

The Board of Education recognizes that children have the right to an educational environment which does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate

For purposes of this policy, persons holding these positions shall be referred to as "required reporters."

Other district employees may report allegations of child abuse allegedly committed by district staff and volunteers and are strongly encouraged to do so.

Definitions

For purposes of this policy, "educational setting" means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"Child" means a person under the age of 21 enrolled in a New York State school district, other than New York City.

"Child abuse" generally refers to any intentional or reckless act by an employee or a volunteer against a child which injures or kills a child or creates a risk of injury or death, or constitutes child sexual abuse, or involves the actual or attempted dissemination of indecent materials to minors. If a required reporter or any other district employee has a question as to whether alleged conduct constitutes "child abuse," he or she shall promptly raise the question to the principal of the building where the abuse is alleged to have occurred. The principal shall consult Article 23-B of the Education Law or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

Reporting Requirements

Required reporters and any other district employee deciding to report an allegation of child abuse by district staff or volunteers shall complete a written report as soon as practical after receiving the allegation, but in no event shall a required reporter wait more than one workday to file a report.

The required reporter shall personally file the report with the principal of the school in which the child abuse allegedly occurred.

If the alleged abuse did not occur in a school building, the report shall be filed with the principal of the school attended by the alleged victim.

If the alleged abuser is an employee or volunteer of another district, the report shall be sent to the superintendent of the district where the alleged child victim attends school and to the superintendent of the district where the abuse allegedly occurred (if different). The report shall be prepared on a standard form supplied by the district. Each building principal shall keep a supply of the forms available in his or her office.

Duties of School Building Administrators

In all cases, upon receipt of a report form, the school building administrator must review the form and determine if there is reasonable suspicion to believe that an act of child abuse, as defined by law, has occurred. If he or she finds reasonable suspicion to believe that an act of child abuse has occurred, additional steps must be taken which differ depending upon the individual who has made the allegation. For specific reporting steps, refer to Suspected Child Abuse by District Personnel - Regulations (9620-R).

Rights of Employees and Volunteers

Employees: Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made shall be permitted to have unsupervised contact with any district student. Any employee against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

Volunteers: Pending resolution of the allegations, no volunteer against whom an allegation of child abuse has been made shall be permitted to render volunteer services to the district. Any volunteer against whom an allegation of child abuse has been made and against whom the district decides to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

Confidentiality

See Suspected Child Abuse by District Personnel - Regulations (9620-R).

Penalties

The requirements set forth within the law are mandatory. (See regulation 9620-R.) Failure to adhere to the law may also result in additional disciplinary action by the district.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

Training

The superintendent shall be responsible for establishing and implementing on an ongoing basis training program for all required reporters on the procedures required under Article 23-B. The program shall include at a minimum all the elements specified in Commissioner's regulations.