

REPORTING GUIDELINES FOR CHILD ABUSE OUTSIDE THE EDUCATIONAL SETTING

I. Statement of Purpose

The Charter High School for Law and Social Justice (the “School”) recognizes that, because of their sustained contact with school-aged children, employees are in a position to identify abused or maltreated children and refer them for treatment and protection.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible so that such children determined to be abused or maltreated can be protected from future harm, and, where appropriate, can be offered services to assist him or her and his or her family.

II. Definitions

A. Abused child: An “abused child” is a child less than eighteen years of age whose parent or other person legally responsible for his care:

1. inflicts or allows to be inflicted upon the child serious physical injury; or
2. creates or allows to be created a substantial risk of physical injury; or
3. commits sexual abuse against the child or allows sexual abuse to be committed against the child.

B. Neglected or Maltreated child: A “neglected child” or a “maltreated child” is a child under eighteen years of age whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parents or other person legally responsible for his care to exercise a minimum degree of care:

1. in supplying the child with adequate food, clothing, shelter, education, or medical 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; or
3. by unreasonably inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
4. by misusing a drug or drugs; or
5. by misusing alcoholic beverages to the extent that the user loses self-control;
6. by any other acts of a similarly serious nature requiring the intervention of Family Court; or
7. by abandoning the child.

C. Person legally responsible includes the child’s custodian, guardian or any other person responsible for the child’s care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

- D. Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

III. Mandatory Reporters

- A. Any professional on school property who may work with students in the course of his or her professional duties is considered a mandatory reporter.
- B. Mandatory reporters include, but are not limited to teachers, guidance counselors, psychologists, social workers, nurses, administrators, or other school personnel required to hold a teaching or administrative license or certificate.

IV. Reporting

- A. A mandatory reporter who has reasonable cause to suspect that a child coming before him or her in his or her professional capacity is an abused or maltreated child shall notify the principal or the principal's designate in the principal's absence immediately.
- B. A mandatory reporter who has reasonable cause to suspect that a child coming before him or her in his or her professional capacity is an abused or maltreated child when the parent, guardian, custodian, or other person legally responsible for such child comes before the mandatory reporter in his or her official capacity and states from personal knowledge facts, conditions, or circumstances which, if correct, would render the child an abused or maltreated child, shall notify the principal or the principal's designate in the principal's absence immediately.
- C. The principal or the principal's designate shall report the suspected abuse or maltreatment to Child Protective Services ("CPS") and to the Statewide Central Registry of Child Abuse and Maltreatment ("SCR") immediately.
 - 1. The principal or the principal's designate will make an oral report to the SCR hotline.
 - 2. The principal or other school official will file a signed, written report with SCR within 48 hours of an oral report. (A copy of the form for the written report is attached.)
 - 3. The written report will include:
 - a. name and address of the child and his or her parents or guardians;
 - b. name and address of residential care facility or program, if applicable;
 - c. child's age, sex, and race;
 - d. nature and extent of:
 - (1) current injuries, abuse, or maltreatment, including evidence

- of prior injuries, abuse, or maltreatment of the child; and
 - (2) evidence of prior or current injuries, abuse, or maltreatment of the child's siblings;
 - e. the name of the person(s) alleged to be responsible for causing the injury, abuse, or maltreatment, if known;
 - f. family composition, when appropriate;
 - g. the source of the report;
 - h. the name, title, and contact information of every staff person who is believed to have direct knowledge of the allegations in the report;
 - i. the actions to be taken by the reporting source; and
 - j. any other information required by CPS or the reporter believes will be helpful.

V. Training

- A. The School will educate all members of the faculty and staff on their duties and responsibilities as mandatory reporters.
- B. The School will conduct ongoing training about how to detect signs of abuse or maltreatment at the beginning of a person's employment.
- C. All current and new School employees who are required to report suspected child abuse shall be provided with a copy of the School Policy concerning child abuse and reporting requirements.

VI. Rights of Reporters

- A. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of a mandatory reporter of child abuse or maltreatment is presumed.
- B. School personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interests of that individual or of the child.

VII. Penalties

Any person required to report suspected cases of child abuse or maltreatment and who willfully fails to do so may be found guilty of a Class A misdemeanor and may be held civilly liable for the damages caused by this failure.

VIII. Confidentiality

- A. All reports and other written material submitted pursuant to this policy 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.
- B. The School shall exercise reasonable care to prevent unauthorized disclosure.

Sources: N.Y. Soc. Serv. L. §§ 412, 412-a, 413, 415
N.Y. Fam. Ct. L. § 1012

Adopted by the Board of Trustees: February 11, 2015