SUSPECTED CHILD ABUSE AND NEGLECT: GENERAL REPORTING REQUIREMENTS AND REQUIREMENTS SPECIFIC TO EDUCATIONAL SETTINGS

(Formerly entitled, "*Employee Obligations Surrounding Reporting of Suspected Child Abuse or Neglect")*

This policy includes both the reporting requirements pertaining to suspected child abuse or neglect in general, as well as the requirements pertaining to reporting allegations of child abuse committed by a school employee or volunteer in an educational setting.

While the processes established for reporting suspected child abuse and neglect and for reporting suspected child abuse in an educational setting are separate and distinct, the objective of both of those reporting requirements is the same: protecting our children from harm. Consistent with the District's goal of ensuring that our children are protected from harm, all employees are required to report suspected child abuse or neglect in accordance with this policy and are required to fully cooperate with any internal, law enforcement, or other governmental agency investigation into allegations that a Rochester City School District student may have been abused or neglected. Any employee who is found to be in violation of this policy is subject to disciplinary action.

The Superintendent will prepare and implement regulations which accomplish the intent of this policy and specify the procedures employees are to follow in order to comply with both the law and Board Policy. The contents of this policy and the accompanying Superintendent's Regulation shall be distributed to all District staff. The District shall maintain an ongoing training program which will address employees' legal obligation to report suspected Child Abuse and Child Abuse in an Educational Setting. The Superintendent will annually provide the Board of Education with a summary report which describes the training that was offered, the number of employees that received the training, and the dates the training occurred.

1. REQUIREMENTS FOR REPORTING ALLEGED ABUSE OR NEGLECT TO CHILD PROTECTIVE SERVICES (i.e. by a parent, guardian, or person regularly found in the child's home)

The Board believes the purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children can be protected from further harm and, where appropriate, can be offered services to assist their families.

The Board recognizes that because of their sustained contact with school-aged children, employees are in an excellent position 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, or cause to report, the case to the New York State Child Abuse and Maltreatment Register, as required by law.

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 (1-800-342-3720) and the directions for accessing the NYS Office of Children and Family Services website (http://ocfs.ny.gov/main/cps/) in English and Spanish.

The following procedures will be followed in making a report of suspected abuse or maltreatment of a child by a parent, guardian, or person regularly found in the child's home:

a. The report shall be made by telephone to the appropriate local child protective services and/or to the statewide Central Register for Child Abuse and Maltreatment, and a written report shall be made within 48 hours. Written reports and any related materials are confidential and may only be given to the building administrator and the Superintendent.

b. School employees and officials will not contact the child's family or any other person during the investigative period to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove whether or not the child has been abused or maltreated.

c. All personnel making a report will be asked to provide their name and contact information to the Central Register. This information is confidential and protected by law, and generally will not be disclosed except in limited circumstances as authorized by law. Anyone who believes that disclosure of this information would be detrimental to their safety or interests may communicate those concerns to the Office of Children and Family Services. State law authorizes the Commissioner of Children and Family Services to prohibit the release of identifying information where disclosure would be detrimental to the safety or interests of anyone who made a report or cooperated with an investigation.

d. 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.

e. 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 employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment. 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 District 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 staff members.

The District will cooperate to the extent possible with authorized Child Protective Services workers in investigations of alleged child abuse. When requesting verification of the identity of Child Protective Services personnel, District staff may request photographic employment identification or other government issued photographic identification, but cannot request a driver’s license.

2. REQUIREMENTS FOR REPORTING ALLEGED CHILD ABUSE IN AN EDUCATIONAL SETTING (i.e., by a District Employee or Volunteer)

Consistent with the District's responsibility to maintain a safe environment for our students, the Board of Education directs that all staff comply with the requirements of New York State Education Law 23-B, which mandates that any Rochester City School District staff who shall be in receipt of any allegation that child abuse has been committed by an employee or volunteer in an educational setting must promptly report receipt of that allegation. This includes:

a. any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or

b. who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

Definitions

a. "Child Abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child: (a) intentionally or recklessly inflicting physical injury, serious physical injury or death, or (b) intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or (c) any child sexual abuse or (d) the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

b. "Educational Setting" shall mean the building and grounds of a public-school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all cocurricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

Penalty Provisions

The requirements set forth above are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to $5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

Immunity Provisions

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court–ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

Unreported Resignations or Voluntary Suspensions

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to $20,000.

District Cooperation with Investigations of Reported Allegations of Abuse

The District will cooperate fully with law enforcement and any other governmental agencies that investigate reported allegations of Child Abuse in an Educational Setting.

Expungement

When the District learns that a report has not ultimately resulted in a criminal conviction, all copies of the report shall be expunged from any record kept by the District regarding the subject of the report. The report and all copies shall be expunged after a period of five years from the date the report was made, or at such earlier time as the superintendent determines.

Cross-ref: Student Attendance and Withdrawal Policy (5100)
Suspected Child Abuse and Maltreatment Regulation (5460-R)
Student Records and Privacy (5500)

NYSSBA Ref: Child Abuse, Maltreatment or Neglect in a Domestic Setting (5460) – Required Policy

Ref: New York State Education Law, Article 23-B
Family Educational Rights and Privacy Act [20 U.S.C. §1232g; 45 CFR §99.36]
Child Protective Services Act of 1973 Social Services Law §§1411 et seq.
Social Services Law §34-a
Family Court Act §1012
Education Law §§409-l; 3209-a, 3036
Education Law §§1125-1133
Penal Law §§130, 235, 240.50, 263
18 NYCRR §432.3
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)
Appeal of S.S., 42 EDR 273 (2003)

Notes: Suspected Child Abuse and Maltreatment Reporting Requirements and Procedures (December 18, 1997); Adopted August 20, 1998; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 82; Amended June 19, 2014 pursuant to Resolution No. 2013-14: 779; Amended November 16, 2017 pursuant to Resolution No. 2017-18: 354; Amended August 25, 2022 pursuant to Resolution No. 2022-23: 78; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 469; Amended September 15, 2026 pursuant to Resolution No. 2026-27: 218; Due to duplicate resolution number, amended resolution number on October 29, 2026 to Resolution No. 2026-27: 339

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