

SUSPECTED CHILD ABUSE AND MALTREATMENT**I. Obligation to Report Suspected Abuse or Maltreatment**

Any school official or employee who is a mandated reporter who has reasonable cause to suspect that a child, less than 18 years old, coming before them in their professional or official capacity has been subjected to abuse or maltreatment by a parent, person in parental relation, or other person legally responsible for the child's care, shall immediately report the case to the New York State Child Abuse and Maltreatment Register, in accordance with law and this policy. (See Administrative Regulation 5025R(I)(A),(B) for the definitions of "abused child" and "neglected or maltreated child").

Mandated reporters under Section 413 of the Social Services Law include but are not limited to: physicians, psychologists, registered nurses, social workers, school officials, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators, any other school personnel required to hold a teaching or administrative license or certificate, or a full or part-time compensated school employee required to hold a temporary coaching license or a professional coaching certificate. (See Administrative Regulation 5025R(I)(E)).

Mandated reporters who have reasonable cause to suspect that a child has been subjected to abuse or maltreatment must promptly make a report to the New York Statewide Central Register for Child Abuse and Maltreatment. After making such a report, the mandated reporter should then notify the building principal. However, the building principal shall not require mandated reporters to first come to him/her with any suspected child abuse or maltreatment before reporting same to the New York Statewide Central Register for Child Abuse and Maltreatment.

II. Reporting to State Office of Children and Family Services

The report to the NYS Central Register of Child Abuse and Maltreatment shall be made by telephone or via facsimile on a form supplied by the New York State Office of Children and Family Services. Telephone reports can be made through the hotline: (800) 342-3720. School administrators and teachers can also report suspected abuse or mistreatment to: (800) 635-1522.

After an oral report has been made, a written report on a form supplied by the New York State Office of Children and Family Services must be submitted to the appropriate local child protective service (unless a report must be made to the NYS Central Register of Child Abuse and Maltreatment in accordance with NYSOCFS requirements). Any report shall include the name, title and contact information for every staff person who is believed to have direct knowledge of the allegations in the report.

Upon being notified of the report, the building principal or their designated agent will take or cause to be taken color photographs of visible trauma and shall, if medically indicated, cause a radiological examination of the child to be performed.

III. No Contact with Child's Family Regarding Suspicions

School employees and officials shall not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the legal responsibility of the school official or employee to prove that the child has been abused or maltreated.

IV. Reporting Obligation in Case of the Death of a Child

Any mandated reporter who has cause to suspect that the death of any child is a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

V. Consequences of Failure to Report

In accordance with New York law, any person, official or institution required to report suspected child abuse or maltreatment and who fails to do so may be guilty of a Class A misdemeanor and may be held liable for the damages caused by his/her failure to report.

VI. Immunity and Other Protections

The law grants persons, officials and institutions and others who in good faith report suspected instances of child abuse or maltreatment immunity from any liability that otherwise might be incurred. Immunity shall be presumed so long as the official or employee was discharging their official duties and acting within the scope of their employment, and that liability did not result from willful misconduct or from their gross negligence.

Tech Valley High School shall not take any retaliatory personnel action against an employee because such employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in accordance with the Social Services Law and this policy.

VII. Cooperation with C.P.S. Investigations

Tech Valley High School shall cooperate to the fullest extent possible with law enforcement and authorized child protective services workers in their investigations of alleged child abuse or maltreatment.

VIII. Staff Training Program

Tech Valley High School shall provide or recommend training programs to address the identification and reporting of child abuse and maltreatment for all newly certified employees and refresher programs for previously trained employees.

IX. Administrative Regulations and Policy Dissemination

The Capital Region BOCES and Questar III District Superintendents have promulgated regulations to carry out this policy. This policy and the regulations adopted administratively to implement and enforce it shall be printed in all employee handbooks.

References

Child Protective Services Act of 1973

Social Services Law Secs. 411 et seq.

Family Court Act Sec. 1012

20 USC 1232g (Family Educational Rights and Privacy Act)

45 CFR 99.36

Education Law Sec. 3209-a

Mental Hygiene Law, Section 19.27

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SUSPECTED CHILD ABUSE REGULATIONS**I. Definitions**

- A. "Abused child" means, according to the Social Services Law and Family Court Act, a child less than 18 years of age whose parent or other person legally responsible for his/her care:
1. 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
 2. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means that 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
 3. commits, or allows to be committed, a sex offense against such child, as defined in the Penal Law.
- B. "Neglected or maltreated child" means, according to the Family Court Act, a child less than 18 years of age:
1. 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/her parent or other person legally responsible for his/her care to exercise a minimum degree of care in:
 - a. 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, optometric, or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
 - b. providing the child with proper supervision or guardianship by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk of harm, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he/she loses control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
 2. who has been abandoned by his/her parent(s) or other person(s) legally responsible for his/her care.
- C. "Person legally responsible" means the child's parent, custodian, guardian, or any other person responsible for the child's care at the relevant time. "Custodian" shall be understood to 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.

- D. "Impairment of emotional health" and "impairment of mental or emotional condition" mean 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 that parent, guardian, or custodian to exercise a minimum degree of care toward the child.
- E. "Mandated reporter" means a Tech Valley High School official or employee who is required by the Social Services Law to report cases of child abuse or maltreatment. Mandated reporters include but are not limited to physicians, psychologists, registered nurses, social workers, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators, other school personnel required to hold a teaching or administrative license or certificate, full or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

II. Reporting Procedures and Related Information

- A. **REPORTING CASES OF SUSPECTED CHILD ABUSE OR MALTREATMENT.** All Tech Valley High School mandated reporters must report, in accordance with law, when they have reasonable cause to suspect that a child, coming before them in their professional or official capacity has been subjected to child abuse or maltreatment, or when the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child. Mandated reporters shall immediately report the case to the New York State Child Abuse and Maltreatment Register, in accordance with law and this policy as follows:

1. Telephone the New York State Central Register of Child Abuse and Maltreatment hotline (800) 635-1522 and inform them of the case. The reporter shall note the case number assigned to the report and the person to whom he/she spoke. The reporter shall request that the child protective services agency advise Tech Valley High School of the outcome of the report.
 2. File a written report with the local child protective services agency within forty-eight (48) hours after the oral or facsimile report made pursuant to II.A.(1), above, except that written reports regarding children in residential care are to be made to the NYS Central Register of Child Abuse and Maltreatment.
 3. Report cases of suspected child abuse or maltreatment to his or her building principal promptly. However, the Tech Valley High School principal shall not require reporters to first come to him or her with any such suspected cases, before reporting same to the New York State Central Register of Child Abuse and Maltreatment.
 4. Submit copies of the written report in a sealed envelope immediately to the Capital Region BOCES and Questar III District Superintendents who shall maintain such reports in dedicated files. Copies of the report shall not be filed in the student's records.
 5. An employee who reports a case of suspected child abuse or maltreatment shall advise the Tech Valley High School principal and any other employees who may have been aware of such suspicions that he/she has reported the case to the Central Register, as provided above.
- B. PHOTOGRAPHING CHILD. The Tech Valley High School principal or her/his designee shall photograph or cause color photographs to be taken of any visible trauma on the child, or, if medically indicated, cause the child to be examined, or both. Such actions may be performed at public expense when required. A camera and film or digital camera will be kept in the school building and will be available for this purpose.
- C. SUBSTANCE OF WRITTEN REPORT. The written report that must be filed pursuant to II.A.2, above, shall be on forms provided by the Commissioner of Social Services which can be found online at <http://ocfs.ny.gov/main/cps/> and a copy of which is attached. The written report shall include:
1. the name and address of the child and her/his parent(s), or guardian(s) or other person responsible for his/her care;
 2. if applicable, the name and address of the residential care facility or program in which the child resides or is receiving care;
 3. the child's age, sex, and race;
 4. the nature and extent of the child's injuries, abuse, or maltreatment, including evidence of prior injuries, abuse, or maltreatment to the child or his/her siblings;

5. if known, the name(s) of the person(s) alleged to be responsible for causing the child's injury or injuries, abuse, or maltreatment;
 6. the members of the child's family or her/his family's composition (i.e., father, mother, stepfather or -mother, number of sisters and brothers, grandparents, etc.)
 7. the source of the report;
 8. the name of the person making the report, and where he/she can be reached;
 9. the actions taken by the reporting source, if any, including photographs or x-rays, removal or retaining of the child, or notifying the medical examiner or coroner;
 10. the names, titles and contact information of staff persons believed to have direct knowledge of the allegations in the report; and
 11. any other information that the New York State Office of Children and Family Services may require or the person making the report believes may be helpful.
- D. **MULTIPLE REPORTS NOT REQUIRED.** Only one report of suspected child abuse or maltreatment per incident shall be required. Failure of one staff member to make a report, however, shall not relieve any other mandated reporter from reporting a case of suspected child abuse or maltreatment.
- E. **RESPONSIBILITIES OF SCHOOL PHYSICIAN.** The school physician shall notify the appropriate police authorities or the local child protective service to take custody of any child that the physician is treating, whether or not additional medical treatment is required, if the physician judges that the child is in danger.
- F. **CONTACTING HOME SCHOOL DISTRICT.** The mandated reporter who reports suspected child abuse or maltreatment shall consult with the Tech Valley High School principal regarding contacting the home school district Committee on Special Education Chair or other appropriate district official.
- G. **ADDITIONAL CORRESPONDENCE.** All correspondence regarding any report of child abuse or maltreatment, including expungement letters, shall be transmitted immediately in sealed envelopes to the Capital Region BOCES and Questar III District Superintendents.
- H. **CPS INTERVIEW OF CHILD AT SCHOOL.**
1. Presence of School Official During CPS Interview. In the event it is necessary for the Child Protective Services (CPS) to interview a child to ascertain whether that child has been abused or maltreated, or to obtain documentation of such acts, the interview shall be conducted in the presence of a school official unless the circumstances require otherwise. If sexual abuse of the child is indicated, then the school official shall be of the same sex as the child.

Any properly authorized CPS interview is to be conducted without prior notice to the child's parent, custodian, guardian, or any other person responsible for the

child's care at the relevant time. Parental consent is not required for a properly authorized CPS Interview to be conducted and may be held over a parent, custodian or guardian's objections.

2. Verification of C.P.S. Worker's Credentials. Before any child attending Tech Valley High School is interviewed by a person purporting to be a CPS worker or official, and before any such person is authorized to inspect any records of any Tech Valley High School pupil, the school official to whom the person has presented herself or himself shall examine the person's credentials and verify their authenticity, as well as their authority to conduct an interview of a child.
- I. **ON-GOING TRAINING FOR MANDATED REPORTERS.** All Tech Valley High School employees who are mandated to report suspected child abuse may be required periodically to attend or undertake refresher training regarding identification and reporting of all cases of suspected child abuse.
 - J. **DISTRIBUTING REGULATIONS TO EMPLOYEES.** Tech Valley High School shall distribute a copy of these regulations and the related Board of Education policy to employees mandated to report suspected child abuse or maltreatment. The policy and regulations shall be incorporated into the employee handbook.
 - K. **IMMUNITY FOR GOOD FAITH REPORTS.** As provided in Section 419 of the Social Services Law, any mandated reporter who, having reasonable cause to suspect and acting in good faith, makes a report or takes photographs of injuries and bruises of a child suspected of being abused or maltreated has immunity from criminal and civil liability. The good faith of any person who is required by law to make such a report is presumed.
 - L. **MANDATORY REPORT TO CORONER OR MEDICAL EXAMINER.** Tech Valley High School personnel, who have reasonable cause to suspect that a child has died due to child abuse or maltreatment shall, as required by Section 418 of the Social Services Law, report this information to the appropriate medical examiner or coroner.
 - M. **LIABILITIES FOR FAILURE TO REPORT SUSPECTED ABUSE OR MALTREATMENT.** As provided in Section 420 of the Social Services Law, any person who is mandated to report suspected cases of child abuse or neglect and who fails to do so may be found guilty of a Class A misdemeanor, and may be held civilly liable for the damages caused by said failure.
 - N. **SIGNS OF UNLAWFUL METHAMPHETAMINE LABORATORY.** Any school official or employee, who in the normal course of their employment travels to locations where children reside and, while doing so, observes signs of an unlawful methamphetamine laboratory shall report the matter to his/her supervisor promptly. The supervisor and employee shall, in consultation with the school attorney, make a report to the appropriate law enforcement agency. Tech Valley High School shall provide appropriate employees with information from the Office of Alcoholism and Substance Abuse Services on recognizing the signs of an unlawful methamphetamine laboratory.
 - O. **EXPUNGEMENT OF RECORDS WHEN REPORT DEEMED UNFOUNDED.** If a report of child abuse or maltreatment has been determined to be unfounded, then all records, including those found in the NYS Central Register and also those placed in school files,

shall be expunged. Any reporter who receives notice of such a determination shall notify the Tech Valley High School principal. The Tech Valley High School principal shall notify the Capital Region BOCES and Questar III District Superintendents.

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