

## **Policy Information**

### **Series 4000 - Personnel**

#### **Child Abuse in a Domestic Setting**

Policy # 4220

The Board of Education recognizes the duty of school officials, as mandated reporters, to report suspected incidents of domestic child abuse, maltreatment or neglect (including educational neglect) to the Statewide Central Register for Child Abuse and Maltreatment orally or by facsimile, on an immediate basis and with a follow-up report in writing, within 48 hours to the County Department of Child Protective Services.

#### ***Mandated Reporters***

Pursuant to law, school officials who are mandated reporters include all administrators, teachers, teaching assistants, guidance counselors, social workers, psychologists, school nurses, and any other school personnel required to hold a teaching or administrative license or certificate. Such individuals are under a duty to report as set forth below in this policy.

#### ***Other Reporters***

The Board expects employees other than the mandated reporters to report suspected incidents of child abuse and maltreatment to the Building Principal at the school in which the child attends.

#### ***Reporting***

Mandated reporters shall call the Statewide Central Register telephone number to report an incident of suspected child abuse. They shall ask for the call identification number, the name of the person to whom reporting and the time the report is logged to keep in the School District's record. A personal copy may be retained. The mandated reporter will immediately inform the Building Principal of such reporting and, also, complete the LDSS-2221-A form and provide the completed and signed form to the Building Principal. The Building Principal is responsible for ensuring that any follow-up administrative activities as a result of the report are performed, and shall notify the Superintendent of Schools or Acting Superintendent of the report, by telephone and writing.

Within 48 hours of the report, the Building Principal will transmit the completed and signed LDSS-2221-A form to the County Department of Social Services, Office of Child Protective Services and provide notice of the transmittal to the Building Principal. The report shall also be maintained in the student's cumulative health record in an envelope marked "Confidential."

The Superintendent of Schools or designee can request a summary investigative report of any case referred to Child Protective Services.

School personnel may request that individual identifying information be withheld if documenting such information might prove detrimental to the safety or interest of that individual.

In instances when the Building Principal receives information that constitutes reportable child abuse or maltreatment from any non-mandated reporter, he or she shall become responsible to report and follow the process described above for incident reporting and follow-up administrative action.

Only one report per incident is required from the school district.

#### ***Suspecting Child Abuse, Maltreatment or Neglect***

Mandated reporters shall and other reporters are expected to report suspected incidents of child abuse, maltreatment or neglect, as described in Regulations that accompany this policy. It is not the duty or responsibility of mandated or other reporters to conduct an investigation once evidence of suspected child abuse or maltreatment is presented or is apparent. The district will cooperate, consistent with privacy laws, to the extent possible, with authorized child protective services workers and law enforcement officials in investigations of alleged child abuse.

### ***No Family Contact***

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.

### ***Incidents Involving Death***

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.

### ***Penalty for Failure to Report***

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.

School employees will not be subject to retaliatory action as a result of making a report when they reasonably suspect that a child has been abused, mistreated or neglected.

### ***Training***

The school district shall conduct on an on-going basis training programs for the identification and reporting of child abuse and mistreatment. 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.

### ***School District Relationship with Local Social Services Agencies***

The School District will cooperate to the extent possible with authorized child protective service workers in the investigation of alleged child abuse, maltreatment or neglect. The Superintendent or his/her designee will represent the School District when collaborating with local social services agencies to address instances of abuse, maltreatment or neglect.

### ***Policy Dissemination***

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

### **Policy References:**

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

### **Policy Cross References:**

» 5146 - Child Abuse in a Domestic Setting

Adoption Date: 2/28/2008, Revised: 11/17/2011  
4000 - Personnel

## **Child Abuse in a Domestic Setting**

### Regulation Info 4220R

Pursuant to Board of Education policy and Section 411 of the Social Services Law, school district staff should be on the alert for the purpose of identifying abused and maltreated children and reporting such findings as required in paragraph "2" below. For the purpose of discerning whether or not a child is abused or maltreated the following definitions should be considered:

#### Definitions

An "abused child" means a child less than 18 years of age whose parent or other person legally responsible for care, 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, serious protracted disfigurement protracted impairment of physical or emotional health protracted loss or impairment of the function of any bodily organ. Child abuse also refers to the situation where the parent or other person legally responsible, creates or allows to be created a substantial risk of physical injury tea child, by other than accidental means, which would be likely to cause death or serious protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. Sex offenses against a child, as defined in the Penal Law, shall also constitute a basis for finding that a child has been abused.

A "maltreated child" includes a child of the age of 18 defined as a neglected child under the Family Court Act or who has had serious physical injury inflicted upon him by other than accidental means in general terms, a neglected child is one whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of neglect by a parent, or other person legally responsible for his care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric o surgical care. Child neglect is also indicated where there has been the unreasonable infliction of harm, or substantial risk thereof, including the infliction of excessive corporal punishment, drug misuse or abuse, alcohol abuse or abandonment of the child

#### 1. Persons Obligated To Report Cases of Suspected Child Abuse of Maltreatment

School officials and registered nurses working in the School District are under an obligation, pursuant to Section 413 of the Social Services Law, to report such cases by immediately notifying the Building Principal. All professional staff members (including superintendents, teachers, administrative officers, guidance counselors, coaches and substitute teachers) should consider themselves to be under a duty to report suspected cases of child abuse, maltreatment and neglect to the Building Principal or School Nurse, (Sections 413 and 414, Social Services Law).

#### 2. Reporting

**ALL REPORTS TO THE STATE AND LOCAL CHILD PROTECTIVE SERVICES SHALL BE MADE BY THE BUILDING PRINCIPAL AFTER CONSULTATION WITH THE SUPERINTENDENT OF SCHOOLS OR HIS/HER DESIGNEE.**

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone and in writing, within 48 hours after such oral report or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Registry and to the Local Child Protective Service. The written report shall be made to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports as set forth below. (Section 415, Social Services Law)

Oral Report to: New York State Central Registry of Child Abuse and Maltreatment 1-800-342-3720 and Westchester County Department of Social Services, Child Protective Services 914-734-4500; Mandated Reporter's Hotline 1-800-635-1522.

Written Report to: Westchester County Department of Social Services, Child Protective Service, 750 Washington Avenue, Peekskill, New York 10566.

Telephone Facsimile Report to Special telephone facsimile number: 1-800-635- 1554.

### 3. Report Requirements

Each report shall include the following information:

The name and address of the child and his/her parents or other person responsible for his/her care, if known; the child's age, sex and race; the nature and extent of the child's injuries, abuse or maltreatment including any evidence of prior injury, abuse or maltreatment to the child or his siblings; the name of the person or persons responsible for causing the injury, abuse or maltreatment, if known; family composition; the source of the report; the person making the report and where he can be reached; the actions taken by the reporting source, including the taking of photographs and any other information which the Commissioner may, by regulation, require or the person making the report believes might be helpful in the furtherance of the investigation.

### 4. Taking Photographs

The law allows for the photographing at public expense of the areas of trauma visible on a child who has been abused or maltreated. All photographing should be conducted with the authorization of the Building Principal who shall, to the extent practicable, do so upon notification of the Superintendent or his/her designee. All photographs shall be sent to the Child Protective Service at the time that the written report, referenced in paragraph "3" above, is sent or as soon thereafter as possible.

### 5. Access to School Records By The Child Protective Services

The District may disclose personally identifiable information from the educational records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals. In deciding whether or not the disclosure should be made, the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the, emergency and the extent to which time is of the essence should be considered. (Federal Family Educational Rights and Privacy Act of 1974 "Buckley Amendment")

### 6. Student Interviews By Child Protective Services Personnel On School Property

The Building Principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made regardless of the source of the report. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the pupil and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

### 7. Taking A Child Into Protective Custody

School officials and staff members do not have the power to take a child into protective custody under the Social Services Law or Education Law. A peace officer, police officer, law enforcement official, agent of a duly incorporated society for the prevention of cruelty to children or a designated employee of the County Department of Social Services may take a child into protective custody without the consent of a parent or guardian. The Building

Principal shall cooperate with any of the officials referenced above who produces official documentation indicating that a student be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools.

## 8. Confidentiality Of Reports

Reports of suspected child abuse and maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent of Schools and the school attorney regarding the propriety of releasing the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining that to do so would be detrimental to the safety or interests of the reporter.

## 9. Reporting Of A Child's Death

A post-mortem report must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs, at school, the report shall be made by the Superintendent of Schools to the appropriate medical authority. (Section 418, Social Services Law)

## 10. Immunity From Liability

The law provides school officials who act in good faith in the making of a report or the taking of photographs with immunity from liability. The immunity from liability extends to civil or criminal liability that might otherwise result from such actions. The law establishes a presumption of immunity from liability. (Section 419, Social Services Law)

## 11. Penalties For Failure To Report

The penalty for failure to report a suspected case of child abuse, maltreatment and neglect a Class A Misdemeanor. In addition there may be civil liability for damages proximately caused by such failure to report. (Section 420, Social Services Law)

## 12: Obligations For Provisions Of Services And Procedures To Safeguard And Health

If, during the course of an investigation of suspected child abuse, the Building Principal determines that a child's health or safety is threatened, the Building Principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody pursuant to paragraph "7", above.

## 13. Training Programs For Staff And New Hires

The Superintendent shall establish and implement, on an ongoing basis, a training program for all current employees and newly hired employees regarding child abuse and the procedures described hereinabove. (Section 3209-a, Education Law)

## 14. General Information

General Information about child abuse, maltreatment, or welfare, other than for the purpose of making a report of child abuse or maltreatment, can be obtained by calling: 1-518-474-9516.