

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

**ADMINISTRATIVE REGULATION**

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

1. Sections 413(1) of the NYS Social Services Law require school officials, school physicians, school psychologists, and registered nurses to report suspected child abuse and neglect cases to the proper state and county child protective services personnel. Other school personnel may make such a report.
2. Any school employee who, in good faith, makes a report of suspected child abuse or neglect has immunity from civil or criminal liability (NYS Social Services Law §419). Good faith is presumed for anyone required to report. Any person required to report who willfully fails to do so is guilty of a Class A misdemeanor and shall be liable for civil damages. (NYS Social Services Law §§419-420).
3. All staff members suspecting child abuse or neglect, as defined below, are to promptly contact their immediate supervisor.
4. The staff member, in coordination with the appropriate supervisor, will contact the New York State Child Abuse and Maltreatment Register (Telephone: 1-800-342-3720).
5. The individual making the report will then complete the New York State Department of Social Service form (DSS-2221A). This form should be transmitted to the Child Protective Services within forty-eight (48) hours of the telephone contact.
6. The County Protective Service must initiate an investigation within twenty-four (24) hours. School personnel should assist the Child Protective Service in fulfilling their responsibility. There may be circumstances where it is necessary to interview the child at school. This should be done in the presence of the building administrator or other school official.
7. A summary report of the investigation by the protective service must be kept confidential.
8. When a report has been determined unfounded, all identifying data in the State and County Register are automatically expunged.
9. For purposes of this Administrative Regulation, an abused child is one who:
  - is less than 21 years of age who has had serious physical injury inflicted by non-accidental means, outside of the school setting or is at substantial risk of serious physical injury outside of the school setting; or
  - has been then victim of a sexual offense committed by parent/guardian or custodian.
10. A neglected child is one who:
  - is less than 21 years of age whose physical, mental or emotional condition is in danger as a result of improper care by the parent or guardian, including use of drugs or alcohol by the parent;
  - is not provided with proper supervision or guardianship or who has been abandoned; or
  - has not been provided with adequate food, clothing, shelter, education or medical care. (NYS Social Services Law §412; Family Court Act §1012)
11. When a school employee reports a case of suspected child abuse or neglect, the school administrator and/or nurse may take color photographs of physical trauma.
12. BOCES shall provide training to staff on reporting procedures on an "as needed" basis.