

## XII. PROCEDURES FOR REPORTING CHILD ABUSE

### A. CHILD ABUSE OR MALTREATMENT PURSUANT TO § 411 et seq. OF THE NEW YORK SOCIAL SERVICES LAW

Pursuant to §413 of the New York Social Services Law, mandated reporters, including “school officials,” are required to report instances of suspected child abuse or maltreatment to the State Central Register of Child Abuse and Maltreatment (“SCR”). SCR’s Mandated Reporter hotline for reporting by mandated reporters, including “school officials,” is 1-800-635-1522.

For purposes of this law, a “school official” includes but is not limited to school teachers, school guidance counselors, school psychologists, school social workers, school nurse, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

“Child abuse” occurs when a parent or other person legally responsible for the child inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the child. In addition, the definition includes instances in which the parent (or person legally responsible) knowingly allows another to inflict such harm.

“Child maltreatment” (which includes neglect) occurs when a child’s physical, mental, or emotional condition has been impaired, or is in imminent danger of impairment, by the failure of the parent or other person legally responsible for the child to exercise a minimum degree of care by (a) failing to provide sufficient food, clothing, shelter or education; (b) failing to provide proper supervision, guardianship, or medical care; or (c) inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs and, in doing so, causing the child to be placed in imminent danger.

As mandated reporters, school officials are required to report suspected child abuse or maltreatment when they have reasonable cause to suspect either has occurred. “Reasonable cause” to suspect child abuse or maltreatment means that, based on a school official’s rational observations, professional training, and experience, the official suspects that the parent or other person legally responsible for the child has harmed the child or placed the child in imminent danger of harm.

The following procedures should be followed in reporting instances of child abuse and maltreatment.

1. If a school employee learns of or has reasonable cause to suspect a situation of abuse or maltreatment of a student by the student’s parent or a person legally responsible for the student’s care, the school employee must report the situation to SCR immediately and immediately notify the school Principal.
2. ICS shall not impose any condition, including prior approval or prior notification, upon any staff member mandated to report suspected child abuse or maltreatment.
3. The reporting steps are as follows:
  - a. The mandated reporter must immediately call the SCR Mandated Reporter hotline at 1-800-635-1522 and make a verbal report.
  - b. The mandated reporter should ask the SCR representative his or her name and the “Call I.D.”
  - c. Within 48 hours of the mandated reporter’s verbal report to the SCR Mandated Reporter hotline, the mandated reporter must complete and submit form “LDSS-2221A” to the local department of social services Child Protective Services unit. The form “LDSS-2221A” may be obtained from the New York State Office of Children and Family Services website at: <https://ocfs.ny.gov/forms/> (type in LDSS-2221A) or by calling (518) 473-0971.

4. If a mandated reporter is uncertain whether a situation rises to the level of abuse or maltreatment, the mandated reporter should contact the SCR Mandated Reporter hotline to discuss the matter with a trained SCR specialist.
5. The mandated reporter involved shall document for his or her confidential file the events, conversations, and facts associated with an allegation of child abuse or neglect, whether or not those circumstances rise to the level of reasonable suspicion that cause him or her to make a report to SCR.
6. All information relating to reports of child abuse or maltreatment shall be kept confidential to the extent permitted by applicable law.

## B. CHILD ABUSE IN AN EDUCATIONAL SETTING PURSUANT TO EDUCATION LAW ARTICLE 23-B

Pursuant to Article 23-B of the New York Education Law and the regulations of the Commissioner of Education (8 N.Y.C.R.R. 100.2(hh)), a teacher, school nurse, guidance counselor, psychologist, social worker, administrator, Board member, or other school personnel required to hold a teacher or administrator 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, who receives an oral or written allegation that a child has been subjected to child abuse by an employee or volunteer in an educational setting, shall upon receipt of such allegation promptly complete a written report of such allegation and, except where the school Principal is the person receiving such oral or written allegation, immediately personally deliver a copy of such written report to the school Principal.

The written report, which shall be upon the form provided by the Commissioner of Education, shall contain the following information:

1. The full name of the child alleged to be abused;
2. The name of the child's parent or guardian;
3. The identity of the person making the allegation and their relationship to the alleged child victim;
4. The name of the employee or volunteer against whom the allegation is made; and
5. A listing of the specific allegations of child abuse in an educational setting.

Duties of school bus drivers and supervisors:

- A school bus driver employed by ICS or by a person or entity that contracts with ICS to provide transportation services to children, who receives an oral or written allegation that a child has been subjected to child abuse by an employee or volunteer in an educational setting, shall upon receipt of such allegation promptly report or cause a report to be made to his/her supervisor employed by ICS or by such contracting person or entity.
- A supervisor who is employed by ICS or by a person or entity that contracts with ICS to provide transportation services to children, who receives an oral or written report or allegation from a person employed by ICS or by the contracted person or entity that a child in an ICS school has been subjected to child abuse by an employee or volunteer in an educational setting, shall upon receipt of such allegation promptly complete the written report as described above upon the form provided by the Commissioner of Education and personally deliver such report to the President of ICS.

In any case where the employee against whom the allegation is made is the school Principal, the report of such allegations shall be made to the President of ICS; and in any case where the employee against whom the allegation is made is the President of ICS, the report of such allegations shall be made to the Chair of the ICS Board of Trustees.

Reports and other written material and photographs and/or videos taken concerning such report are confidential and shall not be re-disclosed except to law enforcement authorities involved in the investigation of the alleged child abuse, or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a confidential record to an unauthorized person is a "Class A" misdemeanor.

The duties of school administrators upon receipt of a written report alleging child abuse in an educational setting, where the administrator has reasonable suspicion to believe that an act of child abuse has occurred, shall be as follows:

- A. If the subject child made the report, promptly notify the parent of such child that an allegation of child abuse in an educational setting has been made regarding such child and promptly provide the parent with a written statement of parental rights prepared in accordance with the Regulations of the Commissioner setting forth parental rights, responsibilities and procedures under Article 23-B of the Education Law.
- B. If the parent made the allegation, promptly provide the parent with the above-referenced written statement.
- C. If someone other than the subject child or parent made the report, promptly notify the parent of such child that an allegation of child abuse in an educational setting has been made regarding such child and promptly provide the parent with the above-referenced written statement, and ascertain from the reporting person the source and basis of the allegation.
- D. If a school administrator receives the written report alleging abuse, the administrator must promptly provide the President of ICS or the Chair of the ICS Board of Trustees with a copy of the report.
- E. The written report of child abuse in an educational setting must be promptly forwarded to the appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the President of ICS or the Chair of the ICS Board of Trustees.
- F. ICS shall forward the written report of child abuse to the Commissioner of Education if the accused employee or volunteer holds a license or certification issued by the New York State Education Department.

Any child abuse report that does not, after investigation, result in criminal conviction shall be expunged after five (5) years or at such earlier time that the School determines.

At least annually, ICS shall provide training regarding the requirements of reporting child abuse in an educational setting to all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other personnel required to hold a teaching or administrative certificate or license, any school bus driver or supervisor employed by ICS or by any person or entity that contracts with ICS to provide transportation services to children, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resources officers. Such training shall be in compliance with Education Law Article 23-B and the regulations of the Commissioner of Education (8 N.Y.C.R.R. 100.2(hh)).

In addition, ICS shall require any employee with a title equivalent to a teacher or administrator, and any school bus driver employed by ICS or by any person or entity that contracts with ICS to provide transportation services to children, to complete two (2) hours of coursework or training regarding the identification and reporting of child abuse and maltreatment, unless such person is already required to undergo such coursework pursuant to the Education Law. Documentation showing that the required training was completed shall be provided by each such employee to the appropriate school administrator, and by each such school bus driver to ICS or the contracting person or entity.