

West Virginia
Mandatory Reporting
Requirements

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West Virginia Department of Education Mandatory Reporting - Safe School Training

Access to Training Document

Resources:

<https://apps.rainn.org/policy/policy-state-laws-export.cfm?state=West%20Virginia&group=4>

<https://dhhr.wv.gov/bcf/Services/Pages/Centralized-Intake-for-Abuse-and-Neglect.aspx>

Mandated Reporting

If you suspect a child under the age of 18 is being abused or neglected, or is at risk for abuse, you must make a report within 24 hours of suspecting abuse or neglect.

Requirements: Statute/Policy:

WV Code §49-2-803

WVBE Policy 4373

Who is required to report?

Abuse or neglect, including sexual abuse or sexual assault must be reported by any of the following persons, if over the age of 18:

- Any medical, dental or mental health professional;
- Christian Science practitioner or religious healer;
- **School teacher and other school personnel (volunteers, coaches, service personnel);**
- Social service worker;
- Child care or foster care worker;
- Emergency medical services personnel;
- Peace officer or law-enforcement official or humane officer;
- Member of the clergy;
- Circuit and family court judges, employee of the Division of Juvenile Services or magistrate;
- Youth camp administrator or counselor;
- **Employee, coach or volunteer of an entity that provides organized children's activities; and**
- Commercial film or photographic print processor.

When is a report required?

When a mandated reporter has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes a child being subjected to conditions that are likely to result in abuse or neglect.

Who is the report made to?

- Department of Health and Human Resources (DHHR)
Centralized Intake Hotline (1-800-352-6513)
- State Police and any Local Law-Enforcement Agency

What timing and procedural requirements apply to reports?

Reports of child abuse or neglect, including sexual abuse or sexual assault, must be made by phone immediately, and not more than 24 hours after suspecting abuse or neglect.

What information must a report include?

Name and location of victim - Type of abuse or neglect suspected

Whether victim is in imminent danger - Functioning of victim

Whether alleged perpetrator has access to victim – Any safety threats

MINGO COUNTY SCHOOLS - DOCUMENTATION OF MANDATED REPORTING

CHILD ABUSE AND NEGLECT – Mandated Reporting Requirements

School Name _____ Person Making Report: _____
(Required)

The circumstances described in this report required a Mandated Report to:

DHHR Centralized Intake: YES NO and WV State Police: YES NO

Any school employee or volunteer that receives a self-disclosure of abuse or neglect, observes or has reasonable cause to suspect that a child is neglected or abused, or observes a child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to:

A. Department of Health and Human Resources, Centralized Intake Hotline: **Phone 800-352-6513**

Name and Position of person making report to Centralized Intake: _____

Centralized Intake person who took your report: _____ Date Reported _____ Time _____
Name of Worker

B. West Virginia State Police, Williamson Detachment: **Phone 304-235-6000**

Name and Position of person making report to WV State Police: _____

Officer who took your report: _____ Date Reported _____ Time Reported _____
Name of Officer

Alleged Victim Information: Name _____ Age/Date of birth: _____

Name and title of school employee/volunteer who spoke with the alleged victim: _____

Alleged Violator Information: Name _____

Alleged Violator: Student School Employee Other Don't Know

Brief Description of Abuse or Neglect:

Personal interviews with alleged victim: YES NO

Personal interviews with witnesses: YES NO (Name: _____)

Personal interviews with other knowledgeable people: YES NO (Name: _____)

Personal interviews with alleged violator(s): YES NO

Records reviewed and/or review of physical evidence (describe): _____

Direct observation and/or other investigative methods: _____

REQUIRED: Send copy to BOE office.

A copy of this report sent to the Mingo County Superintendent or designee.

Yes **No** **Date:** _____

Signature of person completing this report:

Signature Required



Photo Credit: United Nation's Human Rights Day

YOU ARE A MANDATED REPORTER!

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The McKinney-Vento Act

Compliance Requirements

The McKinney-Vento Homeless Assistance Act

- Defines and protects the rights of homeless students to enroll in, attend, and succeed in our public schools.

Is there an age range? NO

- McKinney-Vento applies to all school-aged children and youth as defined by state law.

Is there a citizenship requirement? NO

- Supreme Court case *Plyler v. Doe* (1982) makes it unlawful for schools to deny access to undocumented immigrants or ask about immigration status. McKinney-Vento must be equally applied to undocumented students

McKinney-Vento Identifies Homeless

Children and youth who lack a **fixed, regular, and adequate** nighttime residence –

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason
- Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations.
- Living in emergency or transitional shelters
- Abandoned in hospitals
- Living in a public or private place not designed for humans to live
- Living in cars, parks, abandoned buildings, bus or train stations, etc.
- Migratory children living in above circumstances

Fixed, Regular, and Adequate

Fixed:

Stationary, permanent, not subject to change

Regular:

Used on a predictable, routine, consistent basis

Consider the relative permanence

Adequate:

Lawfully and reasonably sufficient

Sufficient for meeting the physical and psychological needs typically met in a home environment

**Can the student go to the SAME PLACE (fixed)
EVERY NIGHT (regular) to sleep in a
SAFE AND SUFFICIENT SPACE (adequate)?**

School Selection

- Students experiencing homelessness may attend either:

 - **Enroll in the local attendance area school:**
 - Any public school that students living in the same attendance area are eligible to attend
 - **Remain in their school of origin:**
 - The school the child or youth attended when permanently housed; or
 - The school in which the child or youth was last enrolled

Dispute Resolution

District must establish a process for the prompt resolution of enrollment issues or school selection disputes:

- If a disagreement occurs, the district must:
 - Provide a written explanation of its decision, including the right to appeal the decision
 - Refer the parent/guardian/unaccompanied youth to the liaison, who will carry out the dispute resolution process as expeditiously as possible
- Unaccompanied homeless youth have the same right to dispute as parents/guardians
- **While the dispute is in process, students must be:**
 - **Enrolled immediately in the school in which enrollment is sought**
 - **Provided with school of origin transportation, if requested**
 - **Provided with all services for which they are eligible**



McKinney Vento Resources



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Provided by:
National Association
For the Education
Of Homeless
Children
and
Youth.



OPEN ENROLLMENT

NONRESIDENT STUDENTS

Senate Bill 375

Effective July 6, 2021

NONRESIDENT STUDENT

- Nonresident student means:
 - A student who resides in another county school district in West Virginia.
 - The student is enrolled in or is seeking enrollment in the Mingo County school district.
 - Student/family is required to complete the Open Enrollment Nonresident Application.

CONSIDERATIONS

Application to transfer into a school district may be denied by a county board for only two reasons.

- Receiving school administrator approves or denies the application based on:
 1. Lack of available space in the grade level, class, program requested.
 2. Nonresident student's failure to correctly fill out or submit the application form.

PREFERENCES FOR NONRESIDENT OPEN ENROLLMENT

1. Siblings of students already enrolled through open enrollment process.
2. Secondary students who have completed 10th grade and, due to family relocation to another county, no longer reside in the county.
3. Students who are children, grandchildren, or legal wards of employees.

OPEN ENROLLMENT

RESIDENT STUDENT

In-County Transfer

Open Enrollment for Resident Students:

The student shall submit an application only if student wishes to attend an alternate school in the District.

- **District sets capacity limits by grade level, school building and educational program.**

Suspended or Expelled Students

- Students suspended or expelled from public or private schools, currently residing within Mingo County, **MAY NOT BE DENIED** enrollment in the District unless determined a dangerous student.
- District may determine appropriate educational placement after enrollment, including alternative education services for these students.

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- Any transportation provided by the District takes place within established bus routes and bus stops within the District.
 - Athletic eligibility shall comply with State regulations and the provisions set forth by the West Virginia Secondary Schools Commission (WVSSAC)

NEW OPEN ENROLLMENT FORMS

Nonresident Student

Resident Student

- Mingo County has two (2) new Open Enrollment forms to accommodate the requests for:
 - Nonresident Students
 - Resident Students
- In each case, the parent/student must complete the Open Enrollment Applications

Transcribing Grades

House Bill 2785

Effective July 2021

Transcript or Other Credential

- Student from another state, who is eligible to enroll in public school in WV, shall be enrolled in the same grade in WV public schools as the school or program from which the student transferred.
- Transcript or other credential provided by the:
 - Public School Program
 - Private School Program
 - Homeschool Program
 - HOPE Scholarship Program

SHALL BE ACCEPTED by a public school in WV as a record of a student's previous academic performance for purposes of placement and credit assignment.



Questions / Comments

