

SUSPECTED CHILD ABUSE AND MALTREATMENT

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.

Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse, neglect or maltreatment will immediately report to the New York State Child Abuse and Maltreatment Register and immediately notify the principal. The principal shall be responsible for all subsequent administration necessitated by the report.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight (48) hours to the appropriate local child protective service and to the statewide Central Register for Child Abuse and Maltreatment.

School employees and officials will not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official or employee who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held civilly liable for the damages caused by the failure to report. The law grants employees and other persons who, in good faith, report instances of child abuse immunity from any liability that might otherwise be incurred.

The District will cooperate to the extent possible with authorized child protective services workers, multidisciplinary investigative teams, and local law enforcement in investigations of alleged child abuse.

The District shall maintain an ongoing training program, which will address the identification and reporting of child abuse and maltreatment.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all personnel who are not covered under existing handbooks.

The Superintendent of Schools will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the staff.

Reference: Child Protective Services Act of 1973
Social Services Law §§411 et seq.
Family Court Act §1012;
Family Educational Rights and Privacy Act, 20; USC §1232(g)
45 C.R.F. §99.36
Education Law §3209-a

Revised: May 6, 2008; August 19, 2007

CHILD ABUSE, NEGLECT AND MALTREATMENT REGULATIONS

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school personnel. These regulations are designed to implement this law within the District and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child means a child less than 18 years of age whose parent or other person legally responsible for his or her care:

1. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
2. creates, or allows to be created, a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
3. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or Maltreated Child means a child less than 18 years of age:

1. whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent(s) or other person legally responsible for his care to exercise a minimum degree of care:
 - a. in supplying the child with adequate food, clothing, shelter, education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care, though financially able to do so, or offered financial or other reasonable means to do so; or
 - b. in providing the child with proper supervision or guardianship by unreasonably inflicting or allowing to be inflicted harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of similarly serious nature requiring the aid of the court;
2. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person Legally Responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of Emotional Health and Impairment of Mental or Emotional Condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, to control aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy, provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Persons Obligated to Report Cases of Suspected Child Abuse or Neglect/Maltreatment

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal. The Building Principal shall be responsible for all subsequent administration necessitated by the report.

Reporting Procedures and Related Information

1. Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone or by telephone facsimile machine, on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Central Register of Child Abuse. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports.

The written report shall be made within forty-eight (48) hours after the oral report to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services.

- a. Oral report to New York State Central Register of Child Abuse and Maltreatment, 1-800-342-3720.
- b. Written report to County Department of Social Services, Local Child Protective Services.
- c. Telephone/facsimile report to Special telephone facsimile number made available upon request.

2. The written report that must be filed shall include:
 - a. the name and address of the child and his/her parent(s) or guardian(s);
 - b. if applicable, the name and address of the residential care facility or program in which the child resides or is receiving care;
 - c. the child's gender, and race;
 - d. the nature of the child's injuries, abuse, or maltreatment, including evidence of prior injuries, abuse or maltreatment to the child and his/her siblings;
 - e. if known, the name of the person(s) alleged to be responsible for causing the injury(ies), abuse, or maltreatment;
 - f. the members of the family/family composition (e.g., father, mother, two sisters, grandmother, etc.);
 - g. the source of the report;
 - h. the person making the report and where he/she can be reached;
 - i. the actions taken by the reporting source, including the taking of photographs and/or X-rays, removal or retaining of the child, and/or notifying the medical examiner or coroner; and
 - j. any other information which the Commissioner of Social Services may require.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

3. The Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and shall be available for this purpose. All photographs shall be sent to the Child Protective Service at the time that the written report as set forth in Paragraph 2 is sent or as soon thereafter as possible.
4. The District may disclose personally identifiable information from the education records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals in accordance with the Family Education Rights Protection Act. In deciding whether or not the disclosure should be made, the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency and the extent to which time is of the essence should be considered.
5. If, during the course of an investigation of suspected child abuse or neglect/maltreatment, the Building Principal determines that a child's health or safety is threatened, the Building Principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody.

School officials and staff members do not have the power to take a child into protective custody. A police officer, law enforcement official, or a designated employee of the County Department of Social Services may take a child into protective custody without the consent

of a parent or guardian. The Building Principal shall cooperate with any official who produces official documentation indicating that a student should be taken into protective custody. Release of a child to such officials must be authorized by the Superintendent or his/her designee.

6. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.
7. Investigations shall be conducted by an approved multidisciplinary investigative team. The local social services department may establish a multidisciplinary investigative team for the purpose of investigating reports of suspected child abuse or maltreatment. The multidisciplinary investigative team may investigate all categories of suspected child abuse or maltreatment. A multidisciplinary team shall include, but is not limited to, representatives from Child Protective services, the district attorney, local law enforcement, medical professionals, public health agencies, mental health agencies or other appropriate agencies or institutions, and personnel of any existing child advocacy centers. The multidisciplinary investigative team shall follow its written protocol for investigations of child abuse and maltreatment cases and for interviewing child abuse and maltreatment victims. For those counties without a multidisciplinary investigative team, investigations shall be conducted jointly by the local Child Protective Services and local law enforcement.
8. Reports of suspected child abuse and neglect/maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent regarding the release of the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining to do so would be detrimental to the safety interests of the reporter.
9. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or neglect/maltreatment shall report that fact to the appropriate law enforcement personnel. A post-mortem report for investigation must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs at school, the report for investigation shall be made by the Superintendent to the appropriate medical authority.
10. All District employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
11. Only one report of any suspected abuse is required.

12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
13. Any mandated reporter who willfully fails to report a case of suspected child abuse, maltreatment, and neglect shall be guilty of a Class A misdemeanor. In addition, any mandated reporter who knowingly and willfully fails to make such a report shall be civilly liable for the damages proximately caused by such failure to report.
14. If a report of child abuse or maltreatment has been determined to be unfounded, all records, both in the State Central Register and in school files, shall be expunged.

Training Programs

The Superintendent, or his/her designee, shall establish and implement, on an on-going basis, a training program for all current and new employees concerning their reporting responsibilities for suspected child abuse and neglect/maltreatment.

The Superintendent, or his/her designee, shall provide information on recognizing the signs of a clandestine methamphetamine laboratory to all mandated reporters who visit children's homes as part of their usual professional responsibilities. If an employee suspects a methamphetamine laboratory, he/she should leave the premises immediately and contact local law enforcement.

Prohibition of Retaliatory Personnel Action

The District is prohibited from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/ maltreated child and that employee makes a report to the State Central Register. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated as a mandated reporter.

Revised: May 6, 2008; April 19, 2007