

Child Abuse Reporting Procedure Plattsburgh City School District

Building Procedural Summaries

Bailey:

The reporter provides the principal with information regarding the incident as well as a copy of the report. If it's a teacher, the principal usually sit in on the phone call with them. If it's a school psychologist, nurse, or student advocate, the principal only requests info and a copy of the report.

Oak:

When a call is made the principal encourages teachers and staff to make call in her office. If she is not available to be present for the call, she requests a copy of the child abuse form that is mandated and is personally briefed on issue for reference.

Momot:

If you suspect child abuse or neglect, report this to the building principal or Dean of Students. A member of the crisis management staff will assist you in filling out the form and calling the hot line and they will be present when you make the call to assist with any questions. After the report is completed, a copy of the completed form should be turned in to the building principal.

Stafford:

The principal requests to be notified when a report has been made. Usually guidance counselors are also involved and depending on the issue, the nurse. A copy of the mandated form should be given to the principal.

PHS:

Teachers make the call themselves and then report to the principal or assistant principal when they are doing so. They also complete the CPS reporting form (attached) and send one copy to DSS on Durkee Street and provide one copy to principal for his/her records. When the letter regarding the status of the call arrives at the school it is placed in the file with the CPS reporting form on file.

CHILD ABUSE REPORTING ISSUES FOR SCHOOL DISTRICT EMPLOYEES

Kristine Amodeo Lanchantin, Esq.
Girvin & Ferlazzo, P.C.
20 Corporate Woods Blvd.
Albany, NY 12211
(518) 462-0300

I. Statutory Provisions

A. Education Law §3209-a requires each school district in the State to adopt and enforce a written policy and procedures regarding the mandatory reporting requirements. Enforcement of these policies must include ongoing training programs for all school district personnel in the district's procedures for reporting suspected cases of child abuse.

1. Policies and procedures must include the following:

- a. mandatory reporting of child abuse and 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. a statement of immunity from liability
- f. penalties for failure to report
- g. procedures necessary to safeguard the life or health of the child

B. Educational Neglect

1. In New York, child neglect includes "educational neglect".

2. Educational neglect is the failure of a person in parental relation to a child to ensure that the child attends school on a regular basis in accordance with the compulsory education law (Education Law §§3205(1), 3210, 3212(2)). Thus, a school district mandated reporter may need to report a child's excessive absenteeism if such absences are not explained and/or documented by the person in parental relation to the child.

C. Family Court Act §§ 1012(e) and (f) Defines abused and maltreated children.

1. An "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, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.
2. A "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/her parents or other person legally responsible for his/her 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, optometrical 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.

D. The Child Protective Act - Social Services Law §411 et. seq.

1. Under Social Services Law §413, "school officials" are required to report when "reasonable cause exists to suspect" that child has been abused or maltreated.
2. Under Social Services Law § 422, mandated reporters must report reasonable suspicions to the Central Register of Child Abuse and Maltreatment ("Child Abuse Hotline"), located in Albany at 1-800-3423720. Calls to the State Hotline must be followed up with written reports
3. Social Services Law § 419 provides immunity from prosecution or liability for

- school district officials who make reports of child abuse in good faith.
4. Social Services Law § 420 imposes civil liability for damages caused by failure to report.

II. Mandated Reporting

A. Who must report:

1. All district “officials”, including building administrators, teachers, registered nurses, doctors, psychologists or social workers. District policy should include all other employees who come in contract with students.
2. While it has always been assumed that personnel such as “school teachers, guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate” were mandated reporters as “school officials”, these job titles were not actually in the law until the most recent legislative session. (Chapter 193 of the Laws of 2007).
3. Now, pursuant to the amendments, “school official” is defined to “include but is not limited to” all of the above titles.
4. The amendments also added “no retaliation” language. A school district cannot retaliate against a mandated reporter who makes a report.

B. When to report

1. The statutory language is “reasonable cause to suspect a child is abused or maltreated”.
2. Information from child or parent/guardian - not the only potential source of information.
3. Mandated reporters are not the investigators . . . they’re the reporters. The hotline/DSS are the investigators.

C. Reporting Process

1. District Policy/Procedures
 - a. **Chapter 193 of the Laws of 2007** - Effective October 1, 2007. Changes the way school districts are permitted to report suspected child abuse and neglect.

- b. School districts can no longer have “designated agents” make child abuse reports on behalf of another mandated reporter. For example, school districts can no longer have a building principal make reports for teachers, social workers, nurses in his/her building. The Social Services Law was also specifically amended to include school teachers, guidance counselors, school nurses and school social workers to the list of mandated reporters. Most school districts are in the process of updating their policies and procedures to reflect the statutory clarifications.

D. Protection for Mandated Reporters

- 1. Mandated reporters have immunity from criminal/civil liability so long as they report in good faith and with reasonable cause to suspect abuse or maltreatment.
- 2. **Lessons from Bedford Central School District.** A child abuse case in the Bedford Central School District from the 2006-2007 school year. Four teachers, a school psychologist and principal were all implicated for failure to properly report a case of child abuse. The principal was ultimately arrested and the others put on extended leaves with several ultimately leaving district employment. Key lessons are (1) do not over-think whether you have a reasonable suspicion or not, and (2) remember you are not required to conduct a full-fledge investigation prior to calling the hotline.

Possible Signs of Child Physical Abuse

The possibility of abuse should be investigated if a child shows a number of these signs, or any one of them to a marked degree. Please refer this child to the child advocate or nurse in your building...do not pry or ask questions. You may have good intentions in doing so....but it may do more harm than good.

- **Recurrent injuries or burns – improbable excuses, refusal to explain injuries, or inconsistencies with how injury occurred.**
- **Wearing clothes to cover injuries, even in hot weather.**
- **Bald patches**
- **Refusal to undress for gym or medical exam.**
- **Self-destructive tendencies.**
- **Aggression towards self and others.**
- **Fear of physical contact – hypervigilance, or pulling back from contact.**
- **Fear of suspected abuser being contacted.**

Possible Signs and Symptoms of Sexual Abuse

The possibility of abuse should be investigated if a child shows a number of these signs, or any one of them to a marked degree. Please refer this child to the child advocate or nurse in your building...do not pry or ask questions. You may have good intentions in doing so... but it may do more harm than good.

- **Overly affectionate or knowledgeable in a sexual way... inappropriate to the child's age.**
- **Medical problems - chronic itching, pain in the genital area, sexually transmitted disease.**
- **Self loathing: Depressive mood, self harm or mutilation, suicide attempts or threats, running away from home, overdosing, anorexia.**
- **Personality changes- regressive behaviors: wetting bed again, sucking thumb, clinging to parents, baby talk.**
- **Dramatic loss or gain in appetite.**
- **Being isolated or withdrawn.**
- **Worried about removing clothing.**
- **Suddenly drawing sexually explicit pictures.**
- **Masturbation in classroom.**