

CHILD ABUSE PREVENTION & REPORTING POLICY

The Jericho Public Schools affirms its belief to protect its students from abuse and maltreatment. Teachers are mandated reporters of suspected child abuse. For more information, contact your school administrator and the full policy below:

The Jericho Union Free 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.

Child Abuse Outside an Educational Setting

Pursuant to Board of Education Policy and 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. 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 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. 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 under the age of 18 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 or 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.

1) Persons Obligated to Report Cases of Suspected Child Abuse or Maltreatment

School officials and registered nurses working in the School District are under an obligation, pursuant to Section 413 of the School Services Law, to report cases of suspected child abuse or maltreatment. 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.

2) Reporting Procedure

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Central Register of Child Abuse. 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). The written report shall be made within 48 hours after the oral report to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services.

Oral Report to: New York State Central Register of Child Abuse and Maltreatment (1-800-342-3720) and County Department of Social Services, Child Protective Services.

Written Report to: County Department of Social Services, Child Protective Services.

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/guardians 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/her 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/she 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. (Family Educational Rights and Privacy Act of 1974).

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 student and 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 Educational 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 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

Willful failure to report a suspected case of child abuse, maltreatment and neglect is 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 Provision of Services and Procedures to Safeguard Life 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 Hirees

The Superintendent shall establish and implement, on an ongoing basis, a training program for all current staff members and newly hired employees regarding child abuse and the procedures described hereinabove. (Section 3209-1, Education Law).

14) Distribution of Policy and Regulations

The Superintendent shall distribute copies of the policy and regulations regarding child abuse reporting requirements to all current employees and new employees. (Section 413, Social Services Law).

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.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or

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

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District 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.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; 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. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an 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 (subject to the following paragraph).

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 such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer 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 shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated 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. Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

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, shall have immunity from civil liability which might otherwise result by reason of such actions.

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, *shall be confidential and shall 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 shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

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, where 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/her position.

Superintendents (or a designated administrators) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.