SUSPECTED CHILD ABUSE IN THE DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, district employees are legally required 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 or maltreatment will immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law, when they have reasonable cause to suspect that a child is an abused or maltreated child where a person comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child. It should be noted that maltreatment includes the neglect of a child.

“Educational neglect is considered to be the failure of a parent to ensure that a child’s prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons resulting in an adverse effect on the child’s educational progress of imminent danger of such an adverse effect.”

The school official or employee is individually and personally responsible for making the required report to the Central Register for Child Abuse and Maltreatment. Immediately after the report has been made, the school official or employee shall notify the Building Principal of 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 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 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 liable for the damages caused by the failure to report. The law grants immunity from any liability to persons who make a good faith report of suspected or known child abuse/maltreatment.

The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.
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 cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker, peace officer, police officer or law enforcement official may not remove a student from school property without a court order and without prior consent of the parent/guardian, unless that person reasonably believes that the student cannot return to, and continue in, the student’s place of residence or the care/custody/control of the student’s parent/guardian due to threat of, or imminent danger to, the child’s life or health.

Training Program and Dissemination of Information

The school district shall 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 and maltreatment, and neglect. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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 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 professional staff. In addition, the district shall implement a "Child Abuse Prevention Curriculum" for grades K-6.

The Board places no conditions on any mandated reporter, such as prior approval or notification from any other school employee/official, before the mandated reporter may cause a report of suspected or known child abuse/maltreatment to be made. Further, school employees and officials will not be subject to any retaliatory action as defined in applicable state law as a result of making a report when the employee/official makes a good faith report of suspected or known child abuse or maltreatment.
Confidentiality

A report made to the Statewide Central Register is and shall remain confidential. The report and/or information and/or photographs contained therein shall only be released to those individuals and/or agencies specifically designated in the Social Services Law, and pursuant to a court-ordered subpoena. The Principal(s) and Superintendent shall take reasonable steps to ensure that any reports made pursuant to this section remain confidential.

As required by state law and regulation, the district shall 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: 5300.55, Code of Conduct Section: Corporal Punishment
5500, Student Records

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

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