

CHILD ABUSE IN AN EDUCATIONAL SETTING

The Board of Education recognizes that children have the right to an educational setting that 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 certificate.

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

Other district employees may, of course, report allegations of child abuse allegedly committed by district staff and volunteers and are 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, including but not limited to the district’s computer network.

“Child” means a person under the age of 21 enrolled in the district.

“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 with the Superintendent and/or the school attorney, if necessary, to determine whether the allegation constitutes child abuse.

Reporting Requirements

In any case where an oral or written allegation is made to a required reporter that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- Immediately complete a written report (9620-E) of such allegation including: the full name of the child alleged to have been 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 prescribed by the Commissioner of Education.
- Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must personally deliver a copy of that written report to 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 a building Principal, the written report shall be delivered directly to the Superintendent.

If the alleged abuser is an employee or volunteer of another district, the report shall be promptly forwarded 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

Upon receiving a written report alleging child abuse in an educational setting, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal shall contact the person making the report to learn the source and basis for the allegation.

If the Principal finds that reasonable suspicion exists, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse). The notice shall be given by telephone (if possible) and in writing, sent via overnight mail to the parent.

The notice shall inform the parent of his or her rights and responsibilities related to the allegations of abuse and shall include a copy of this policy.

The Principal shall also simultaneously provide a copy of the written report to the Superintendent and promptly send a copy to the appropriate law enforcement authorities. **In no event shall the Principal delay sending the report to law enforcement because of an inability to contact the Superintendent.**

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certificate or license issued by the State Education Department.

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 pursuant to applicable law shall be entitled to receive a copy of the report and respond to the allegations made therein.

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 respond to the allegations made therein.

Confidentiality

All reports and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be disclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal, Superintendent and other school administrators shall exercise reasonable care to prevent unauthorized disclosure.

Penalties

Required Reporters. Any required reporter who willfully fails to make a written report of alleged child abuse required by Article 23-B of the Education Law shall be subject to criminal penalties provided for in statute, as well as disciplinary sanctions imposed in accordance with applicable law and any applicable collective bargaining agreements.

Administrators. Any administrator who (1) willfully fails to submit a written report of alleged child abuse to an appropriate law enforcement authority as required by Article 23-B of the Education Law, (2) makes any agreement to withhold from law enforcement authorities, the Superintendent or the Commissioner, the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer has been made in return for the

9620/ 4

employee's or volunteer's resignation or voluntary suspension from his or her position, or (3) willfully discloses a confidential record shall be subject to criminal penalties provided for by statute, as well as disciplinary sanctions imposed in accordance with applicable law and collective bargaining agreement. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

Record Retention

Any report of child abuse by an employee or volunteer that does not, after investigation, 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 a training program for all required reporters on the procedures required under Article 23-B of the Education Law. The program shall include, at a minimum, all the elements specified in the Commissioner's Regulations.

Immunity

The Board encourages good faith reporting to trained law enforcement authorities and discourages internal investigations by school personnel

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.

Any school administrator or 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.

Prohibition of "Silent" (Unreported) Resignations

Members of the Board, Principal, or Superintendent may not agree to withhold from law enforcement, the Superintendent or the Commissioner, the fact that a child abuse allegation has been made, in return for the resignation or voluntary suspension from the accused's position.

Great Neck Public Schools

Adopted: 1/7/02

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