

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 and/or maltreatment (which includes neglect) in a domestic setting.

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

As required by law, school officials who have reasonable cause to know or suspect that a child has been subjected to abuse and/or maltreatment must immediately report such to the New York State Central Register for Child Abuse and Maltreatment (“Central Register”). The school official must also immediately report the matter to the Building Principal. No conditions may be imposed which limit their responsibility to report. As defined by law, a school official includes, but is not limited to, the following:

- 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 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 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 and/or maltreatment must immediately report the matter to the Building Principal and are encouraged to report to the Central Register. If the matter has not yet been reported to the Central Register, the Building Principal shall 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 and/or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse and/or maltreatment must report that fact 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 and/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 and/or maltreatment 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 and/or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse and/or maltreatment 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 and maltreatment reporting process and procedure.

School District Relationship with Local Social Service District

The District will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse and/or maltreatment. The Superintendent, or his/her/their designee, will represent the District when collaborating with local social service agencies to address instances of abuse and/or maltreatment, and in the development of policy and procedures regarding abuse and/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.

Training Program and Dissemination of Information

The District shall maintain an ongoing training program which will address the 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 this policy and its associated regulation. Attendance at sessions of this training program shall be required of all school officials. Attendance shall be documented and attendance records shall be maintained by the District.

The Superintendent shall develop, with input from appropriate stakeholders, a plan for the implementation of such a training program. In addition, this policy and its associated regulation will be distributed annually to all school officials. The Superintendent will prepare and implement all regulations, procedures, and/or protocols as are necessary to accomplish the intent of this policy.

As required by state law and regulation, the District shall publicize the toll-free number for reporting child abuse and/or maltreatment 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; 34 CFR §99.36
Education Law §§409-1; 3209-a; 3036
Penal Law §240.50
8 NYCRR §100.2(nn)

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