

Reporting Child Abuse in an Educational Setting

The Chenango Valley Central School District subscribes to all of the provisions of Title 6 – Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and maltreated children as described by the law, and to make all school personnel within the district aware of our legal responsibilities under this law. Procedures shall be developed and maintained, and regulations shall be disseminated by administration regarding the:

- a) mandatory reporting of child abuse/neglect;
- b) reporting procedures and obligations of persons required to report;
- c) provisions for taking a child into protective custody;
- d) immunity from liability and penalties for failure to report;
- e) obligations for provision of services and procedures necessary to safeguard the life of a child; and
- f) awareness and training

Child Abuse & Maltreatment Identification & Reporting Procedures

Chapter 544 of the Laws of 1988, Section 3209-A requires each school district develop procedures regarding the reporting of child abuse and maltreatment. The Chenango Valley Board of Education, in recognition of this responsibility, has adopted a policy regarding the subject of child abuse. An "abused" child is a child under the age of 18 years old whose parent or other person legally responsible for his/her care:

- 1) Inflicts or allows to be inflicted upon the 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 the child by other than accidental means which is likely to cause death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or loss or impairment of the function of any bodily organ, or
- 3) commits, or allows to be committed, a sex offense against the child; permits or encourages the child to engage in prostitution or incest; or allows the child to engage in sexual performance (Penal Law, Art. 263).

A "maltreated" or "neglected" child is one who is under the age of 18 years old:

- 1) who has had serious physical injury inflicted upon him/her, or;
- 2) 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 as defined in (a) or (b) below;
 - a) Supplying the child with adequate food, clothing, shelter, education in accordance with the compulsory education laws, medical, dental, optometric or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
 - b) 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 misusing a drug or drugs; or by misusing 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 aide of the court; or
 - c) who has been abandoned by his/her parents or other person legally responsible for his/her care.

Persons required to report cases of suspected abuse or maltreatment:

Section 413 of the Child Protective Services Act requires that any school official, physician, psychologist, registered nurse or mental health professional must report cases of alleged abuse or neglect when they have reasonable cause to suspect that a child is abused or maltreated based upon information obtained in their professional capacity. "School officials" are interpreted as teachers, administrators or pupil services staff. Section 413 further requires that any individual required to report must immediately notify the building principal or the principal's designee. The principal does not have the authority to prohibit the mandated reporter from making the report directly to the Central Register, nor does it relieve the mandated reporter from ensuring that a report has been made.

Reporting Procedures

All cases of suspected child abuse or neglect must be reported orally to the New York State Central Register of Child Abuse and Maltreatment. Reports are to be made by calling the toll free number, 1-(800)-635-1522. Staff is available to receive reports twenty-four hours a day, seven days a week. Within 48 hours of making an oral report, a written report must be filed with the local County Department of Social Services Child Protective Unit using form DSS-2221-A. (See sample in addendum)

- 1) Any school official who suspects a case of child abuse or neglect shall immediately notify the building principal. If the principal is not available the school official shall notify the principal's designee.
- 2) The building principal or designee shall determine which staff member will be responsible for making both the oral and written reports. The building principal does not have the power to prevent this report from being filed.

- 3) The school official who suspected the abuse or neglect need not be the person making either the oral or written report. However, the school official who suspected the abuse or neglect must ensure that these reports have been made by the staff member designated to make both reports.
- 4) At the time the oral report is made, the following information, if known, should be provided:
 - name and address of the child and parents, or legally responsible adult.
 - the child's age, sex and race.
 - the nature and extent of the child's injuries, abuse, or maltreatment.
 - the name of the person suspected of causing the injury, abuse or maltreatment.
 - family composition.
 - source of the report.
 - person making the report.
 - any action taken by the school or staff.
 - any other additional information which may be helpful.

Child Interviews on School Property/Access to School Records

Section 425 of New York State Social Services Law provides that the Department of Social Services may request and shall receive such assistance and data as needed to fulfill its responsibilities. Therefore, the Child Protective Service caseworker shall be allowed to interview suspected abused or maltreated students on school property whether or not the school was the source of the report. Parental permission is not required for these interviews; such action may result in a compromised interview with the child. Child Protective Services may also review school records relevant to the investigation without parental permission (see Section IV, 2).

Interviews should be conducted in the presence of the principal or designee. However, the school official may elect to be absent during the interview when the school official and the Child Protective Service worker agree that the presence of the school official is not essential to protect the interests of the pupil, and that the absence of the school official may increase the likelihood that the Child Protective Service worker can accomplish the purpose of the interview.

School officials should request that Child Protective Services sign a statement that interviewing the child without prior parental notification is in the best interests of the child. (See sample in addendum).

Written Report

The building principal or designee will be responsible for filing three (3) copies of the State Department of Social Services Form 2221A, "Report of Suspected Child Abuse and Maltreatment," with the local protective service within 48 hours, after the telephone report to the State Central Registry. Any photographs, if not already provided to Child Protective Services, should accompany the written report. A copy of this report should be made for the child's confidential file.

Confidential File

The principal or designee will retain a confidential file in his/her office containing all initial and updated information concerning each case. A telephone call and written notification that a report has been filed will be forwarded to the district Superintendent by the principal or designee. No record of the case shall be placed in the child's cumulative folder or health record. The confidential file shall be retained until the district is notified by the New York State Department of Social Services, or by court order, to expunge, seal or otherwise modify the confidential file.

Legal implications for Mandated Reporters

- a) Immunity: Mandated reporters who, in good faith, make a report or take photographs of injuries or bruises are given immunity from liability, either civil or criminal, that might otherwise result from such action. Good faith is presumed of any individual required to report cases of suspected abuse or neglect provided such person was acting in the discharge of his/her duties and within the scope of his/her employment and that such liability did not result from the willful misconduct or gross negligence of such person.
- b) Liability for Failure to Report: Any person required to report who willfully fails to do so is guilty of a Class A misdemeanor; and, civilly liable for the proximate damages caused by the failure to report.

Awareness and Training

Each building principal shall provide a copy of these regulations and procedures to each mandated reporter who serves in their building each year. In addition, the building principal shall be responsible for determining any in-service training needs for their staff, and shall take the steps necessary to implement such training.

ALLEGED CHILD ABUSE/MALTREATMENT
INTERVIEW OR REMOVAL OF A MINOR FROM SCHOOL
WITHOUT A COURT ORDER OR PARENTAL
CONSENT OR NOTIFICATION

As a representative of the Department of Social Services and/or a Law Enforcement Agency of appropriate jurisdiction, and acting in my official capacity concerning a matter of alleged child abuse or maltreatment, I have determined that it is necessary to remove the below named child(ren) from school grounds without a Court Order or consent of and prior notification to the child's parents or a person in parental relation. I am exercising my authority to remove the child(ren) pursuant to my authority under the Family Court Act and Social Services Law. I am making this request because, in my opinion, prior notification to the child's parents would jeopardize the investigation, the child's safety, or both. I have discussed this situation with my supervisor.

Student(s) Removed

Date

Time

DSS and/or Law Enforcement Agency Representative

