

**CHILD ABUSE, MALTREATMENT OR NEGLECT****IN A DOMESTIC SETTING**

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist them and their families.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report must 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 hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal must make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may 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 suspicion to the appropriate medical examiner or coroner.

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

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

#### *School District Relationship with Local Social Service District*

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

#### *Child Protective Services Investigations*

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property must be made directly to Principal or designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee will decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If

the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

*Training Program and Dissemination of Information*

The school district will maintain an ongoing training program for all current and new school officials which will address the identification (i.e., signs and indicators) and reporting of child abuse, maltreatment, and neglect, including the legal implications of reporting and not reporting. Attendance at sessions of this training program is required of all school officials.

The Superintendent will 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 school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

As required by state law and regulation, the district will publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish.

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.  
Social Services Law §34-a  
Family Court Act §1012  
Family Educational Rights and Privacy Act,  
20 U.S.C. §1232g, 45 CFR §99.36  
Education Law §3209-a  
Penal Law 240.50  
18 NYCRR §432.3  
8 NYCRR §100.2(nn)

Effective Date: December 7, 2021

**CHILD ABUSE MALTREATMENT OR NEGLECT  
IN A DOMESTIC SETTING REGULATION**

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. 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, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. 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
- b. 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
- c. 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, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of the parents or other person legally responsible for their care to exercise a minimum degree of care:

(1) in supplying the child with adequate food, clothing, shelter, or 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

In order for a report of educational neglect to be accepted, three elements need to be established:

- a. Excessive absence from school by the child
- b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;
- c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.

(2) 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 they lose self-control of their actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

b. who has been abandoned by their 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, control of 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.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (either the public number:800-342 3720 or the mandated reporter hotline). A school official, under state law is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or Part-time athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, they are encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.

4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:

(a) phone the New York State Central Register for Child Abuse and Maltreatment ( the public number: 800-342-3720 or the mandated reporter hotline)and inform them verbally of the problem; or

(b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and

(c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,

(d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.

5. The Building Principal may take color 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. Photographic equipment shall be kept at the school and be available for this purpose.

6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.

7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether they have 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.

If sexual abuse is indicated, the presence of a staff member trusted by the student during the interview is appropriate.

8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.

9. The district will maintain an ongoing training program which will address identification (i.e., signs and indicators) and reporting of child abuse, maltreatment, and neglect. Attendance at sessions of this training program is required of all school officials and permitted and encouraged for all other school employees.

10. Employee handbooks shall include 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 School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

14 Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.

15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

16. The district will post the toll-free number for the Central Register (800-342-3720) and directions for accessing the NYS Office of Children and Family Services (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish, on the district website and in highly visible areas of school buildings so it is readily accessible to students and staff. The district will also make such information available in district and school administrative offices, provide it to parents/persons in parental relation at least once per school year (including electronically and/or sent home with students), and provide it to all teachers and administrators.

Effective Date: December 7, 2021