

SUSPECTED CHILD ABUSE IN AN EDUCATIONAL SETTING

I. Obligation to Report Suspected Abuse in an Educational Setting

Any Questar III official or employee who is a mandated reporter and receives an oral or written allegation that a child, under the age of 21, has been subjected to child abuse by an employee or a volunteer in an educational setting must, upon receipt of such allegation, promptly report the allegation in writing in accordance with this policy. (See Administrative Regulation 3-117R (A),(C)-(F) for the definitions of “child abuse”, “employee”, “volunteer” and “educational setting”).

Mandated reporters under Section 1126 of the Education Law include but are not limited to: teachers, school nurses, school guidance counselors, school psychologists, school social workers, school administrators, board members or other personnel required to hold a teaching or administrative license or certificate. (See Administrative Regulation 3-117R (E)).

II. Submitting a Written Report

Mandated reporters must promptly complete a written report upon receipt of an oral or written allegation of child abuse in an educational setting. Written reports must be made on the form provided by the State Education Department, and shall include the following information: the full name of the child alleged to be abused; the name of the child’s parent/guardian; 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. The mandated reporter is required to personally deliver a copy of such written report to the building principal, unless the building principal is completing the report personally.

The building principal must then send the written report to the superintendent of schools of the child’s home school district, and Questar III’s District Superintendent.

III. Confidentiality

Reports of alleged child abuse in an educational setting, and other related materials and photographs concerning such reports shall be confidential and shall not be disclosed except to law enforcement authorities involved in the investigation of such reported allegations, or as expressly authorized by law or pursuant to a court-ordered subpoena. The building principal and Questar III’s District Superintendent will exercise reasonable care in preventing unauthorized disclosures. Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a Class A misdemeanor.

IV. Consequences of Failure to Report

In accordance with New York law, any person or official required to prepare and submit a written report of an allegation of child abuse in the educational setting who willfully fails to do so may be guilty of a Class A misdemeanor.

V. Immunity

Any mandated reporter, who reasonably and in good faith makes a report of an allegation of child abuse in an educational setting in the manner required by law, shall be immune from civil liability.

VI. Duties of the Superintendent of Schools of the Child's Home School District upon Receipt of Written Report

Questar III mandated reporters and Questar III's District Superintendent are not required to submit a written report to any outside agency.

Once the building principal sends the written report to the superintendent of schools of the child's home school district, it is the superintendent of schools responsibility to notify the child's parents of the allegation, provide them with a written statement setting forth parental rights, responsibilities and procedures under Education Law and to forward the report to appropriate law enforcement authorities.

It is the superintendent of schools of the home school district who is also responsible for forwarding the written report of alleged child abuse in an educational setting to the Commissioner of Education, when the employee or volunteer alleged to have committed is certified or licensed by the State Education Department.

VII. Cooperation with Investigation

Questar III shall cooperate to the fullest extent possible with law enforcement and the district attorney in their investigations of alleged child abuse in an educational setting.

VIII. Staff Training Program

Questar III shall provide annual training programs for mandated reporters regarding the procedures related to child abuse in an educational setting.

IX. Administrative Regulations and Policy Dissemination

Questar III's District Superintendent has promulgated regulations to carry out this policy. This policy and regulations adopted administratively to implement and enforce it shall be printed in all employee handbooks, which will include a written explanation pursuant to Section 3028-b of the Education Law regarding the reporting of child abuse in an educational setting, and the immunity provisions set forth in Section 1126 of the Education Law.

References

Education Law Sec. 1125, et seq.

Education Law Sec. 3028-b

Commissioner's Regulation 100.2(hh).

SUSPECTED CHILD ABUSE IN AN EDUCATIONAL SETTING**I. Definitions**

- A. “Child abuse” means, according to Section 1125 of the Education Law, any of the following acts committed in an educational setting by an employee or volunteer against a child:
1. intentionally or recklessly inflicting physical injury, serious physical injury or death;
 2. intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death;
 3. any child sexual abuse as defined and prohibited by Art. 130 or 263 of the Penal Law; or
 4. the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Art. 235 of the Penal Law.
- B. “Child” shall mean a person under the age of 21 years old;
- C. “Educational setting” shall mean the school buildings and grounds used by Questar III, the vehicles provided and/or used by Questar III to transport students, educational-related trips, co-curricular and extra-curricular activities, 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.
- D. “Employee” shall mean any person receiving compensation from a school district or Questar III, or an employee of a contracted service provider or worker placed within a school under a public assistance employment program, pursuant to Title 9-B, Art. 5 of the Social Services Law, who provides services to a school district or Questar III, its students or employees, directly or through contract, where the services performed involve direct student contact.
- E. “Mandated reporter” means a Questar III official or employee who is required by Section 1126 of the Education Law to report cases of child abuse in the educational setting. Mandated reporters include but are not limited to teachers, school nurses, school guidance counselors, school psychologists, school social workers, administrators, board members or other personnel required to hold a teaching or administrative license or certificate.

- F. "Volunteer" shall mean any person, other than an employee, who provides services to a school, school district or Questar III which involves direct student contact.

II. Reporting Procedures and Related Information

- A. **REPORTING ALLEGATIONS OF CHILD ABUSE IN AN EDUCATIONAL SETTING.** All mandated reporters must upon receipt of an oral or written allegation of child abuse in an educational setting complete a written report on the form provided by the State Education Department. When completed, the mandated reporter shall personally deliver a copy of the written report to the building principal.
- B. **SUBSTANCE OF WRITTEN REPORT.** The written report that must be provided to the building principal pursuant to II.A, above, shall be on the form provided by the State Education Department which can be found online at <http://www.p12.nysed.gov/sss/ssae/schoolsafety/save/> and a copy of which is attached hereto. The written report shall include:
1. the full name of the child alleged to be abused;
 2. the name of the child's parent/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 was made; and
 5. a list of the specific allegations of child abuse in an educational setting.
- C. **CONTACTING HOME SCHOOL DISTRICT.** The building principal, upon receiving the written report, is to send the report to the superintendent of schools of the child's home school district and to Questar III's District Superintendent.
- D. **CONFIDENTIALITY.** Reports of alleged child abuse in an educational setting, and other related materials concerning such reports shall be confidential and shall not be disclosed except to law enforcement authorities involved in the investigation of a child abuse in an educational setting, or as expressly authorized by law or pursuant to a court-ordered subpoena.
- E. **ON-GOING TRAINING FOR MANDATED REPORTERS.** All Questar III employees who are mandated to report suspected child abuse in an educational setting may be required periodically to attend or undertake training regarding reporting of allegations of child abuse in an educational setting.

- F. DISTRIBUTING REGULATIONS TO EMPLOYEES. Questar III shall distribute a copy of these regulations and the related policy to those mandated to report allegations of child abuse in an educational setting. The policy and regulations shall be incorporated into the employee handbook.
- G. IMMUNITY FOR GOOD FAITH REPORTS. As provided in Section 1126 of the Education Law, any mandated reporter who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in a manner described by this policy and law, is immune from civil liability.
- H. LIABILITIES FOR FAILURE TO REPORT ALLEGATIONS OF ABUSE IN AN EDUCATIONAL SETTING. As provided in Section 1129 of the Education Law, any person who is mandated to report suspected cases of child abuse in the educational setting, but who willfully fails to prepare and submit a written report may be guilty of a Class A misdemeanor.

Adopted: 06/09/2016

**CHILD ABUSE IN AN EDUCATIONAL SETTING
CONFIDENTIAL REPORT OF ALLEGATION**

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ Last First MI	Name _____
Address _____ _____	Address (if different) _____ _____
School _____	
Grade _____ Sex (M, F, Unknown) _____	
Age or Birthday (Mo/Day/Yr) _____	

SOURCE OF ALLEGATION (Check as Appropriate)

Child Parent Other - Name _____ Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)

Name _____ School District _____

School Building _____ School Position _____

SPECIFIC ALLEGATION

Use this space to provide information to describe or explain the circumstances surrounding the allegation.
(attach additional sheets if necessary)

REPORTER INFORMATION

Name _____ School District _____
School Address _____ School Telephone _____
Relationship to Child (if any) _____

Teacher School Guidance Counselor School Nurse School Psychologist
 Administrator School Board Member School Social Worker
 School personnel required to hold teaching or administrator license or certification

Date Submitted to Administrator ____/____/____/ Signature _____

FOR ADMINISTRATOR USE ONLY	FOR SUPERINTENDENT OF SCHOOL USE ONLY
Reasonable Suspicion ____ Yes ____ No	Reasonable Suspicion ____ Yes ____ No
Date Submitted to Superintendent ____/____/____	Date Submitted to Law Enforcement ____/____/____
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ____/____/____	Date Submitted to Commissioner ____/____/____
Name/Signature _____	Name/Signature _____