

SUBJECT: CHILD ABUSE

The St. Lawrence-Lewis BOCES 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 school-aged children as described by the law, and to make all school personnel within the BOCES aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and 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) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report; and
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Social Services Law Sections 411-428
Family Court Act Section 1012
Education Law Section 3209(a)

Child Abuse in an Educational Setting

The BOCES 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

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- 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 Article 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 BOCES and BOCES programs; the vehicles under the authorization and supervision of the BOCES for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off BOCES/school grounds; all BOCES 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 nurse, school guidance counselor, school psychologist, school social worker, school administrator, 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 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/BOCES 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/BOCES administrator of the school in which the child abuse allegedly occurred.

In any case where it is alleged that a child was abused by a BOCES employee or volunteer of the BOCES, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of all districts involved with that student and the BOCES District Superintendent whereupon, all School Superintendents involved shall comply with the reporting/notification requirements as mandated by law.

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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/District 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/BOCES administrator or Superintendent/District Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations. When the school/BOCES administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent/District Superintendent.

Where the District Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the District 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 BOCES administrator or District 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 redisclosed 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. BOCES administrators and the District Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other BOCES 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 BOCES with required information, including rules and regulations for training necessary to implement BOCES/staff responsibilities under the law.

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SUBJECT: CHILD ABUSE (Cont'd.)**Prohibition of “Silent” (Unreported) Resignations**

The District Superintendent and other BOCES administrators are prohibited from withholding from law enforcement authorities, the District 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.

District Superintendents (or a designated administrator) 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.

Education Law Article 23-B and Section 3028-b
Penal Law Article 130, 235 and 263
8 New York Code of Rules and Regulations
(NYCRR) Part 83

NOTE: Refer also to Policies [#6440 Sexual Harassment](#) and [#6470 Notification of Sex Offenders](#).

Adopted: 7/10/02