

Superintendent's Regulation

SUSPECTED CHILD ABUSE IN AN EDUCATIONAL SETTING REGULATION 5460-R2


Approved Upon Superintendent's Initials

9/25/26
Date

New York State law, including Education Law Article 23-B, as amended, requires the reporting of suspected cases of child abuse in an educational setting by mandated reporters, school officials, school bus drivers, and all school personnel required to hold a teaching or administrative license or certificate.. This regulation implements those requirements within the Rochester City School District and is intended to help protect students present in District programs and facilities.

I: Definitions

The definitions of child abuse in an educational setting are established by New York State Law, and are incorporated in the following for purposes of this regulation.

A: Employees

This regulation applies to all employees of the Rochester City School District. Each employee is required to familiarize themselves with this regulation, and their duty to report suspected instances of abuse in an educational setting. As used in this regulation the term "employee" includes:

1. Anyone receiving direct compensation from the District for their work
2. Anyone whose primary duties involve direct student contact, and
 - a. are receiving compensation from any person or entity that contracts with the District to provide transportation services, or
 - b. are employed by a contracted vendor placed within a District program or facility
3. Any volunteer with the District who has direct student contact and:
 - a. provides any service to the District
 - b. provides any service to any person or entity contracted with the District to provide transportation or any service within a District program or facility

B: Child Abuse

Under the law, it is prohibited for any employee or volunteer in the District to commit acts of child abuse in an educational setting.

For purposes of this regulation, and under the Education Law, child abuse is defined as:

1. Intentionally or recklessly inflicting physical injury, serious physical injury, or death, or
2. Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury, or death, or.
3. Engages in any child sexual abuse, defined by statute as any act prohibited by Articles 130 or 263 of the New York State Penal Law, or
4. Disseminating or attempting to disseminate indecent materials to District students, or youth attending District programs, as defined by Article 235 of the New York State Penal Law, or
5. Using corporal punishment against District students, or youth attending District programs.

C: Educational Setting

This regulation, as distinguished from Policy 5460-R1, applies specifically to conduct allegedly within District programs or facilities. These “educational settings” shall include:

1. Each and every building, facility, ground, field, or other property utilized by the District for purposes of educational programming, whether or not owned or operated by the District,
2. Extracurricular activities, co-curricular activities, including but not limited to sporting events, field trips or any other District approved event or activity where direct contact between an employee or volunteer has allegedly occurred

For purposes of this regulation, “educational setting” may also include any location where District employees are performing educational services at a third-party site or any other work for compensation by the District in a location other than a District property, or in a program not primarily operated by the District directly or indirectly, including but not limited to charter schools, parochial schools, or juvenile detention centers.

II: Reporting Procedures and Related Information

1. All school officials and other mandated reporters, staff, volunteers, or any other employee who has reasonable cause to suspect that child abuse occurred in an educational setting must immediately and personally complete the following.
 - A. Promptly complete a written report of the allegation utilizing the NYSED authorized form.
 - B. If the person completing the form is not the building administrator, site supervisor, or other individual acting in a supervisory capacity, the employee completing the attached form must immediately submit the form to such individual. In the case of an employee completing the digital form, completion of the digital form satisfies this requirement.
 - C. In the event the employee has reasonable cause to suspect that child abuse has occurred in an external educational program by District staff, or in a program which is not their primary work location within the District, submission of the form to the reporting employee’s supervisor shall fulfill their obligations under this regulation.
 - D. In the event the employee has reasonable cause to suspect that child abuse has occurred in a program primarily operated by another school district, or by staff at an external education program where the District provides services but is not responsible for the program (i.e. charter schools, parochial schools, or detentions centers) the employee’s completion of the form and submission to the reporting employee’s supervisor shall fulfill their obligations under this regulation.
2. Administrators, upon receipt of a completed child abuse form alleging abuse in an educational setting completed by an employee or volunteer, shall:
 - A. promptly notify the parent or guardian of the child that an allegation of child abuse in an educational setting has been made regarding the child, and

- B. promptly provide such parent or guardian with the written statement prepared by the District pursuant to the regulations of the New York State Commissioner of Education which outlines the parental rights, responsibilities, and procedures for such allegations
 - C. Immediately forward completed forms to their assigned Director of Staff Relations, the Director of Safety and Security, and the District's Law Department
- 3. Administrators, when receiving an allegation of suspect child abuse in an educational setting made by a parent or guardian, student, or any individual who is not an employee or volunteer of the District, shall:
 - A. promptly provide such parent or guardian with the written statement prepared pursuant to the regulations of the New York State Commissioner of Education which outlined the parental rights, responsibilities, and procedures for such allegations, and
 - B. Personally complete the child abuse reporting form referenced in this regulation, and
 - C. Immediately forward completed forms to their assigned Director of Staff Relations, the Director of Safety and Security, and the District's Law Department
- 4. Supervisors who are not school administrators or are not assigned to the location where the alleged abuse occurred, shall contact their School Chief immediately upon receipt of the completed form, and such School Chief shall, as appropriate, complete the procedures outlined in sections (2) and (3) above, as well as immediately forward the completed form to their assigned Director of Staff Relations, the Director of Safety and Security, and the District's Law Department.
- 5. Upon receipt of the completed form, the Director of Safety and Security shall refer the form to the appropriate law enforcement agency without delay, and initiate an impartial internal investigation of the allegations.
- 6. Upon receipt of the completed form, the Director of Staff Relations, or such other person as may be designated by the Chief of Human Capital for such purpose, shall take necessary steps to ensure student safety and operational continuity, consistent with existing collective bargaining agreements, and the pattern and practice of the District's labor relations, for any accused employee or volunteer under the supervision of the District.
- 7. Completed investigations, including all evidence relied on by the Office of Safety and Security in the course of the investigation, shall be delivered promptly to the Superintendent or their designee for review. Reviewed investigations shall be delivered by the Superintendent or their designee to the District's Law Department for submission to NYSED consistent with prevailing law and Commissioner's regulations.

III: Confidentiality

Any completed forms, written statements regarding suspected child abuse, or any other material submitted by an employee as part of reporting suspected child abuse in conformance with Section II above is to be strictly confidential. Disclosure of such materials outside of the District, unless directed by the District's Office of Safety & Security, the District's Law Department, or the

Superintendent may constitute a crime, and such employee may be liable for discipline consistent with the terms of any applicable collective bargaining agreement in effect at such time.

IV: Retaliation Prohibited

Every individual within the school community is strictly prohibited from retaliating against any person who reports suspected child abuse in an educational setting, or who provides evidence or testimony in the course of a resulting investigation, proceeding, action, or hearing related to the report of suspected child abuse in an educational setting.

Any employee found to have retaliated against any individual participating in the reporting, investigating, or further proceeding related to suspected child abuse in an educational setting shall be subject to discipline consistent with any applicable collective bargaining agreement or term of employment.

Volunteers found to have retaliated against any individual participating in the reporting, investigating, or further proceeding related to suspected child abuse in an educational setting shall be subject to a ban from further volunteering, and/or a ban from District property consistent with District Policy and prevailing law.

All other individuals found to have retaliated against any individual participating in the reporting, investigating, or further proceeding related to suspected child abuse in an educational setting shall, as appropriate, be subject to the provisions of the District's Code of Conduct, which may include a ban from District property consistent with District Policy and prevailing law, or in the case of students, such discipline as may be appropriate up to and including suspension.

V: Record Keeping

Any report or form which is filed, but which does not result in criminal conviction, shall, to the extent such record appears in an employee record, be expunged from the employee's personnel file after a period of no less than five years from the date of the final investigation report consistent with the regulations of the Commissioner.

VI: Agreements Not to Report Prohibited

District staff responsible for managing staff relations, consistent with New York State Law, are hereby prohibited from entering into any agreement with any accused employee or volunteer to withhold compliance with mandated reporting procedures in exchange for a voluntary or unreported resignation, and shall be subject to discipline up to and including dismissal for failure to comply with this prohibition.

Adoption date: September 25, 2026