</b>	
** Refer to school/agency policies and procedures for any alleged offenders under the age of 19 or classified as a student.	

<b>MANDATORY REPORT INFORMATION:</b>	
27. Full Name and Title of Mandatory Reporter Reporting Above Incident:	
28. Signature: _____ Date: _____	
29. Full Name of School Supervisor/Education Line Officer or Designee:	
30. Signature: _____ Date: _____	
31. Has Mandatory Reporter Requested Protection of their Identity? <input type="checkbox"/> YES <input type="checkbox"/> NO	
32. Initials of Mandatory Reporter: _____	

**INFORMATION REGARDING THE INCIDENT**

*(Please type or print clearly the following information.)*

33. Describe how you became aware of the incident:

34. Describe the specific incident:

*(NOTE: Mandated Reporters do not have to prove abuse when making a report, but must describe the behavior or physical sign that led the Mandated Reporter to believe the child was abused.)*

35. Did the alleged abuser physically touch the victim in any way?

**NO**       **YES**    If yes, describe specifically the physical contact.

36. Was Medical Treatment Required?

**NO**       **YES**    If yes, indicate action taken:

Victim was taken for medical care by school staff for an evaluation and/or medical treatment  
 Ambulance was contacted for immediate medical attention.  
 Other. Explain action taken:

**ATTACHMENTS**

- Continuation pages, if required
- Statement from victim, witness, alleged offender, etc.
- Other (must describe attachment): \_\_\_\_\_  
\_\_\_\_\_

**Distribution:**

Original to SCAN Case File  
 Copies to Appropriate Authority (*Law Enforcement, Child Protective Services and BIE Program Specialist*)

**CONFIDENTIALITY AGREEMENT**

**To be read and signed by Mandated Reporter**

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee' duties.

**By signing this agreement, I understand that:**

1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
2. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Suspected Child Abuse and/or Neglect Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

---

Signature of Mandated Reporter

Position/Title

Date

**Witnessed by:**

---

Signature of School Supervisor, Education Line Office, or Designee

Date

**Tracking of Notifications**

**Note:** Contact to Law Enforcement and Child Protection Services should be made immediately.  
 All contact is to be made verbally and followed-up in writing by faxing pages 1-4 of the SCAN Report.  
 Contact does not have to be made to all agencies identified under law enforcement or social services/child protection services, only those required for your school.

**LAW ENFORCEMENT NOTIFICATION (Only indicate actual law enforcement agency contacted):**

AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact	Written Contact
Tribal:			
FBI:			
BIA Law Enforcement:			
Local/State/Other:			

**IF APPLICABLE, indicate the Law Enforcement Report/Case Number:** \_\_\_\_\_

**SOCIAL SERVICES/CHILD PROTECTION SERVICES NOTIFICATION (Only indicate actual agency contacted.):**

AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact	Written Contact
Tribal:			
Local:			
State:			

**BIE NOTIFICATION**

	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact	Written Contact
BIE Program Specialist (SCAN)			
Other			

**SCAN TRACKING NOTES**

**INFORMATION ON PERSON MAKING NOTIFICATIONS:**

Full Name and Title of Individual Filling Out Tracking Report:	Date:

Employee Incident Report Form



ADMINISTRATIVELY RESTRICTED

### Employee Incident Report

Date of Report: \_\_\_\_\_  
 Time: \_\_\_\_\_

Reporting School: \_\_\_\_\_

Name of Child: \_\_\_\_\_ D.O.B.: \_\_\_\_\_  
First Middle Last

Sex: \_\_\_\_\_ Census No: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_ Teacher: \_\_\_\_\_

Parent(s)/Legal Guardian(s) Names: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location of Home: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work No. (Mother): \_\_\_\_\_ Work No. (Father) \_\_\_\_\_

Date of alleged incident: \_\_\_\_\_ Time of day: \_\_\_\_\_  AM  PM

Location of alleged incident: \_\_\_\_\_

**Check all that apply:**

- Discourteous conduct involving a student by an employee:
  - 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 a student;
  - use of abusive, demeaning, degrading or insulting language;
  - quarreling or inciting a quarrel;
  - Other: \_\_\_\_\_

Describe in student's/staff's own words his/her account of event(s): \_\_\_\_\_

Full Name(s) of potential witness(es): \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_

Full Name of Alleged Offender: \_\_\_\_\_  
First Middle Last

Check One:  BIE Employee: Position Title: \_\_\_\_\_  
 BIE Contractor/Consultant  
 Other  
 (specify): \_\_\_\_\_

Full Name and Title of Mandatory Reporter:	Signature:	Date:
Full Name of School Supervisor/Education Line Officer or Designee:	Signature:	Date:

Has Mandatory Reporter Requested Protection of their Identity?  YES  NO

Initials of Mandatory Reporter: \_\_\_\_\_

**CONFIDENTIALITY AGREEMENT**

**To be read and signed by Mandated Reporter**

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee' duties.

**By signing this agreement, I understand that:**

4. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
5. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Suspected Child Abuse and/or Neglect Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
6. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

Signature of Mandated Reporter	Position/Title	Date
--------------------------------	----------------	------

**Witnessed by:**

Signature of School Supervisor, Education Line Office, or Designee	Date
--	------

**Tracking of Notifications  
Information on Person Making Notifications**

BIE NOTIFICATION		DATE & TIME OF REPORT	
	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	Verbal Contact	Written Contact
BIE Program Specialist (SCAN)			

**SCAN TRACKING NOTES**

**INFORMATION ON PERSON MAKING NOTIFICATIONS:**

Full Name and Title of Individual Filling Out Tracking Report:	Date:
--	-------

Coversheet for SCAN Reports Containing a Confidential Source

# Attention

The attached file contains information which was obtained under a pledge of confidentiality. The information must not be discussed in such a manner that would disclose the identity of the Confidential Source(s).

Dissemination, distribution, copying, or unauthorized use of the information contained in the attached Report is strictly prohibited. As requested in writing, the identity of the person making the attached report must 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.

Questions about the handling or possible use of protected source information should be directed to the BIE Program Specialist (SCAN) at (505) 563.5290. All requests for disclosure of information will be referred to the Bureau of Indian Affairs Freedom of Information and Privacy Act Officer.

# Attention

Notification to Alleged Offender - SCAN

(BIE Employees, Contractors, and Consultants Only)



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Indian Education Programs

Human Resources Office

P.O. Box 769

Albuquerque, New Mexico 87103

IN REPLY REFER TO:

[Date]

Memorandum

To: **[Name, Title, and School/Organization of Alleged Offender]**

From: School Supervisor/Principal, **[Insert Name of School]** OR  
Education Line Officer, **[Insert Name of Education Line Office]**

Subject: Suspected Child Abuse/Neglect Report

On **[insert date]** a Suspected Child Abuse/Neglect (SCAN) Report was completed alleging you as the suspected offender. The following is being released to you for your information:

Type of Abuse Alleged: **[Indicate whether physical abuse, sexual abuse, emotional abuse, or neglect]**

Summary of Allegation: **[Provide a short summary on the specific allegation.]**

In accordance with the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act of 1990, you are being removed from contact with or control over Indian children pending a determination to whether your continued contact with Indian children poses an eminent threat to the well-being of children. It is expected that you will be in this status for a period of one to five days while an Administrative Inquiry Team reviews the SCAN Report and provides their recommendations to your Principal/Administrator in accordance with the BIE SCAN & Employee Incident Reporting Protocol. While in this status you must be available for contact in the event management at **[insert school name]** requires you to report back to duty or law enforcement representatives, or child protection services representatives need to contact you for a statement or interview.

The role of the Administrative Inquiry Team is to ensure that the SCAN Report was completed accurately and to assist management in ensuring the school continues to function efficiently and effectively without further impact on the involved child or other children. The role of law enforcement is to initiate an investigation into the allegations documented on the SCAN Report.

You are further advised that if the allegations are substantiated, it may result in administrative action that may impact your employment status and/or your suitability to work with children.

You will be advised, in writing, of the final outcome of the SCAN Report through written Closure Notification. If you should have any questions, please contact **[Identify the school/Line Office designated point of contact]**.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt

---

Employee Signature

Date

cc: BIE Program Specialist (SCAN)

Notification of Closure to Alleged Offender – SCAN





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Indian Education Programs

Human Resources Office

P.O. Box 769

Albuquerque, New Mexico 87103

IN REPLY REFER TO:

[DATE]

Memorandum

To: [Name, Title, and School/Organization of Alleged Offender]

From: School Supervisor/Principal, [Insert Name of School] OR  
Education Line Officer, [Insert Name of Education Line Office]

Subject: Suspected Child Abuse/Neglect (SCAN) Closure Notification

On [insert date] a SCAN Report was filed where you were named as the alleged offender. Our findings, conclusion, and corrective/proactive actions are as follows:

ALLEGATION. [Indicate type of abuse (physical abuse, sexual abuse, emotional abuse, neglect or none was confirmed and a short summary of the specific allegation)]

FINDING(S). [Provide a summary of the findings to include the results of the administrative inquiry, if applicable. If a law enforcement investigation was conducted, the results of the investigation should be provided. Emphasis should be on the facts of the case and include no opinions or speculation]

CONCLUSION. [The conclusion will state the results of the findings as they relate to the individual's position. The conclusion should include action(s) that the supervisor believes may be required to address the incident/conduct identified within the finding(s) such as training; verbal counseling; performance improvement; referral to Employee Assistance Program; disciplinary or adverse action; etc. Additionally, if the individual is re-assigned to another area or on administrative leave, the conclusion should address their return.]

CORRECTIVE ACTION/PROACTIVE PLAN. [Recommendations for corrective measures to prevent a similar incident from occurring in the future and/or proactive measures must be included in each Closure Notification.]

This memorandum shall serve to notify you that the SCAN Report dated [insert date], has been closed. If the disposition of the SCAN Report has resulted in the contemplation of disciplinary measures, you

will be notified through separate correspondence.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

cc: BIE Program Specialist (SCAN)

Administrative Inquiry Team Recommendation(s) Memorandum



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Indian Education Programs

Human Resources Office

P.O. Box 769

Albuquerque, New Mexico 87103

IN REPLY REFER TO:

[Date]

Memorandum

To: Principal/Administrator **[Insert Name of School]** OR  
Education Line Officer, **[Insert Name of Education Line Office]**

From: Administrative Inquiry Team, **[Insert Name of Education Line Office]**

Subject: Suspected Child Abuse/Neglect Report in the case of **[Alleged Offender]**

On **[insert date]** a Suspected Child Abuse/Neglect (SCAN) Report was filed naming **[Name and Title of Alleged Offender]** as the alleged offender. The SCAN Report and the merits of the incident were reviewed by the Administratively Inquiry Team. We have confirmed the following:

Type of Abuse Alleged: **[Indicate whether physical abuse, sexual abuse, emotional abuse, or neglect]**

Our recommendations are as follows:

**[Provide summary of recommendations. The recommendations must address returning the individual to their position and corrective and/or proactive measures to prevent a similar incident from occurring in the future.]**

cc: BIE Program Specialist (SCAN)

SCAN Fax Cover Sheet

**Confidential.....Confidential.....Confiden  
tial.....Confidential.....Confidential...**

**SCAN Document-Report  
Bureau of Indian Education**



To:

◇ Michelle Begay, LMSW  
(Program Specialist-SCAN)

505.563.5292  
(Fax Number)

505.563.5290  
(Phone Number)

◇ Social Services

(Child Protective Service)

(Name)

(Fax Number)

(Phone Number)

◇ Law Enforcement

(Name)

(Fax Number)

(Phone Number)

◇ Other:

(Name)

(Fax Number)

(Phone Number)

Total Pages (incl. cover): \_\_\_\_\_

The AIT has reviewed this document and conclude it is in its complete form.

From:

(Name)

(Phone Number)

Date:

*Comment:*

Follow-up Letter to Law Enforcement Services



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Indian Education Programs

Human Resources Office

P.O. Box 769

Albuquerque, New Mexico 87103

IN REPLY REFER TO:

[DATE]

**[Complete mailing address for  
Law Enforcement Agency to which the SCAN Report was submitted]**

A Suspected Child Abuse/Neglect (SCAN) Report was submitted to your agency on **[Date of Report]** regarding an incident at [name school/duty location]. We are conducting a follow-up on the SCAN Report submission. The following is information to assist you with locating the report:

**NAME of ALLEGED OFFENDER:**

**NAME of VICTIM:**

**POLICE REPORT NO.:**

**LAW ENFORCEMENT POINT of CONTACT:**

*If NO action has been taken at this time, please check here: [ ]*

If there IS action being taken as a result of the SCAN Report we submitted, please provide details of the record below, including the action taken by your office, and the court that could provide more information.

Date	Action Taken	Court

Please have the person from your agency who conducted the records check sign below

Date	Name & Signature	TITLE/Telephone Number

This request is consistent with the requirements derived from one or more of the following regulations: 42 United States Code (U.S.C.) 13041; 13031; and 25 U.S.C. 3203.

Thank you for your assistance. Please forward the results of your records search to my attention, FAX: [Indicate school/agency fax number] or [Indicate school/agency address]. Questions can be directed to [Indicate point of contact name and telephone number.]

[Signature]

**Administratively Restricted**



Notification to Alleged Offender – Employee Incident Report

(BIE Employees, Contractors, and Consultants Only)



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Indian Education Programs

Human Resources Office

P.O. Box 769

Albuquerque, New Mexico 87103

IN REPLY REFER TO:

[Date]

Memorandum

To: **[Name, Title, and School/Organization of Alleged Offender]**

From: School Supervisor/Principal, **[Insert Name of School]** OR  
Education Line Officer, **[Insert Name of Education Line Office]**

Subject: Employee Incident Report

On **[insert date]** an Employee Incident Report was filed naming you as the alleged offender. The following is for your information:

Type of Incident Alleged: **[Indicate type of discourteous conduct by staff to student]**

Summary of Allegation: **[Provide a short summary on the specific allegation]**

In accordance with the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act of 1990, you are being removed from contact with or control over Indian children pending a determination to whether your continued contact with Indian children poses an eminent threat to the well-being of children. It is expected that you will be in this status for a period of one to five days while I, the Principal/Administrator review, the Employee Incident Report and reach a resolution in accordance with the BIE SCAN & Employee Incident Reporting Protocol. While in this status you must be available for contact in the event management at the **[insert school name]** requires you to report back to duty or further consultation is needed.

The role of the Principal/Administrator is to ensure that the Employee Incident Report was completed accurately and to ensure the school continues to function efficiently and effectively without further impact on the named child or other children. Further consultation with HR/LR and the Program Specialist (SCAN) will be exercised as necessary.

You are further advised that if the allegations are substantiated, it may result in administrative action that may impact your employment status and/or your suitability to work with children.

You will be advised, in writing, of the final outcome of the Employee Incident Report through a written

Closure Notification. If you should have any questions, please contact **[Identify the school/Line Office designated point of contact]**.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

cc: BIE Program Specialist (SCAN)

Notification of Closure to Alleged Offender – Employee Incident Report



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Indian Education Programs

Human Resources Office

P.O. Box 769

Albuquerque, New Mexico 87103

IN REPLY REFER TO:

[DATE]

Memorandum

To: [Name, Title, and School/Organization of Alleged Offender]

From: School Supervisor/Principal, [Insert Name of School] OR  
Education Line Officer, [Insert Name of Education Line Office]

Subject: Employee Incident Closure Notification

On [insert date] an Employee Incident Report was filed where you were named as the alleged offender. The findings, conclusion, and corrective/proactive actions are as follows:

ALLEGATION. Indicate type of discourteous conduct by staff to student and a short summary of the specific allegation)

FINDING(S). Provide a summary of the findings to include the results of the administrative inquiry by the Principal/Administrator. Emphasis should be on the facts of the case and include no opinions or speculation.

CONCLUSION. The conclusion will state the results of the findings as they relate to the individual's position. The conclusion should include action(s) that the supervisor believes may be required to address the incident/conduct identified within the finding(s) such as training; verbal counseling; performance improvement; referral to Employee Assistance Program; disciplinary or adverse action; etc. Additionally, if the individual is re-assigned to another area or on administrative leave, the conclusion should address their return.

CORRECTIVE ACTION/PROACTIVE PLAN. Recommendations for corrective measures to prevent a imilar incident from occurring in the future and/or proactive measures must be included in each Closure Notification.

This memorandum shall serve to notify you that the Employee Incident Report dated [insert date], has been closed. If the disposition of the Employee Incident Report has resulted in the contemplation of disciplinary measures, you will be notified through separate correspondence.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

cc: BIE Program Specialist (SCAN)

## Suspected Child Abuse/Neglect Report (SCAN)

<b>Report Date:</b>		<b>Report Time:</b>
<b>SCHOOL INFORMATION</b>		
1. Reporting School:		2. School Supervisor:
3. School Phone No.: (     )		4. Responsible Education Line Officer:

<b>PERSONAL INFORMATION OF VICTIM</b>					
5. Last Name:		First Name:		Middle Initial:	6. Census No.:
7. SSN:	8. DOB:	9. Age:	10. Grade:	11. Sex:	
			<b>SELECT GRADE</b>	<b>SELECT GENDER</b>	
12. Check Suspected Abuse:					
<input type="checkbox"/> Physical Abuse <input type="checkbox"/> Emotional Abuse <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Neglect					
13. Describe Physical Indicators of Abuse:					
14. Name of Parent(s) , Guardian, Custodian:				15. Relation to Victim:	
16. Contact Telephone Number of Parents, Guardian, or Custodian: (     )					
17. Complete Mailing Address:			18. Physical Location of Residence:		
			(attach map, if applicable)		

<b>ALLEGED OFFENDER INFORMATION:</b>			
19. Full Name of Alleged Offender:		20. Alleged Offender's Position/Status	
21. If BIE Employee, Position Title:		<input type="checkbox"/> <b>BIE Employee</b> <input type="checkbox"/> <b>BIE Contractor/Consultant</b> <input type="checkbox"/> <b>Volunteer *</b> <input type="checkbox"/> <b>Relative, _____</b> <span style="margin-left: 100px;">Specify</span> <input type="checkbox"/> <b>Other, _____</b> <span style="margin-left: 100px;">Specify</span> <input type="checkbox"/> <b>Student **</b>	
22. Contact Information for Alleged Offender:			
Day Telephone: (     )	Address or Physical Location:		
23. Location of alleged incident:	24. Date of alleged incident:		
	25. Time of alleged incident:		
26. Full Names and telephone numbers of potential witness(es):		** Refer to school/agency policies and procedures for any alleged offenders under the age of 19 or classified as a student.	

<b>MANDATORY REPORT INFORMATION:</b>			
27. Full Name and Title of Mandatory Reporter Reporting Above Incident:		28. Signature: _____	
		Date: _____	
29. Full Name of School Supervisor/Education Line Officer or Designee:		30. Signature: _____	
		Date: _____	
31. Has Mandatory Reporter Requested Protection of their Identity? <input type="checkbox"/> YES <input type="checkbox"/> NO		32. Initials of Mandatory Reporter: _____	

**INFORMATION REGARDING THE INCIDENT**

*(Please type or print clearly the following information.)*

33. Describe how you became aware of the incident:

34. Describe the specific incident:

*(NOTE: Mandated Reporters do not have to prove abuse when making a report, but must describe the behavior or physical sign that led the Mandated Reporter to believe the child was abused.)*

35. Did the alleged abuser physically touch the victim in any way?

**NO**       **YES**    If yes, describe specifically the physical contact.

36. Was Medical Treatment Required?

**NO**       **YES**    If yes, indicate action taken:

Victim was taken for medical care by school staff for an evaluation and/or medical treatment  
 Ambulance was contacted for immediate medical attention.  
 Other. Explain action taken:

**ATTACHMENTS**

- Continuation pages, if required
- Statement from victim, witness, alleged offender, etc.
- Other (must describe attachment): \_\_\_\_\_  
\_\_\_\_\_

**Distribution:**

Original to SCAN Case File  
 Copies to Appropriate Authority (*Law Enforcement, Child Protective Services and BIE Program Specialist*)



**CONFIDENTIALITY AGREEMENT**

**To be read and signed by Mandated Reporter**

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee' duties.

**By signing this agreement, I understand that:**

1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
2. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Suspected Child Abuse and/or Neglect Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

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Signature of Mandated Reporter

Position/Title

Date

**Witnessed by:**

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Signature of School Supervisor, Education Line Office, or Designee

Date

## Tracking of Notifications

**Note:** Contact to Law Enforcement and Child Protection Services should be made immediately.  
All contact is to be made verbally and followed-up in writing by faxing pages 1-4 of the SCAN Report.  
Contact does not have to be made to all agencies identified under law enforcement or social services/child protection services, only those required for your school.

LAW ENFORCEMENT NOTIFICATION (Only indicate actual law enforcement agency contacted):			
AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact	Written Contact
Tribal:			
FBI:			
BIA Law Enforcement:			
Local/State/Other:			

**IF APPLICABLE, indicate the Law Enforcement Report/Case Number:** \_\_\_\_\_

SOCIAL SERVICES/CHILD PROTECTION SERVICES NOTIFICATION (Only indicate actual agency contacted.):			
AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact	Written Contact
Tribal:			
Local:			
State:			

BIE NOTIFICATION			
AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact	Written Contact
BIE Program Specialist (SCAN)			
Other			

SCAN TRACKING NOTES

INFORMATION ON PERSON MAKING NOTIFICATIONS:	
Full Name and Title of Individual Filling Out Tracking Report:	Date:

ADMINISTRATIVELY RESTRICTED

### Employee Incident Report

Date of Report: \_\_\_\_\_  
 Time: \_\_\_\_\_

Reporting School: \_\_\_\_\_

Name of Child: \_\_\_\_\_ D.O.B.: \_\_\_\_\_  
First Middle Last

Sex: **\*\*\*** Census No: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: Grade Teacher: \_\_\_\_\_

Parent(s)/Legal Guardian(s) Names: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Location of Home: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work No. (Mother): \_\_\_\_\_ Work No. (Father) \_\_\_\_\_

Date of alleged incident: \_\_\_\_\_ Time of day: \_\_\_\_\_  AM  PM

Location of alleged incident: \_\_\_\_\_

**Check all that apply:**

- Discourteous conduct involving a student by an employee:
  - 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 a student;
  - use of abusive, demeaning, degrading or insulting language;
  - quarreling or inciting a quarrel;
  - Other: \_\_\_\_\_

Describe in student's/staff's own words his/her account of event(s): \_\_\_\_\_

Full Name(s) of potential witness(es): \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_

Full Name of Alleged Offender: \_\_\_\_\_  
First Middle Last

Check One:  BIE Employee: Position Title: \_\_\_\_\_  
 BIE Contractor/Consultant  
 Other (specify): \_\_\_\_\_

Full Name and Title of Mandatory Reporter:	Signature:	Date:
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Full Name of School Supervisor/Education Line Officer or Designee:	Signature:	Date:
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Has Mandatory Reporter Requested Protection of their Identity?  YES  NO

Initials of Mandatory Reporter: \_\_\_\_\_

**CONFIDENTIALITY AGREEMENT**

**To be read and signed by Mandated Reporter**

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee' duties.

**By signing this agreement, I understand that:**

- 1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
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- 3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

Signature of Mandated Reporter	Position/Title	Date
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**Witnessed by:**

Signature of School Supervisor, Education Line Office, or Designee	Date
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**Tracking of Notifications  
Information on Person Making Notifications**

BIE NOTIFICATION		DATE & TIME OF REPORT	
	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	Verbal Contact	Written Contact
BIE Program Specialist (SCAN)			

**SCAN TRACKING NOTES**

**INFORMATION ON PERSON MAKING NOTIFICATIONS:**

Full Name and Title of Individual Filling Out Tracking Report:	Date:
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