

**WASHINGTON-SARATOGA-WARREN-HAMILTON-ESSEX  
BOARD OF COOPERATIVE EDUCATIONAL SERVICES**

**ADMINISTRATIVE REGULATION**

**SUSPECTED CHILD ABUSE  
OCCURRING WITHIN AN EDUCATIONAL SETTING**

1. Schools Against Violence in Education (SAVE) Legislation (NYS Education Law §§1125-1133) requires:
  - school board members
  - teachers
  - school nurses
  - school counselors
  - school psychologists
  - school social workers
  - school administrators; and
  - other school personnel required to held a teaching or administrative license or certificate

to report suspected child abuse by a school employee or volunteer within the school setting to the appropriate school administrators, and in some cases, to the State Education Department (SED) and/or local law enforcement authorities.

2. Any of the above-described individuals who reasonably and in good faith makes a report of suspected child abuse by a school employee or volunteer has immunity from civil liability. (NYS Education Law §§1126(3), 1128(4)). Any person required to report who willfully fails to do so is guilty of a Class A misdemeanor and may be liable for a civil penalty of up to \$5,000. (NYS Education Law §1129).
3. All staff members suspecting child abuse, as defined below, by a school employee or volunteer, are to promptly contact and make a written report to the administrator in the building which the abuse occurred. The written report (Confidential Report of Allegation form) must include the following information:
  - the name of the child alleged to be abused;
  - the name of the child's parent;
  - the name of the person making the report, and his or her relationship to the alleged child victim;
  - the name of the alleged abuser (a school employee or volunteer);
  - a description of the alleged abuse; and
  - the source and basis for the report of alleged abuse.

The building administrator shall then transmit the report to the appropriate director. The building administrator shall determine if there is reasonable suspicion.

4. Any Board member who suspects child abuse, as defined below, by a school employee or volunteer, shall promptly notify the District Superintendent of Schools and complete a written report to the administrator where the alleged incident occurred.
5. If a parent or a child makes an allegation of child abuse, as defined below, by a school employee or volunteer, such allegation shall be reported to the building principal, who shall in turn transmit a written report to the appropriate director.

**Should there be an indication of reasonable suspicion\*, the following steps will be taken:**

6. Upon receipt of a written report (Confidential Report of Allegation form) of alleged child abuse, as defined below, by a school employee or volunteer, the receiving administrator shall take the following steps:
  - a) notify the parent(s) of the alleged victim in writing, and provide them with a copy of their rights and responsibilities;
  - b) forward a copy of the confidential report of allegation form to the appropriate local law enforcement authorities (police); and
  - c) if the alleged abuser holds an SED license or certificate, forward a copy of the written report of alleged abuse to SED, pursuant to Commissioners Regulation Part 83.The temporary unavailability of the appropriate director shall not delay dissemination of the report by another administrator.
7. Reports of alleged child abuse made pursuant to this policy shall be maintained by the appropriate director, shall be kept confidential, and shall not be disclosed except: as set forth in paragraph 6, to an employee or volunteer who has been subjected to adverse action as a result of such report; or pursuant to a court-ordered subpoena. Any such report, which does not result in a criminal conviction, shall be expunged after 5 years.
8. An "abused child" is defined, for purposes of this administrative regulation, as a student under twenty-one (21) years of age, against or to whom a school employee or volunteer has:
  - intentionally or recklessly inflicted physical injury;
  - intentionally or recklessly created a substantial risk of physical injury;
  - engaged in sexual abuse; or
  - disseminated indecent materialswithin an educational setting, including school grounds and any school-sponsored activity. (NYS Education Law §1125)
9. The police and/or District Attorney may be required to investigate a report of alleged child abuse in the school setting. School personnel should assist the police and/or District Attorney in fulfilling this responsibility, provided, however, that applicable statutory and contractual provisions pertaining to disciplinary action against a school employee (the alleged abuser) shall be adhered to. If it is necessary to interview the child at school, this should be done in the presence of the supervising administrator or other administrator, and the child's parent(s) or guardian(s).
10. If a licensed or certified school employee is convicted of a crime as the result of a report of child abuse in the school setting, the District Superintendent shall notify SED of such conviction, pursuant to Commissioners Regulation Part 83.
11. A training program for current and new certificated staff and Board members with respect to this Administrative Regulation and the legal requirements for reporting suspected child abuse by a school employee or volunteer in the school setting shall be established and implemented on an ongoing basis.
12. By law, the District cannot accept the resignation of a school employee who has been accused of child abuse in the school setting, in lieu of making the required report. Doing so is a Class E felony, and is punishable by a civil penalty of up to \$20,000.

\*Reasonable suspicion is defined as reviewing the written report, comparing the information in the document to see if it matches the legal definition and if it does, the administrator must notify law enforcement and the parents of the child.

**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 _____

## **CHILD ABUSE IN AN EDUCATIONAL SETTING**

### **DEFINITIONS**

Definitions contained in Section 1125 of Article 23-B, Title I of the Education Law

1. "Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:
  - a. Intentionally or recklessly inflicting physical injury, serious physical injury or death, or
  - b. Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or
  - c. Any child sexual abuse as defined in this section, or
  - d. The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.
2. "Child" shall mean a person under the age of 21 years enrolled in a school district in this State, other than a school district within a city having a population of one million or more.
3. "Employee" shall mean any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
4. "Volunteer" shall mean any person, other than an employee, who provides services to a school or school district, which involve direct student contact.
5. "Educational setting" shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of 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.
6. "Administrator" or "school administrator" shall mean a principal of a public school, charter school or board of cooperative educational services, or other chief school officer.
7. "Law enforcement authorities" shall mean a municipal police department, sheriff's department, the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or society for the prevention of cruelty to children as such terms are defined in section four hundred twenty-three of the social services law.
8. "Parent" shall mean either or both of a child's parents or other persons legally responsible for the child.
9. "Child sexual abuse" shall mean conduct prohibited by article one hundred thirty or two hundred sixty-three of the penal law.