

Superintendent's Regulation

SUSPECTED CHILD ABUSE AND MALTREATMENT REGULATION 5460-R


Approved Upon Superintendent's Initials

6/16/14
Date

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school personnel. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. 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
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which 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
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in 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
 - (2) 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 using a drug or drugs; or by using 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 aid of the court; or

- b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may 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.

Impairment of emotional health and impairment of mental or emotional condition includes 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 the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All district employees, including building administrators, teachers, registered nurses, doctors, psychologists or psychiatrists, and all other employees who come in contact with students are required to report all cases of suspected child abuse or maltreatment to the Child Abuse Hotline.
2. All mandated reporters or any other District staff who have reasonable cause to suspect that a child is an abused or maltreated child must immediately personally make a report to:
 - a. (585) 461-5690 Monroe County Child Abuse Reporting Hotline
OR
 - b. (800) 635-1522 State Central Register for Child Abuse and Maltreatment (mandated reporters)
OR
 - c. (800) 342-3720 State Central Register for Child Abuse and Maltreatment (non mandated reporting) and
 - d. Immediately notify the building Principal or his/her designee of the report

The Building Principal is required to:

- a. inform the Superintendent of Schools of the information received; and
- b. shall be responsible for all subsequent administration required by the report; including filing a written report with the local child protective services agency within forty-eight hours after the above report.

The written report that must be filed shall include all information, which the Commissioner of Social Services may require. Keep 1 copy of the Child Protective Services form at the school building (not in the student's cum). Keep 1 copy of the form in the Department of Youth and Family Services.

3. The Building Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause a medical examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.

4. The school physician shall notify the appropriate police authorities or the local child protective service to take custody of any child the physician is treating, whether or not additional medical treatment is required, if he/she believes the child is in danger.
5. Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.
6. Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers and law enforcement officers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. School District administrators should not contact parents/guardians unless specifically advised to do so by CPS and/or law enforcement officers in the investigation.

All requests by Child Protective Services and law enforcement to interview a student on school property shall be made directly to the Principal or his/her designee. The Principal or designee shall set the time and place of the interview. All reasonable efforts should be made to assure that such interviews are conducted at the earliest time mutually convenient to the school and the CPS/law enforcement, and are conducted in a place that offers as much privacy and as few interruptions as is feasible, given the physical limitations of individual buildings.

The Principal or his/her designee should reassure the student that he/she (or other appropriate staff member selected by them) is available nearby if the student should decide to have him/her present in the interview. If the student requests a specific staff member's presence, then every effort should be made to secure that person's attendance at the interview. Anyone attending a CPS/law enforcement interview of a student is present solely to support the student emotionally and should not attempt to participate in or influence the interview.

If, after being informed of the availability of staff support, the student does not request a staff member's presence at the interview, the CPS/law enforcement official shall be permitted to interview the child alone.

If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may remove a student from school property without a court order, only if the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the child protective services worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

District staff are encouraged to contact the Department of Law for clarification of any questions related to the foregoing process.

7. All district employees who are required to report suspected child abuse shall be required to attend ongoing training sessions regarding identification and reporting of all cases of

suspected child abuse.

8. All district employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
9. Only one report of any individual occurrence of suspected abuse is required. Further incidences of the same or similar concern must generate separate reports
10. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
11. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
12. Any person required to report suspected cases of child abuse or maltreatment 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 this failure.
13. If a report of child abuse or maltreatment has been determined to be unfounded, records in school files shall be expunged.

August 20, 1998; Amended August 10, 2009