



MANDATED REPORTING POLICY AND PROCEDURE

Mandated Reporting

All staff that work with scholars are mandated reporters of suspected abuse. The policy herein explains the procedures for all mandated reporters depending on whether the abuse or maltreatment occurs outside of or within an educational setting.

Reporting Child Abuse Outside of an Educational Setting

When a mandated reporter has reasonable cause to suspect that a child has been abused or maltreated outside of an educational setting, that person should follow the steps below.

Step 1 - Oral Report

Once a person believes a child has been abused or maltreated the person must make a report immediately to New York Statewide Central Register for Child Abuse and Maltreatment (“SCR”) at 800-342-3720. A Child Protective Specialist will answer the call and ask for as much information as the person can provide about both the suspected abuse or maltreatment and the family of the child. If deaf or hard of hearing, call TDD/TTY at 1-800-638-5163 or have a Video Relay System provider call 1-800-342-3720. If you believe that a child is in immediate danger, call 911 or your local police department.

Step 2 - Immediately Notify the Head of School

The person should then immediately notify the head of school, who will then be responsible for all subsequent actions as outlined below in the Investigation process.

Step 3 - Written Report

All oral reports should be followed by a written report within 48 hours. Written reports shall be made in a manner prescribed and on forms supplied by the commissioner of the New York State Office of Children and Family Services (“OCFS”). A copy of the required report format may be found at <http://ocfs.ny.gov/main/cps/>

Reporting should be made as soon as there is reasonable belief that the child has been exposed to or affected by physical abuse, sexual abuse, mental abuse, neglect or exploitation, as described below. This includes bearing witness to such acts or being involved with such acts. After the initial report is made, the mandated reporter should write a detailed narrative describing the incident and information that was gathered and submit it. This narrative should include noticeable physical marks, scholar demeanor, and other necessary information. The mandated reporter should not further investigate the situation as it compromises the wellbeing of the scholar.



Investigation Process

The supervisor then reports the incident immediately (within one hour) without delay to any member of the ACS Reporting Team (Executive Director, School Director, Dean of Students and, if the scholar has an IEP, the Special Education Coordinator) who within 24 hours will discuss the case and within three days conclude a legitimate cause for an ACS case. During that process the ACS Reporting Team will determine a legitimate cause for reporting, reach out to the mandated reporter for further clarification if needed, and hold an intervention with the parent which could include: parent, scholar or family counseling, parenting classes, violence prevention classes, or referral.

Description of possible reportable incidents

- **Physical Abuse** includes but is not limited to such actions as striking, pulling, pushing, twisting body parts, or inflicting any physical injury to a scholar by any means.
- **Sexual Abuse** includes but is not limited to sexual assault, rape, fondling, sexual exploitation or any sexual interaction between staff or a child.
- **Mental Abuse** includes any action, which creates mental anguish for the child. These actions include but are not limited to discriminatory remarks, belittlement, derogatory name calling, teasing, unreasonable exclusion from conversation or activities and verbal abuse.
- **Neglect** includes the denial of meals, education and homework completion; refusal to provide medication, habilitation and other necessities.
- **Exploitation** includes any illegal or improper action affecting a person or use of the person's resources for another person's profit or advantage.

Reporting Child Abuse Within an Educational Setting

All staff that work with scholars are mandated reporters of suspected abuse. Charter school personnel, including teachers, administrators, trustees, and other employees, are obligated under Article 23-B of the Education Law to document and report all allegations of child abuse that occurs in an educational setting at the hands of a school employee or volunteer. The legislature recognizes that investigations of allegations of child abuse, like other criminal conduct, "must not be undertaken by school personnel but must be the responsibility of law enforcement agencies" in order to "promote the objectivity of such investigation and [to] protect the rights and interests of the alleged victim, the accused and the school community." However, the law establishes a formal, standardized procedure that schools must follow when such cases occur. When a mandated reporter has reasonable cause to suspect that a child has been abused or maltreated within an educational setting, that person should follow the steps below.

Step 1 - Written Report and School Administrator Notification

In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and



registered speech-language pathologist, teacher aide, or school resource officer, that individual must complete a written report. A copy of the report form may be found at: <http://www.p12.nysed.gov/ssss/sae/schoolsafety/save/#childabuse>. Once the written report is completed it should be provided to a designated school administrator except in cases where the allegation is made to the school administrator. In any case where an oral or written allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that individual must promptly report or cause a report to be made to his or her supervisor employed by such contracting person or entity, who will then follow the written reporting and school administrator notification procedures. Once the written report is completed it should be provided to a designated school administrator. In any case where an oral or written allegation is made about the designated school administrator, the report of such allegations shall be made to another administrator designated by the school.

Step 2 - School Administrator Duties

When a school administrator receives the written report, the school administrator must determine if there is “reasonable suspicion to believe an act of child abuse [in an educational setting] has occurred.” If the person making the initial allegation is not the child victim or the child’s parent, the school administrator must ascertain from that person the source and basis for such allegations. Reporting procedures may differ slightly depending upon the employment position of the person receiving the oral or written allegation of abuse, and upon who made the initial allegation.

Step 3 - Parental Notification and Rights

A school administrator, who has reasonable suspicion that the allegations might be true, must promptly notify the child’s parents. The school must also promptly provide the child’s parents with a written statement that sets forth their parental rights, responsibilities, and the procedures that will take place.

Step 4 - Law Enforcement Notification

A school administrator, who has reasonable suspicion that the allegations might be true, must promptly notify appropriate law enforcement authorities. The school administrator should not delay in contacting appropriate law enforcement authorities when the school administrator is unable to contact the “superintendent.”

Step 5 - Authorizer Notification

The SUNY Charter Schools Institute must also be notified of any reasonable suspicion that an act of child abuse has occurred.

Step 6 - Commissioner of Education Notification

Where a school administrator has reasonable suspicion that the allegations might be true and has notified the child’s parent/s and appropriate law enforcement of the allegation, the “superintendent”



CLASSICAL CHARTER SCHOOLS

must promptly forward the report to the Commissioner of Education if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license. In the case of SUNY charter schools, if a person is exempt from certification by application of the Act or in the process of becoming certified, the report to the Commissioner of Education should still be made. Reports should be made to the New York State Education Department's Office of School Personnel Review and Accountability (OSPRA) on its form