FIRE ISLAND UNION FREE SCHOOL DISTRICT

BOARD OF EDUCATION

Work Session Agenda
Tuesday, October 24, 2023
4:30 p.m.

Call to Order

Pledge of Allegiance

ITEM 1 **Action Items** – *Recommended for Approval*

a. 2023-2024 Board of Education Meeting Calendar Revision – *to reflect the date change from November 7, 2023 to November 14, 2023.*
b. 2023-2024 Part-Time Library Clerk – *H. Margolin @ $22.37 per hour.*

ITEM 2 **Discussion**

a. School Performance Data Presentation
b. Policy #3410 – Code of Conduct
c. Policy #3430 – Diversity, Equity, and Inclusion in the District
d. Policy #6121 – Sexual Harassment in the Workplace

ITEM 3 **Public Hearing/ 1st Reading of Policy Revisions**

a. #7350 – Use of Timeout and Physical Restraints

ITEM 4 **Public Hearing/2nd Reading and Adoption of Policy Revisions**

a. #5681 – School Safety Plans
b. #6215 – Probation and Tenure
c. #7522 – Concussion Management
d. #7530 – Child Abuse and Maltreatment

ITEM 5 **Adjournment**

FIRE ISLAND UNION FREE SCHOOL DISTRICT
BOARD MEETING CALENDAR
2023-2024

Unless otherwise noted, meetings start at 4:30 p.m.

July	**11**	**Annual Organizational Meeting**
	11	**Regular**
August	**15**	**Regular**
September	**19**	**Regular/Work Session**
October	**10**	**Regular**
	24	**Work Session**
November	~~**7**~~	~~**Regular**~~
	14	**Regular**
	29	**Work Session**
December	**12**	**Regular**
January	**9**	**Regular**
	23	**Budget Review/Work Session**
February	**13**	**Regular**
March	**12**	**Regular**
	26	**Budget Review/Work Session**
April	**9**	**Regular**
	16	**Special – BOCES Election & Budget Vote, 8:00 a.m.**
May	**14**	**Regular, 5:00 p.m.**
	14	**Public Hearing – Proposed Budget, 7:00 p.m.**
	21	**Annual Budget Vote and Election, 3:00-9:00 p.m.**
	28	**Work Session**
June	**11**	**Regular**
	25	**Work Session**

Revised: 10/20/2023

BOE Approved:

DRAFT

SUBJECT: USE OF TIMEOUT AND PHYSICAL RESTRAINT

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. Positive, proactive, evidence- and research-based strategies through a multi-tiered system of supports shall be used to reduce the occurrence of challenging behaviors, eliminate the need for timeout and physical restraint, and improve school climate and the safety of all students. However, it is recognized that students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program. Use of timeout and physical restraint, as set forth herein, may only be used when other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; there is no known medical contraindication to its use on the student; and school staff using such interventions have been trained in its safe and appropriate application. Timeout and physical restraint shall not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior. The Board further acknowledges that the use of aversive behavioral interventions and prone restraint, as defined in §19.5 of the Commissioner's regulations, is prohibited.

Staff will adhere to federal and state statutes and regulations in the administration of the use of timeout and physical restraint.

For purposes of this policy, the term "parent" refers to parents, guardians, and persons in parental relation, as defined in Education Law §2.

Use of Timeout

Timeout is a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program. The use of timeout shall be used in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors; except that timeout may be used only in those situations that pose an immediate concern for the physical safety of a student or others. Staff shall return the student to their educational program as soon as the student has safely de-escalated, regained control and is prepared to meet expectations. A room or physical space used for such purposes will provide a supervised area in order to facilitate self-control. No student will be placed in a locked timeout room or space where the student cannot be continuously observed and supervised. The location, size and access to the time out room or space will be in conformance with applicable laws and regulations. The Superintendent/Principal is responsible for the development and implementation of regulations covering the use of timeout, including but not limited to time limitations for use of the timeout, as well as monitoring compliance with those regulations.

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SUBJECT: USE OF TIMEOUT AND PHYSICAL RESTRAINT (cont'd.)

The Principal will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout. Upon request, parent(s) will be shown the room or space that will be utilized. In addition, parent(s) will be provided a copy of this policy and notified when timeout is utilized with their child as outlined in the "Parent Notification" section below.

Physical/Mechanical Restraint: Emergency Interventions

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. *Mechanical restraint* is physical restraint that uses any device or equipment not otherwise implemented by trained school personnel as described in §19.5 of the Regulations, to restrict a student's freedom of movement. Physical restraint shall only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others. Staff will not use physical or mechanical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically/mechanically restrain a student will be trained in safe and effective ways to do so.

The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm is resolved. Physical restraints shall be administered in accordance with state law and regulations, and utilized only by staff who have received appropriate evidence-based training in safe and effective physical restraint procedures.

Documentation of Use of Timeout and Physical Restraint

The District will document each use of timeout and physical restraint with students, including timeout used in conjunction with a student's behavioral intervention plan in accordance with §200.22(c) of the Regulations, in accordance with Federal and state law and regulations. Parents will be notified of each incident of emergency intervention as outlined in the "Parent Notification" section below.

Parent Notification

Pursuant to Education Law §4402(9), the Board is required to develop procedures for same-day parent notification of the use of timeout or physical/mechanical restraint, including timeout used in conjunction with a student's behavioral intervention plan. Whenever a student is placed in a physical or mechanical restraint, or timeout is utilized, the Building Principal or designee will notify the parent on the same day that it occurs, via methods reasonably expected to reach parents (e.g., email, text, phone, apps, etc.).

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Building Principals are responsible for establishing any building-level procedures necessary to implement this policy, and for working collaboratively with any school or program where resident students are receiving services pursuant to an individualized education plan ("IEP") or individualized

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education services program ("IESP"). If the parent cannot be contacted (including if the District does not receive a response) after reasonable attempts are made, the Principal or building administrator will record such attempts. For students with disabilities, the Principal or building administrator shall report such attempts to the Committee on Special Education or Committee on Preschool Special Education. Such notification shall offer the parent(s) the opportunity to meet regarding the incident. Parents will be provided with a copy of the documentation of the incident within three (3) school days of the use of timeout or physical restraint.

Equity

The district will periodically examine data about the use of timeout and physical/mechanical restraint. Such data will be disaggregated by school, grade level, and staff member, as well as by student race/ethnicity and sex/gender (and/or other relevant factors). The purpose of this examination is to determine whether students from any demographic group are disproportionately placed in timeout and physical restraint and how to reduce such disproportionality, and whether, where and for whom additional training, support and/or assistance is needed to reduce the use of such interventions.

Training

Training for staff on the policies and procedures related to the use of timeout and physical/mechanical restraint, and related behavior management practices, will be provided annually or as needed. Staff who may be called upon to implement timeout or physical restraint, shall receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

The Superintendent of Schools is responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22
New York Education Law §4402(9)

Adoption date:

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SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency school closure, at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. The District-wide school safety team will consider, as part of their review of the comprehensive District-wide school safety plan, the installation of a panic alarm system. At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

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SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;

c) Appropriate prevention and intervention strategies, such as:

1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts; and

4. Extended day and other school safety programs;

d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of District resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal or emergency school closure;

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SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster or emergency school closure;

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SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:

1. Coordinating the communication between school staff, law enforcement, and other first responders;

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);

3. Ensuring staff understanding of the District-wide school safety plan;

4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;

5. Assisting in the selection of security related technology and development of procedures for the use of the technology;

6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;

7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and

8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner;

t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c; and

u) An emergency remote instruction plan.

Building-Level Emergency Response Plan

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

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SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a
Labor Law § 27-c
8 NYCRR § 155.17

Adoption Date:

Personnel

SUBJECT: PROBATION AND TENURE

The Board will comply with all applicable laws and regulations regarding probation and tenure. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

Probation

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in their final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during their probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before their probationary period expires.

Tenure

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if they successfully appeal the ineffective rating.

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SUBJECT: PROBATION AND TENURE (Cont'd.)

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which they have received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of their probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

Resolutions Making Appointments

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

a) The name of the appointee;

b) The tenure area or areas in which the professional will devote a substantial portion of their time;

c) The date probationary service or service on tenure commences in each area;

d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:

1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and

2. If the teacher or building principal receives an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and

e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-d, 3014, and 3031
8 NYCRR § 30-1.3

NOTE: Refer also to Policy #6217 -- Professional Staff: Separation

Adoption Date:

SUBJECT: CONCUSSION MANAGEMENT

A concussion is a type of mild traumatic brain injury (MTBI) caused by a bump, blow, or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academic performance as well as their athletic pursuits. As such, the District supports the proper evaluation and management of concussion injuries.

Concussion Management Team (CMT)

The District may establish a Concussion Management Team (CMT) which may be composed of the Athletic Director and/or Director of Physical Education, a school nurse, the school physician/District's Medical Director, a coach of an interscholastic team and/or physical education teacher, a certified athletic trainer, and other appropriate personnel as designated by the District. If established, the CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, school nurses, and certified athletic trainers who work with and/or provide instruction to students engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation (parents) throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse, and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities will complete a training every two years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI. Since concussion symptoms may manifest themselves in any setting, all staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Components of the training will include, but not be limited to:

a) The definition of MTBI;

b) Signs and symptoms of MTBI;

c) How MTBIs may occur;

d) Practices regarding prevention; and

e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

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SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The training must be completed by means of instruction approved by the New York State Education Department (NYSED) which include, but are not limited to, courses provided online and by teleconference.

Each time a staff member completes this training or a related professional development course, they must forward proof of completion to the CMT or, if a CMT has not been established, a designated District staff member who will enter the information into the District's existing system for tracking completed trainings and professional development courses. The system will also use an email to remind staff of the need to complete the training as needed.

Information to Parents and Students

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. Information will include:

a) The definition of MTBI;

b) Signs and symptoms of MTBI;

c) How MTBIs may occur;

d) Practices regarding prevention; and

e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website to this information on the NYSED's and New York Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a MTBI or concussion. Any student demonstrating signs, symptoms, or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents and recommend appropriate evaluation and monitoring.

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SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District may, in collaboration with their Medical Director, allow District staff who are appropriately licensed or certified healthcare professionals and credentialed to use validated neurocognitive computerized testing to review and obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose a concussion or clear a student to return to activities. The District must seek authorization from the parent prior to the testing. Additionally, parents should be given a copy of the results.

Return to School Activities and Athletics

A student will not return to physical activity (including athletics, physical education class, and recess) until they have been symptom-free for at least 24 hours, and have been evaluated and received written and signed authorization from a licensed physician. This written authorization should be sent to the school for review by the District's Medical Director. Additionally, the District's Medical Director has the final authority to clear students to participate in or return to extra class athletic activities. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. Staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District will follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District will also develop a coordinated communication plan among appropriate staff to ensure that the private provider's orders for post-concussion management are implemented and followed, and for students to resume participation in athletic activities with the District's Medical Director approval. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District will also establish a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day or at a school-sponsored athletic event.

In accordance with NYSED guidelines, this policy will be both reviewed and updated at least every three years or with updates to guidance. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)
8 NYCRR §§ 135.4 and 136.5
Guidelines for Concussion Management in Schools, NYSED Guidance Document, 2022

Adoption Date:

SUBJECT: CHILD ABUSE AND MALTREATMENT

Child Abuse in a Domestic Setting

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or maltreatment;

b) Reporting procedures and obligations of persons required to report;

c) Provisions for taking a child into protective custody;

d) Mandatory reporting of deaths;

e) Immunity from liability and penalties for failure to report;

f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or

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SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory action against an employee because the employee believes that they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;

c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"School" means a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to their supervisor employed by the school or the contracting person or entity.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.

b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, they must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from their position.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Notification

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 3028-b, and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law §§ 411-428
8 NYCRR Part 83 and § 100.2(hh) and (nn)
20 USC § 7926

Adoption Date: