

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 and/or maltreatment by school officials. This regulation is designed to implement this law within the District and to help protect students from the harmful effects of child abuse and maltreatment.

Definitions

The definitions of child abuse and maltreatment are established by law.

1. Abused Child, as defined by Social Services Law and the Family Court Act, is a child less than eighteen (18) years of age whose parent or other person legally responsible for his/her/their 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.

2. Neglected or maltreated child, as defined by the Family Court Act, is a child less than eighteen (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 his/her/their parent or other person legally responsible for his/her/their care to exercise a minimum degree of care:
 - i. in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article sixty-five (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
 - ii. 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/they lose(s) self-control of his/her/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 his/her/their parent(s) or other person legally responsible for his/her/their care.

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

1. excessive absence from school by the child;
 2. 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
 3. reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
3. 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.
 4. 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 or 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, custodian, or other person legally responsible for the child's care to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. The purpose of mandatory reporting is to identify and report all suspected instances of child abuse and/or maltreatment (which includes neglect) so that such children determined to be abused and/or maltreated can be protected from further harm.
2. All school officials must, when they have reasonable cause to suspect that a child is abused and/or maltreated, immediately report it to the New York State Central Register for Child Abuse and Maltreatment ("Central Register") by telephone (800-342-3720) or by telephone facsimile machine on a form supplied by the commissioner. As defined by law, school officials include, but are not limited to, the following:
 - 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.

3. School officials must also immediately report the matter to the Building Principal who will determine if any additional steps need to be taken by the District (for instance, contacting the school physician, social worker, or other support services).
4. School employees who are not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), but who have reasonable cause to suspect that a child is abused and/or maltreated, must report the matter to the Building Principal and are encouraged to make a report to the Central Register.
5. If the Building Principal is informed of a case of suspected child abuse and/or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
 - a. immediately call Central Register (800-342-3720) and inform them verbally of the problem or contact Central Register by telephone facsimile machine on a form supplied by the Commissioner of Social Services;
 - b. file a written report with the local child protective services agency and the Central Register within forty-eight (48) hours after the above report; and
 - c. determine if additional steps need to be taken by the 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 the child has been abused and/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 the 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 same-sex staff member 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 shall maintain an ongoing training program which will address identification and reporting of child abuse and/or maltreatment, including the legal implications of reporting and not reporting as well as the procedures established by District policy and this

regulation. Attendance at training sessions shall be required of all school officials. Such attendance shall be documented and attendance records shall be maintained by the District.

10. All school officials shall annually receive a copy of this regulation and the associated Board policy concerning child abuse and reporting requirements.
11. Only one report of any suspected abuse and/or maltreatment 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 and/or maltreatment is presumed.
13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse and/or maltreatment shall report that fact to the appropriate medical examiner or coroner.
14. Any person required to report suspected cases of child abuse and/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 regulation and/or the associated Board policy is subject to discipline in accordance with collective bargaining agreements and/or District policy.
16. The District shall 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 shall 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, but not limited to, electronically and/or sending the information home with students), and provide it to all teachers, administrators, and all other mandated reporters.

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