

**SUBJECT: CHILD ABUSE AND MALTREATMENT**

The District takes seriously the obligation of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

**Definitions**

An "*abused child*" means a child less than twenty-one (21) 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 or protracted loss of 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 to a 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. Consistent with Social Services Law, sex offenses involving a child which are committed, allowed, or encouraged by such child's parent or other person legally responsible for his/her care, shall also constitute a basis for finding that a child has been abused.

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**SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

**Definitions (Cont'd.)**

A "*maltreated child*" includes a child under the age of twenty-one (21) defined as a neglected child under the Family Court Act or who had serious physical injury inflicted upon him/her 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/her care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric or 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.

**Reporting Information**

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators, board members, or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

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**SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

**Prohibition of Retaliatory Personnel Action**

The District will not take any retaliatory personnel action against an employee because the employee believes that he/she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

“Retaliatory personnel action” means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

**Report Form**

The “**Report of Suspected Child Abuse or Maltreatment**” Form LDSS-2221A may be accessed at the OCFS website.

**Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

*Definitions*

“Administrator” or “school administrator” means a principal, or the equivalent title, in a school, or other chief school officer.

“*Child abuse*” means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death;
- c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; 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.

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**SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

**Child Abuse in an Educational Setting (Cont'd.)**

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting**

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of such allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent/guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

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**SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting (Cont'd.)**

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to his or her supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations shall be promptly forwarded to the Superintendent of the school district of the child's attendance and the school district where the abuse allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or Superintendent must then determine whether there is reasonable suspicion to believe that such an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

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**SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting (Cont'd.)**

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, he or she will also refer the report to the Commissioner of Education if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

**Civil Immunity**

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of such actions.

**Confidentiality**

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, will be confidential and will not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing such unauthorized disclosure.

**Training**

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

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**SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his or her position.

The Superintendent or other school administrator who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

**Notification**

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting, including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

**Interviewing the Child at School**

School officials shall cooperate with Child Protective Service Workers who are investigating suspected cases of child abuse and maltreatment. Child Protective Service Workers may interview children on school property who are suspected of being abused or maltreated. The school principal may grant authority to conduct such interviews without first notifying the parent or obtaining parental permission. The interview may be allowed even though the referral was made by someone other than a School District employee.

The identity of the Child Protective Services Worker shall be verified prior to permitting the in-school interview. A Churchville-Chili Central School District official will be present during the interview.

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# POLICY

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Students

## **SUBJECT: CHILD ABUSE AND MALTREATMENT (CONT'D.)**

### **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 needs to be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools or his/her designee.

Education Law Article 23-B & Section 3028-b  
Penal Law Article 130, 235 and 263  
8 New York Code of Rules and Regulations (NYCRR) Part 83  
Education Law Section 3209-a  
Family Court Act Section 1012  
Labor Law Section 740(1)(e)  
Social Services Law Sections 411-428

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