

## STUDENT POLICIES

### STUDENT WELFARE

#### Prevention and Reporting of Suspected Child Abuse and Maltreatment

##### Purpose

Pursuant to Education Law Section 3209-a and Title VI of Article Six of the Social Services Law, the Board of Education has developed a policy and guidelines to inform its employees of (i) their obligation to report suspected child abuse and maltreatment, (ii) the procedures by which they may do so, and (iii) training programs regarding these obligations and procedures.

##### Policy

In order to implement a comprehensive program of prevention of child abuse and maltreatment, all members of the District's staff, including all instructional and non-instructional employees, shall be informed about (a) their duty to report suspected child abuse and maltreatment pursuant to applicable law, (b) the required reporting procedures, penalties for failure to report, and immunity from liability, (c) the responsibilities and organization of the Child Protective Service, (d) basic procedures of Family Court, and (e) training regarding these obligations and procedures as well as the diagnosis of child abuse and maltreatment. In addition, although applicable law does not impose a reporting obligation in connection with suspected incidents of child abuse involving District personnel, all District employees shall also be informed of the procedures to be followed in connection with any such incidents.

##### Designation of Authority

The Superintendent, or a designee, shall be responsible for enforcing this policy by communicating it to all relevant personnel and by providing necessary guidelines to the school personnel required to report cases of suspected child abuse and maltreatment.

##### Reports

All reports pertaining to the implementation of this policy and related guidelines shall be forwarded to the Superintendent or the Superintendent's designee.

Review

This policy shall be reviewed and amended as required by any changes in the law, promulgation of requirements by the Department of Social Services, or changes necessitated by the needs of the children residing in the District.

Cross Reference 9135 PERSONNEL AND NEGOTIATIONS  
STAFF ETHICS  
Suspected Child Abuse by District Personnel

Presentation: 3/6/91

First  
Vote: 3/20/91

Second  
Vote: 4/3/91

STUDENT POLICESSTUDENT WELFAREPrevention and Reporting of Suspected Child Abuse and Maltreatment***Child Abuse or Maltreatment by Person Legally Responsible for the Child's Care***A. New York Law; Child Protective Service1. New York Social Services Law

The New York Social Services Law requires that school officials and staff report suspected child abuse when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child. (The terms "abused child" and "maltreated child" are defined by law. Those definitions are included in Section I.C. of these Policy Regulations.)

2. New York Family Court

New York Family Court has jurisdiction over proceedings involving the emergency removal and temporary removal of children from their place of residence. The applicable standard is whether the removal is necessary to avoid imminent risk to the child's life or health. Family Court also has jurisdiction to order the return of children temporarily removed, issue protective orders, order visitation, and to make a determination of neglect and abuse which may result in the termination of parental rights.

3. Child Protective Service

The Child Protective Service is the sole public organizational entity responsible for receiving and investigating reports of suspected child abuse. It also provides and coordinates the service necessary to safeguard and insure the abused or maltreated child's well-being and development and to preserve and stabilize family life to the extent possible.

B. Policy Procedures1. Persons Required to Report

All school officials, including teachers, administrators, and pupil services staff (including non-instructional staff), as well as all physicians, psychologists, registered nurses, and mental health professionals, are required to report cases of alleged child abuse, maltreatment, or neglect whenever they have reasonable cause to suspect that a child is an abused or maltreated child based upon information obtained in their professional

B. Policy Procedures con't.

capacity. Certainty or proof is not required for the reporting obligation to be triggered.

2. Reporting Procedures

(a) Instructional and Non-Instructional Staff

All building staff may immediately notify the Building Principal whenever there is reasonable cause to suspect child abuse or maltreatment has occurred. Other staff shall immediately notify their Department Director whenever there is reasonable cause to suspect child abuse or maltreatment has occurred, and the Department Director shall then notify the Building Principal. The Building Principal shall then make the oral and written reports required by law, thereby satisfying the reporting obligation for all personnel involved. However, if the Building Principal fails to make the required reports, all staff members with reasonable cause to suspect child abuse or maltreatment remain responsible for ensuring that the oral and written reports required by law are made.

(b) Building Principals

The Building Principal or staff member shall promptly report each suspected case of child abuse or maltreatment to the Child Protective Service and shall arrange for documentation of any injuries by the use of photographs. The Building Principal shall promptly notify the Superintendent in Writing (copy of Form LDSS-2221A) whenever any report is made to the Child Protective Service.

(c) Reports to the NYS Central Register

All cases of suspected child abuse or maltreatment must be reported orally to the New York State Central Register of Child Abuse and Maltreatment. The Central Register is maintained by the New York State Department of Social Services and staff is available to receive reports 24 hours a day, seven days a week. Reports may be made by calling either of the following numbers:

NYS Toll Free: 1-800-635-1522 (Mandated Reporters) or  
1-800-342-3720 (Public Callers)

OR

In Onondaga County: (315) 422-9701 or (315) 435-2884

The following information, if known, should be given at the time an oral report is made:

- (1) Name and address of the child and the child's parents or other persons responsible for the child's care;
- (2) The child's age, sex, and race;
- (3) The nature and extent of the child's injuries, abuse, or maltreatment (including any evidence of prior injuries, abuse, or maltreatment to the child or the child's siblings);
- (4) The name of the person or persons responsible for causing the injury, abuse, or maltreatment;
- (5) Family composition;
- (6) Source of the report;
- (7) Person making the report and where that person can be reached;
- (8) Any action taken by the person making the report; and
- (9) Any additional information which may be helpful.

Within 48 hours of making an oral report, a written report (Form LDSS-2221A) must be filed with the appropriate local County Department of Social Services Child Protective Services Unit. Any photographs which are taken must be filed with the written report.

### 3. Confidentiality of Reports

All reports are confidential and strict confidentiality should be maintained by all District personnel. Reports may be made available only to those individuals or groups specified by law, including agencies which license or certify individuals or facilities to provide child care, agencies employing individuals with child caring responsibilities, and adoption agencies.

### 4. Coordination

Child Protective Services of the Onondaga County Department of Social Services will provide all investigative enforcement and related services. The Department of Social Services is required to provide continuing publicity and educational programs for persons required by law to report suspected child abuse or maltreatment.

5. Training

The District will provide a written fact sheet explaining the reporting requirements to all current and new employees. The District will also provide ongoing training programs regarding obligations and procedures in connection with the reporting requirements mandated by the Education Law and Social Services Law.

6. Consequences of Failure to Report

Any person required to report who willfully fails to do so is guilty of a Class A misdemeanor and may also be sued for any damages caused by the failure to report.

7. Immunity

Persons making a report may not be sued or charged with a crime in connection with the report provided the report is made in good faith based on reasonable cause to suspect that child abuse or maltreatment has occurred and provided the person making the report is acting in discharge of official duties and within the scope of employment. This protection does not apply, however, if, under the circumstances, the making of the report constitutes willful misconduct or gross negligence.

C. Definitions

1. Abused Child. An "abused child" is a child under the age of 18 years whose parent or other person legally responsible for the child's care: (i) 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, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, or (ii) 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 (iii) 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.
2. Maltreated or Neglected Child. A "maltreated" or "neglected" child is a child under the age of 18 years:(i) upon whom serious physical injury has been inflicted, or (ii) whose physical, mental or emotional condition has been

impaired or is in imminent danger of becoming impaired as a result of the failure of a parent or other person legally responsible for the child's care to exercise a minimum degree of care in (a) supplying the child with adequate food, clothing, shelter, education in accordance with the compulsory education laws, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so, or (b) 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, including alcoholic beverages, or by any other act of a similarly serious nature, or (iii) who has been abandoned by the parent(s) or other person legally responsible for the child's care.

3. Person Legally Responsible for the Child's Care.

"Person legally responsible" includes the child's parents, 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.

***Suspected Child Abuse or Maltreatment by District Personnel***

A. Persons Required to Report

The reporting obligations set forth above apply only in instances of child abuse and maltreatment by parents or other persons legally responsible for the care of the child. Although such reporting obligations therefore do not apply in situations of suspected child abuse or maltreatment by District personnel, every District employee who suspects such an incident should immediately report all information to the Building Principal or Department Director consistent with the procedures set forth in Section I.B.2. of these Policy Guidelines. The Building Principal, with the assistance of the Superintendent, or the Superintendent's designee, shall be responsible for promptly and thoroughly investigating and documenting any such suspected incident. The Superintendent may prohibit unsupervised student contact by any District employee who is the subject of investigation of a suspected incident.

B. Notification of Parents

The Building Principal shall notify the parents or guardians of any student who is a suspected victim of child abuse or maltreatment by District personnel. No District personnel or board member, with the exception of the Superintendent, or the Superintendent's designee, shall make any statement or release any information to

the public, media, staff, and/or student body which identifies or could be used to identify a suspected victim or perpetrator of child abuse or maltreatment while an investigation is pending. The Superintendent and/or designee shall seek legal counsel concerning the nature of statements which are permissible in the particular case, prior to making any public statement on the case.

C. Police Intervention

If the totality of the facts and circumstances surrounding a suspected incident of child abuse or maltreatment by District personnel warrant the intervention of law enforcement authorities, the Superintendent and/or designee shall contact the appropriate authorities. The District shall cooperate to the extent possible with the investigation and prosecution of any such case.

***Review***

These policy guidelines shall be reviewed and amended as required by any changes in the law, promulgation of requirements by the Department of Social Services, or changes necessitated by the needs of the children residing in the District.

WEST GENESEE CENTRAL SCHOOL DISTRICT  
FACT SHEET  
ON  
PREVENTION AND REPORTING OF CHILD ABUSE AND MALTREATMENT

Persons Required to Report

All school personnel, including all instructional and non-instructional personnel, are required by law to report cases of alleged child abuse or maltreatment whenever they have reasonable cause to suspect abuse or maltreatment based upon information obtained in their professional capacity. Certainty or proof is not required for the reporting obligation to be triggered.

Reporting Procedures

In accordance with District policy, you must take the following action whenever there is reasonable cause to suspect that child abuse or maltreatment has occurred:

All cases of suspected child abuse or maltreatment must be reported to the NYS Central Register of Child Abuse and Maltreatment. The Central Register is maintained by the NYS Department of Social Services and staff is available to receive reports 24 hours a day, seven days a week. Reports may be made by calling either of the following numbers:

NYS Toll Free: 1-800-635-1522 (Mandated Reporters), or  
1-800-342-3720 (Public Callers)

In Onondaga County: (315) 422-9701 or (315) 435-2884.

Within 48 hours of making an oral report, a written report (Form LDSS-2221A) must be filed with the Child Protective Services Unit of the local County Department of Social Services.

Forms are located in the building principal's office. A copy of the report shall be transmitted to the building principal and the superintendent.

Confidentiality, Immunity, and Penalties

All reports are confidential. You may not be sued or charged with a crime in connection with making a report as long as you make the report in good faith based on reasonable cause to suspect that child abuse or maltreatment has occurred and provided you are acting in discharge of official duties and within the scope of your employment. This immunity does not apply if making the report constitutes willful misconduct or gross negligence on your part. Failure to report is a Class A misdemeanor.

Definitions

The terms "abused child" and "maltreated or neglected child" are defined in the District's Policy Regulations on Prevention and Reporting of Child Abuse and Maltreatment. You are urged to review those definitions.

NEW YORK STATE  
OFFICE OF CHILDREN AND FAMILY SERVICES  
**REPORT OF SUSPECTED  
CHILD ABUSE OR MALTREATMENT**

Report Date	Case ID	Call ID	5460-E
Time : <input type="checkbox"/> AM <input type="checkbox"/> PM	Local Case #	Local Dist/Agency	

**SUBJECTS OF REPORT**

Line #	Last Name	First Name	Aliases	Sex (M, F, Unk)	Birthday or Age Mo/Day/Yr	Race Code	Ethnicity (Ck Only If Hispanic/Latino)	Relation Code	Role Code	Lang. Code
1.							<input type="checkbox"/>			
2.							<input type="checkbox"/>			
3.							<input type="checkbox"/>			
4.							<input type="checkbox"/>			
5.							<input type="checkbox"/>			
6.							<input type="checkbox"/>			
7.							<input type="checkbox"/>			

MORE

List Addresses and Telephone Numbers (Using Line Numbers From Above)	(Area Code) Telephone No.

**BASIS OF SUSPICIONS**

Alleged suspicions of abuse or maltreatment. Give child(ren)'s line number(s). If all children, write "ALL".

<input type="checkbox"/> DOA/Fatality	<input type="checkbox"/> Child's Drug/Alcohol Use	<input type="checkbox"/> Swelling/Dislocation/Sprains
<input type="checkbox"/> Fractures	<input type="checkbox"/> Poisoning/Noxious Substances	<input type="checkbox"/> Educational Neglect
<input type="checkbox"/> Internal Injuries (e.g., Subdural Hematoma)	<input type="checkbox"/> Choking/Twisting/Shaking	<input type="checkbox"/> Emotional Neglect
<input type="checkbox"/> Lacerations/Bruises/Welts	<input type="checkbox"/> Lack of Medical Care	<input type="checkbox"/> Inadequate Food/Clothing/Shelter
<input type="checkbox"/> Burns/Scalding	<input type="checkbox"/> Malnutrition/Failure to Thrive	<input type="checkbox"/> Lack of Supervision
<input type="checkbox"/> Excessive Corporal Punishment	<input type="checkbox"/> Sexual Abuse	<input type="checkbox"/> Abandonment
<input type="checkbox"/> Inappropriate Isolation/Restraint (Institutional Abuse Only)	<input type="checkbox"/> Inadequate Guardianship	<input type="checkbox"/> Parent's Drug/Alcohol Misuse
<input type="checkbox"/> Inappropriate Custodial Conduct (Institutional Abuse Only)	<input type="checkbox"/> Other (specify) _____	

State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem. (If known, give time/date of alleged incident)

MO \_\_\_\_\_ DAY \_\_\_\_\_ YR \_\_\_\_\_

Time :  AM  PM

Additional sheet attached with more explanation. |  The Mandated Reporter Requests Finding of Investigation  YES  NO

CONFIDENTIAL		SOURCE(S) OF REPORT		CONFIDENTIAL	
NAME	(Area Code) TELEPHONE	NAME	(Area Code) TELEPHONE		
ADDRESS		ADDRESS			
AGENCY/INSTITUTION		AGENCY/INSTITUTION			

**RELATIONSHIP**

Med. Exam/Coroner  Physician  Hosp. Staff  Law Enforcement  Neighbor  Relative  Instit. Staff

Social Services  Public Health  Mental Health  School Staff  Other (Specify) \_\_\_\_\_

<b>For Use By Physicians Only</b>	Medical Diagnosis on Child	Signature of Physician who examined/treated child	(Area Code) Telephone No.
	Hospitalization Required: <input type="checkbox"/> None <input type="checkbox"/> Under 1 week <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> Over 2 weeks		
Actions Taken Or About To Be Taken			
<input type="checkbox"/> Medical Exam <input type="checkbox"/> X-Ray <input type="checkbox"/> Removal/Keeping <input type="checkbox"/> Not. Med Exam/Coroner <input type="checkbox"/> Photographs <input type="checkbox"/> Hospitalization <input type="checkbox"/> Returning Home <input type="checkbox"/> Notified DA			
Signature of Person Making This Report:		Title	Date Submitted Mo. Day Yr.
X			

**TO ACCESS A COPY OF THE LDSS-2221A FORM:** Via Internet: <http://www.ocfs.state.ny.us/main/forms/cps/>  
Via Intranet: <http://ocfs.state.nyenet/admin/forms/SCR/> OR

**TO ORDER A SUPPLY OF FORMS ACCESS FORM (OCFS-4627) Request for Forms and Publications**, from either site above, fill it out and send to: **Office of Children and Family Services, Resource Distribution Center, 11 Fourth Ave, Rensselaer, NY 12144.**  
If you have difficulty accessing this form from either site, you can call **The Forms Hot Line at 518-473-0971.** Leave a detailed message including your name, address, city, state, the form number you need, the quantity and a phone number in case we need to contact you.

### NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

RACE CODE	ETHNICITY CODE	RELATION CODES FAMILIAL REPORTS (Choose One)		ROLE CODE (Choose One)	LANGUAGE CODE (Choose One)	
AA: Black or African-American	<i>(Check Only If Hispanic/Latino)</i>	AU: Aunt/Uncle	XX: Other	AB: Abused Child	CH: Chinese	KR: Korean
AL: Alaskan Native		CH: Child	PA: Parent	MA: Maltreated Child	CR: Creole	MU: Multiple
AS: Asian		GP: Grandparent	PS: Parent Substitute	AS: Alleged Subject (Perpetrator)	EN: English	PL: Polish
NA: Native American		FM: Other Family Member	UH: Unrelated Home Member	NO: No Role	FR: French	RS: Russian
PI: Native Hawaiian/Pacific Islander		FP: Foster Parent	UK: Unknown	UK: Unknown	GR: German	SI: Sign
WH: White		DC: Daycare Provider	<b>IAB REPORTS ONLY</b>		HI: Hindi	SP: Spanish
XX: Other			AR: Administrator	IN: Instit. Non-Prof	HW: Hebrew	VT: Vietnamese
UNK: Unknown			CW: Child Care Worker	IP: Instit. Pers/Vol.	IT: Italian	XX: Other
			DO: Director/Operator	PI: Psychiatric Staff	JP: Japanese	

#### **Abstract of Sections from Article 6, Title 6, Social Services Law**

##### **Section 412. Definitions**

- Definition of Child Abuse**, (see also N.Y.S. Family Court Act Section 1012(e))  
An "abused child" is a child less than eighteen years of age whose parent or other person legally responsible for his care:
  - Inflicts or allows to be inflicted upon the child serious physical injury, or
  - Creates or allows to be created a substantial risk of physical injury, or
  - Commits sexual abuse against the child or allows sexual abuse to be committed.
- Definition of Child Maltreatment**, (see also N.Y.S. Family Court Act, Section 1012(f))  
A "maltreated child" is a child under eighteen years of age 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 parent or other person legally responsible for his care to exercise a minimum degree of care:
  - in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
  - in providing the child with proper supervision or guardianship; or
  - 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 loses self-control of his actions; or
  - by any other acts of a similarly serious nature requiring the aid of the Family Court; or
  - By abandoning the child.

**Section 415. Reporting Procedure.** Reports of suspected child abuse or maltreatment shall be made immediately by telephone and in writing within 48 hours after such oral report.

**Submit the written paper copy of the LDSS-2221A form originally signed to: the County Department of Social Services (DSS) where the abused/maltreated child resides. To locate your local DSS, visit this site <http://www.ocfs.state.ny.us/main/localdss.asp>.**

**Residential Institutional Abuse Reports:** Submit a paper copy of form, LDSS 2221A, **originally signed**. It must be submitted **directly to the Office of Children and Family Services (OCFS) Regional Office, associated with the county in which the abused/maltreated child is in care.**

**NYS CHILD ABUSE AND MALTREATMENT REGISTER: 1-800-635-1522 (FOR MANDATED REPORTERS ONLY)  
1-800-342-3720 (FOR PUBLIC CALLERS)**

**Section 419. Immunity from Liability.** Pursuant to Section 419 of the Social Services Law, any person, official, or institution participating in good faith in the making of a report of suspected child abuse or maltreatment, the taking of photographs, or the removal or keeping of a child pursuant to the relevant provisions of the Social Services Law shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any such person, official, or institution required to report cases of child abuse or maltreatment shall be presumed, provided such person, official or institution was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

##### **Section 420. Penalties for Failure to Report.**

- Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.
- Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

**REPORT OF SUSPECTED  
CHILD ABUSE OR MALTREATMENT**

(Use only if the space on the LDSS-2221A under "Reasons for Suspicion" is not enough to accommodate your information)

Report Date	Case ID	Call ID
Time <input type="checkbox"/> AM : <input type="checkbox"/> PM	Local Case #	Local Dist/Agency

PERSON MAKING

THIS REPORT: \_\_\_\_\_

**Print clearly if filling out hard copy.**

*Continued:* State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.

(If known, give time/date of alleged incident)

MO  
DAY  
YR

Time :  AM  PM