

Required
 Local
 Notice

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

The Board of Education understands that because of their sustained contact with school-aged children, employees are in a position to identify cases of suspected abuse or maltreatment of children and refer them to the proper authorities. The Board of Education further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse or maltreatment in a domestic setting.

Mandated Reporting

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

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment must immediately report this as required by law. The term "school officials" includes, but is not limited to:

- Teachers;
- School guidance counselors;
- School psychologists;
- School social workers;
- School nurses;
- Administrators;
- Any school personnel required to hold a teaching or administrative license or certificate.

While New York State Law permits any person to report suspected child abuse or maltreatment directly to the appropriate agency, it is believed that it is in the best interests of the children and staff at Hewlett-Woodmere Schools that a school district central reporting procedure, consistent with applicable laws be implemented. It shall be the policy of the District that all members of the staff shall report suspected child abuse or maltreatment to the administrator of the school where the child is enrolled or participating in any activity, **and** must either make an independent report to Child Protective Services ("CPS"), or verify specifically that the school administrator had notified CPS on behalf of the school.

Upon receiving notice that a mandated report has been made, the administrator of the school becomes responsible for all subsequent administration necessitated by the report. A summary of all reports must be forwarded by the administrator of the school to the Superintendent of Schools on a regular basis.

Establishing Written Procedure

The District shall prepare written instruction for staff regarding oral and written reporting procedures, provisions for taking a child into protective custody, mandatory reporting of deaths, immunity from liability, penalties for failing to report and obligations for the provision of services and procedures necessary to safeguard the life or health of the child. All oral reports must be followed by a written report within 48 hours to the appropriate local children protective services, and to the statewide Central Register. The District shall provide all current and new employees with written information explaining the District's reporting requirements, the current definitions of abuse and maltreatment, and a list of the information necessary to complete the report.

Confidentiality

The District shall ensure confidentiality of all reports and shall provide that no copy of any report be released to any person except the State or local Child Protective Services, or other such agency required by law.

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 or maltreated.

Immunity

The law grants immunity, both civil and criminal, to all persons who in good faith report instances of child abuse from any liability that might otherwise result by reason of such actions.

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 or maltreated.

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

Liability

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor, and may be held civilly liable for the damages caused by the failure to report.

Protective Custody

In the event it is determined that a student's life or health is in danger if the child is permitted to return home, the District will call 911 for the purpose of having a police officer take the child into protective custody.

Mandatory Reporting of Deaths

In the event that an employee of the District has reasonable cause to suspect that a child died as a result of child abuse or maltreatment, they shall report that fact to the administrator of the school who will report it to the proper authorities as provided under law.

School District Relationship with Local Social Service District

The School District will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent of Schools, or his or her designee, will represent the District when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent of Schools will share a copy of the district's attendance policy, 5100, with the local social service district.

Training

The District shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent of Schools shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board of Education. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent of Schools will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

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, 45 CFR §99.36
Education Law §3209-a
Penal Law §240.50

Adoption December 14, 1978
Amended: 5/11/2000; April 24, 2014

**CHILD ABUSE, MALTREATMENT OR NEGLECT
IN A DOMESTIC SETTING REGULATION**

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the District and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

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- (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
- b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342-3720). The term "school officials" includes, but is not limited to:
 - Teachers
 - Guidance counselors
 - School psychologists
 - School social workers
 - School nurses
 - Administrators
 - Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

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2. It shall be the policy of the District that all members of the staff shall report suspected child abuse or maltreatment to the administrator of the school where the child is enrolled or participating in any activity, **and** must either make an independent report to Child Protective Services (“CPS”), or verify specifically that the school administrator had notified CPS on behalf of the school.
3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.
4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
 - (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or
 - (b) contact the above agency by fax on a form supplied by the Commissioner of the Office of Children and Family Services; and
 - (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
 - (d) determine if additional steps need to be taken by the School District, (for instance, contacting the school physician, social worker or other support services).
5. The Building Principal may take or cause to be taken photographs of the areas of trauma visible on a child who is subject to a report, and/or, if medically indicated, cause an x-ray examination to be performed on the child. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.
6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.
7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records.

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If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.
9. The District shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.
10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
11. Only one report of any suspected abuse is required.
12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
13. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

Adoption date: April 24, 2014