

Category: **STUDENTS**

Issued: ~~4/20/11~~

Number: **A-750**

Subject: CHILD ABUSE PREVENTION

Page: 1 of 1

SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation A-750 dated ~~August 6, 2009~~ [January 20, 2011](#).

Changes:

- ~~This regulation is updated to reflect~~ [Reflects](#) the current Department of Education (DOE) organization, including ~~Children First Networks. (See Sections I.A.5, page 3; I.B.1, page 4; I.C.2, pages 4-5; II.B.3.d-e, page 8; III.D, page 9; IV.A.1-2, page 9; IV.A.4-5, page 10; IV.B, page 10; VI.A, page 11; Attachment No. 2~~ [Field Support Centers \(FSC\)](#).
- [Clarifies the definition of educational neglect. \(p. 5, Section I.E.1\).](#)
- [Reflects NYDOE policy, as set forth in detail in Chancellor's Regulation A-210, that when a student is absent for ten \(10\) or more consecutive days for unexplained reasons, educational harm may be presumed and schools must conduct an investigation to determine whether the absences may be related to educational neglect. \(pp. 5-6, Section I.E.2\).](#)
- [Provides that schools must monitor the daily attendance of students in foster care and students whose families are or recently were involved in an investigation by the Administration for Children's Services \(ACS\) as a result of a report of suspected neglect or maltreatment made by DOE personnel to the State Central Register \(SCR\) \(referred to in this regulation as ACS-involved students\). \(pp. 9-11, Section III\).](#)
- [Provides that by using an existing data match between ACS and DOE, schools will regularly receive updated information regarding ACS-involved students in their schools to the extent permitted pursuant to applicable legal authority. \(p. 10, Section III.B\).](#)
- [Provides that schools must conduct parent outreach and escalate concerns regarding ACS-involved students to ACS and SCR in accordance with this regulation and the Tiered Response Protocol for High-Risk Cases of Educational Neglect and Unexplained Absence \(Tiered Response Protocol\). \(pp. 9-11, Section III\).](#)
- [Clarifies that the FSC Deputy Directors for Student Services receive data regarding students involved with ACS and provides that these deputy directors are responsible for disaggregating the data by school and disseminating this information to the appropriate school's principal/designee. \(p. 10, Section III.B\).](#)
- ~~This regulation updates the website address for the On-line Occurrence Reporting System ("OORS") website. (See Section VII, page 12).~~ [Establishes that when a staff member has reasonable cause to suspect that an ACS-involved student has been abused, maltreated, or neglected, the staff member must: a\) immediately report the suspicion to the New York State Central Register \(SCR\) in accordance with this regulation; and b\) contact ACS in accordance with the procedures set forth in the Tiered Response Protocol. \(p. 11, Section III.D\).](#)
- ~~This regulation updates the website address for the LDSS 2221-A form. (See Attachment No. 2).~~ [Clarifies the responsibilities of the FSC Deputy Directors for Student Services as they relate to child abuse prevention and intervention and implementation of the Tiered Response Protocol. \(pp. 11-12 Section V\).](#)
- ~~Names of offices have been updated.~~

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Number: **A-750**

Subject: CHILD ABUSE PREVENTION

Page: 1 of 2

TABLE OF CONTENTS

Section	Topic	Page(s)
I.	PROCEDURES FOR REPORTING TO THE NEW YORK STATE CENTRAL REGISTER FOR CHILD ABUSE AND MALTREATMENT	2 - 6
A.	Making a Report	2 - 4
B.	Procedures for Cases of Imminent Danger to a Child	4
C.	Procedures when SCR Declines a Report and/or Refers a Report to Police	4 - 5
D.	Obligation to Report Misconduct to Special Commissioner of Investigation	5
E.	Policies and Procedures for Reporting Educational Neglect	5 - 6
II.	PROCEDURES FOR COOPERATING WITH THE LOCAL CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS OF SUSPECTED CHILD ABUSE	6 - 8
A.	Investigations by CPS	6 - 7
B.	Transfer of Students to Child Advocacy Centers/Child Protective Centers for Multidisciplinary Team Investigations and Child Protective Services Removals	7 - 8
III.	POLICIES AND PROCEDURES FOR ESCALATING ABSENCE CONCERNS REGARDING ACS-INVOLVED STUDENTS	8 - 9
A.	Tiered Response Protocol	
B.	Identifying Students Involved with ACS	
C.	Review and Assessment	
D.	Escalation of Concerns to ACS / SCR	
III IV.	LEGAL ISSUES FOR MANDATED REPORTERS	8-9
A.	Immunity from Liability and Legal Representation	8-9
B.	Liability and Penalties for Failure to Report	9
C.	Prohibition Against Retaliatory Action	9
D.	Service of Subpoena upon School Staff	9
IV V.	CHILD ABUSE PREVENTION AND INTERVENTION TEAMS	9 - 10
A.	Establishment of Teams	9 - 10
B.	Responsibility of the Children First Network (CFN) Youth Development Field	10

Category: **STUDENTS**

Issued: ~~4/20/14~~

Number: **A-750**

Subject: CHILD ABUSE PREVENTION

Page: 2 of 2

[Support Centers \(FSC\) and “Child Abuse ~~Prevention Teams~~ Designee\(s\)”](#)

C.	Responsibility of the School Child Abuse Prevention and Intervention Team	10
V <u>VI</u> .	TRAINING PROGRAMS AND PARENT AND STUDENT EDUCATION	11
A.	Training Programs	11
B.	Parent Participation	11
C.	Student Education	11
V <u>VII</u> .	NOTIFICATION	11 - 12
VI <u>VIII</u> .	REPORTING TO THE CHANCELLOR	12
VIII <u>IX</u> .	TECHNICAL ASSISTANCE	12
IX <u>X</u> .	INQUIRIES	12

ATTACHMENTS

1. Child Protective Center (CPC) Multidisciplinary Team Release Form
2. Highlight of Chancellor’s Regulation A-750 – (aka the “Blue Card”)

ABSTRACT

This regulation updates and supersedes Chancellor's Regulation A-750 dated ~~August 6, 2009~~ January 20, 2011.

New York State's Social Services Law commonly called The Child Protective Services Law, mandates that school personnel report all cases of suspected child abuse and neglect directly to the State Central Register. This regulation updates and sets forth the obligations of school personnel to report ~~and suspected maltreatment~~, cooperate with investigations conducted by child protective service workers, and escalate concerns regarding absences of students involved with the Administration for Children's Services.

PREFACE

A child is considered abused or maltreated if the child is less than 18 years old (21 years old or less if in a residential placement) and a parent or other person legally responsible for the child's care harms the child, creates substantial risk of harm, or fails to exercise a minimum degree of care to protect the child.

Below are summary definitions of abuse, neglect and maltreatment.

PHYSICAL ABUSE

Where the parent or person legally responsible for a child's care inflicts or allows to be inflicted upon such child non-accidental physical injury or where a parent or person legally responsible for a child's care creates or allows to be created a substantial risk of non-accidental physical injury to such child. The term injury includes but is not limited to superficial bruises, welts, broken bones and other serious injuries, injuries which cause or would be likely to cause protracted impairment of physical or emotional health, and injuries which create a substantial risk of or cause death.

NEGLECT

The withholding of or failure to provide a child with adequate food, shelter, clothing, hygiene, medical care, and/or supervision needed for growth and development.

SEXUAL ABUSE

The sexual exploitation of a child by a parent, guardian, relative, caretaker, or other person which may range from non-touching offenses, such as exhibitionism, to fondling, intercourse, or use of a child in the production of pornographic materials.

EMOTIONAL ABUSE

Acts or omissions that cause or could cause serious intellectual, behavioral or psychological dysfunction as a result of such parent's or caretaker's behavior. Emotional neglect – the withholding of physical and emotional contact to the detriment of the child's normal emotional development. Must be attributed to unwillingness or inability of the parent or custodian to exercise a minimum degree of care toward the child.

EDUCATIONAL NEGLECT

Educational neglect is considered to be the failure of a parent, or person legally responsible for a child, to ensure their child's prompt and regular attendance in school or the keeping of a child out of school for impermissible reasons resulting in an adverse effect on the child's educational progress or imminent danger of such an adverse effect.

I. PROCEDURES FOR REPORTING TO THE NEW YORK STATE CENTRAL REGISTER FOR CHILD ABUSE AND MALTREATMENT**A. Making a Report**

1. All pedagogical and non-pedagogical school personnel are mandated reporters for child abuse. ~~For Educational Neglect referrals please see Section I.E below~~ and Procedures for making educational neglect referrals are set forth in Section I.E below. For procedures pertaining to investigating the circumstances surrounding a student's unexplained absence to determine if a report to SCR is warranted, see Chancellor's Regulation A-210 – "Minimum Standards for Attendance Programs." Investigation of Causes of Absence and the Form 407 Tracking System."
 - a. When a child comes before a mandated reporter in his or her official or professional school related capacity and the reporter has reasonable cause to suspect that the child has been abused, maltreated or neglected ("child abuse"), the reporter is required to report the suspicion to the New York State Central Register (SCR) for Child Abuse and Maltreatment in Albany by telephoning the toll-free number 1-800-635-1522. The reporter is not required to possess certainty or to interview the child before a report is made, only reasonable suspicion.
 - b. Mandated reporters are also obligated to make a report if a parent, guardian, custodian or other person legally responsible for such child comes before the reporter in his/her professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child.
 - c. The mandated reporter must provide the SCR with the name, title and contact information for every staff person who is believed to have direct knowledge of the allegations in the report, to the extent the reporter has this information. The reporter must provide information about the alleged child abuse and the child, including whether the child is receiving special education services and the nature of the disability, to the extent the reporter has such knowledge.
2. When making the oral report, the caller must ask the SCR for the "Call I.D." number. The "Call I.D." number must be retained and used by school officials to complete the New York State Office of Children and Family Services Form LDSS 2221-A and the DOE On-Line Occurrence (OORS) Report. (See Section VII "Reporting to the Chancellor.") In addition, the caller should request from the SCR the findings of the investigation.
3. After making the report to SCR, the mandated reporter must immediately (and no later than the end of the school day), notify the principal/designee and provide him/her with the "Call I.D." number. As used in this regulation, "principal" also refers to the office head of a non-school site. In school sites, the principal/designee must be a member of the school Child Abuse Prevention and Intervention Team. The principal's/designee's responsibilities are set forth below. If the principal chooses to delegate these responsibilities, s/he must appoint a designee on an annual basis.
4. If the mandated reporter has reasonable cause to suspect child abuse and has direct knowledge that a report has already been made to the SCR by another mandated reporter in the school, he/she shall immediately either (1) report the suspicion to SCR directly as set forth above or (2) consult with the principal/designee. If the principal/designee confirms that another report has been made, he/she must immediately provide the "Call I.D." number to the mandated reporter. If the principal/designee does not provide the mandated reporter with the "Call I.D." number by the end of the school day, or if the principal/designee does not confirm that a report has already been made to the SCR, the mandated reporter must immediately call in the report to the SCR and follow the procedures set forth above.

5. The principal/designee or staff member then must prepare a written report using form LDSS 2221-A, within 48 hours after the phone call to the SCR. This report must include the name, title and contact information for every staff person who is believed to have direct knowledge of the allegation in the report. Where the written report of abuse concerns a child with a disability, the report must include a description of the child's disability and the medical or related services being provided. Copies of the form and the email addresses may be obtained on the DOE Child Abuse Prevention website at: <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>.

The report must include the "Call I.D." number provided by the SCR on the report form. This report must be emailed, mailed or faxed to the local Child Protective Service (CPS) field office in the borough where the alleged subject of the report lives. Reports concerning children in residential care facilities should be sent to the OCFS, P.O. Box 4480, Albany, New York 12204-0480, and reports concerning children in foster care should be sent to the New York City Administration for Children Services' Office of Special Investigations at 127 West 127th Street – 3rd Floor, New York, New York 10027. A copy of all reports must be kept in a separate file labeled Reports of Suspected Child Abuse, and stored in a secure place accessible only to the principal or his/her designee. A copy of the report is also to be sent to the Field Support Center ~~Deputy Director for Student Services~~ (FSC) Designee for child abuse matters.

6. If the principal/designee receives additional information regarding a LDSS 2221-A written report that was previously made, the principal/designee must update that report and include any new information regarding the name, title and contact information for any additional staff person who has direct knowledge of the allegation. This updated report must be submitted immediately as set forth above in Section I.A.5.
7. Reports made by mandated reporters to the SCR are confidential, but reports cannot be made anonymously (S.S.L. §422 (4)(a)). Therefore, mandated reporters must provide their names to the SCR. However, local CPS workers are prohibited from releasing the name of the person making the report or the school affiliation to the parent or person in a parental relationship. In addition, school employees are prohibited from disclosing the name of the mandated reporter or confirming that the school made the report to the family or any unauthorized individual. The identity of the reporting person may only be given to the local CPS, to a court, grand jury, district attorney, police or other agencies allowed access by the Social Services Law.

Any breach of confidentiality by a CPS worker in regard to the identity of the mandated reporter to the family under investigation must be immediately reported to the Department's Office of Legal Services at (212) 374-6888.

8. If additional incidents of abuse or neglect occur involving the same child, such incidents must also be reported whether or not reports have been made in the past.

Addresses of the respective borough CPS offices (for mailing of form LDSS 2221-A) are:

Local Register

Manhattan Field Office

Applications Unit
55 West 125th Street - 3rd Floor
New York, NY 10027

Local Register

Brooklyn Field Office

Applications Unit
1274 Bedford Ave. - 2nd Floor
Brooklyn, NY 11216

Local Register**Bronx Field Office**

Applications Unit
2501 Grand Concourse
5th floor
Bronx, NY 10468

Local Register**Queens Field Office**

Applications Unit
165-15 Archer Avenue - 3rd Floor
Jamaica, NY 11433

Local Register**Staten Island Field Office**

Applications Unit
350 St. Mark's Place - 3rd Floor
Staten Island, NY 10301

9. In reporting suspected child abuse, principals or their designees may take, or cause to be taken at public expense, photographs of trauma visible on the child who is the subject of a report. This will help preserve evidence for a subsequent investigation. Photographs taken are to be sent to the appropriate local CPS field office via certified mail or given to the investigating case worker.
 10. School personnel may not request the assistance from, nor cooperate with, the Society for the Prevention of Cruelty to Children (SPCC) in the reporting or the investigation of a suspected child abuse or neglect case. While the SPCC is still in existence, this entity is no longer contracted by the local CPS to conduct child abuse investigations. Therefore, "reporting to private Society for the Prevention of Cruelty to Children is not an acceptable alternative and does not comply with the legal reporting requirements." **All reports of suspected child abuse must be made to the State Central Register.**
- B. Procedures for Cases of Imminent Danger to a Child
1. If a CPS worker has not responded by 3:00 p.m. and it is determined that the child's life and/or safety is in imminent danger if the child returns home, the principal or designee must call 911 for emergency police assistance, after consulting with the **Field Support Center** **FSC** Deputy Director for Student Services.
 2. At any time, emergency medical service may be requested when warranted.
- C. Procedures when SCR Declines a Report and/or Refers a Report to Police
1. If a SCR operator declines to accept a report, the caller may request that a SCR supervisor review the report. In some situations after restating the facts, the report will be accepted by the supervisor. If a report is not accepted, it is recommended that the reporter obtain the name of the SCR operator and/or supervisor who was on the telephone call. In certain cases, the SCR will make a Law Enforcement Referral (LER) and refer the call to the New York City Police Department when the SCR worker determines that the person allegedly responsible for the abuse is other than the parent, guardian or other legally responsible person and cannot be the subject of a child abuse report, but determines that the alleged act or circumstance described may constitute a crime or an immediate threat to the child's safety.
 2. When SCR refers certain calls to the New York City Police Department, school officials must cooperate with the police investigation and district attorney's office. Where the NYPD wishes to question a student about a child abuse allegation against a parent, guardian or custodian, the principal must permit the questioning to take place and must not contact the parent, guardian or custodian. Where the police wish

to question a student about a child abuse allegation against a person continually or regularly found in the same household, the NYPD, after consultation with the principal shall determine whether the questioning should take place without contacting the parent and the principal shall act accordingly. In either case, the principal, or a person with whom the child is comfortable with should be present during the interview, unless the child indicates otherwise.

3. A child's records may be released if the police or district attorney informs the school that it is investigating an allegation of child abuse or neglect. School officials must call the ~~Field Support Center~~FSC Deputy Director for Student Services before releasing any records to the police or district attorney. Parental consent is not required in these circumstances because of an exception in the federal Family Educational Rights and Privacy Act of 1974 which states, "An educational agency or institution may disclose personally identifiable information from the education records of a student to the appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of a student or other individuals."
4. Where the police wish to question students and/or staff or seek student records in connection with allegations of abuse committed against a child by someone other than a parent, guardian, custodian or individual continually or regularly found in the same household, the procedures set forth in Chancellor's Regulation A-412 must be followed.

D. **Obligation to Report Misconduct to Special Commissioner of Investigation**

Every employee or officer of the Department of Education has an affirmative obligation to immediately report to the Special Commissioner of Investigation for the New York City School District any information concerning sexual abuse and/or misconduct involving students by Department of Education employees or others connected with school programs or services, whether on or off school premises. The knowing failure of an employee or officer to report said misconduct is cause for removal from office or employment.

The Special Commissioner of Investigation may be reached at:

(212) 510-1400
80 Maiden Lane - 20th Floor
New York, NY 10038

E. **Policies and Procedures for Reporting Educational Neglect**

1. A report of educational neglect must be filed whenever a parent fails to ensure his/her child's prompt and regular attendance in school or keeps the child out for impermissible reasons. A report must be filed when the following conditions exist:*
 - The student is absent from school; and
 - There is reasonable cause to suspect that the ~~parents are~~parent is aware or should have been aware of the ~~illegal absenteeism;~~absences; and
 - There is reasonable cause to suspect that the parents contributed to the ~~problem~~child's absences or are failing to take steps to effectively address the problem and return the child to school (i.e., failure to provide a minimum degree of care); and
 - There is reasonable cause to suspect educational impairment/harm to the child or imminent danger of impairment/harm (proof of actual educational harm is not necessary so long as harm can be reasonably presumed).

*In situations in which a child is being home schooled, the Commissioner's Regulations §100.10, which sets forth requirements applicable to home schooling, should be consulted in considering whether an educational neglect report to SCR is warranted. (See Regulations and SED guidance at <http://schools.nyc.gov/StudentSupport/StudentAttendance/HomeSchooling/default.htm>)

2. ~~Procedures for filing an educational neglect report with the SCR are contained in Chancellor's Regulation A-210 "Minimum Standards for Attendance Programs." Expedited Inquiry into Educational Neglect for Ten Consecutive Absences~~
 - a. In accordance with Section IV.B of Chancellor's Regulation A-210, when a child is absent for ten (10) consecutive days, educational harm may be presumed and schools must conduct an expedited inquiry in order to determine whether the absences may be related to educational neglect. A Form 407 Attendance Follow-up and Outreach Referral will be automatically generated for all schools for this purpose.
 - b. The school must record all information, outreach efforts, and interventions in either the ILOG System on ATS, directly on the Form 407, and/or as a comment code in ATS. If the Form 407 case cannot be resolved at the school level, the case must be referred to an attendance teacher for further investigation.
 - c. Outreach and intervention must address the following factors:
 - i. The school's efforts to provide notification of the child's absences to the parent;
 - ii. The role of the parent: whether the school has been unable to make contact with the parent despite outreach efforts, whether the parent has resisted or rejected the school's requests for information and assistance; whether the parent cannot provide an explanation for a child's absences; and
 - iii. Other considerations: whether the investigation of causes of absence reveals indicators of other forms of abuse or maltreatment.
 - iv. Based upon the results of the expedited educational neglect investigation, if the school has reasonable cause to suspect educational neglect or other forms of maltreatment, the school must make a report to SCR in accordance with the procedures set forth in this regulation.
 - d. When the school reports suspected educational neglect regarding a child for whom a Form 407 was generated, the 407 case remains open until the child returns to school. For such cases, schools must enter the appropriate code in ATS to reflect that the SCR report was made. In addition, in accordance with Section I of this regulation, all reports to SCR must be recorded in OORs within 24 hours of receiving the Call ID number from the SCR.
3. School officials are to cooperate with Department of Education attendance teachers in regard to educational neglect referrals and provide access to school records, including but not limited to the student's permanent record and attendance record.
4. All questions regarding educational neglect referrals should be directed to the Office of ~~Attendance Counseling Support Programs~~, 52 Chambers Street, ~~Room 218~~, New York, New York 10007. The office may be contacted by telephone at ~~(212) 374-6095-0805~~.
5. ~~The procedures outlined in Chancellor's Regulation A-210, including thorough investigation of the circumstances surrounding the absence, must be followed by Department of Education officials before making a referral for educational neglect. Note: The guidelines established herein do not preclude a mandated reporter from making a report to SCR if he/she has~~ A report to SCR must be made whenever school officials have reasonable cause to suspect child maltreatment, including neglect or abuse, even if all of the conditions set forth herein in Section I. E.1 above have not been met.

II. PROCEDURES FOR COOPERATING WITH THE LOCAL CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS OF SUSPECTED CHILD ABUSE

A. Investigations by CPS

1. School personnel are legally obligated to cooperate in investigations of alleged child abuse, whether or not the allegations are reported by school personnel. Investigations may be conducted by local child protective services workers who are representatives of the Office of Children and Family Services, or the New York City Administration for Children's Services (ACS) (collectively referred to as Child Protective Services or "CPS"). Due to confidentiality restrictions imposed by state law, CPS workers are prohibited from sharing information with any entity except those specified in the Social Services Law.

CPS workers are often constrained from disclosing information to school staff. Nonetheless, school personnel are required to cooperate with CPS workers to the best of their ability.

Where a CPS worker wishes to question a student about a child abuse allegation against a parent, guardian or custodian, the school must not contact the parent, guardian or custodian. Where the allegation is against a person continually or regularly found in the same household, the principal, in consultation with CPS, shall determine whether to contact the parent.

The following procedures are to be followed when CPS investigations are conducted on school grounds:

- a. Verify the CPS worker's credentials by asking to see his/her Photo I.D. card and by calling the individual's supervisor. However, school officials shall not make photocopies of the CPS worker's Photo I.D. card.
- b. Permit CPS workers to have access to all school records relating to the child or siblings. Parental consent is not required to release a child's records to CPS workers conducting an investigation.
- c. Allow CPS workers to interview and examine, on school property, children who have been reported abused or their siblings, regardless of the reporting source. A member of the school staff familiar to the child may be present during the interview if the child appears uncomfortable being alone with the caseworker.

- d. The CPS workers are authorized to remove a child's outer garments, if in their professional opinion, such removal is necessary to determine the nature and extent of abuse. Under no circumstances are a child's outer garments to be removed by a CPS worker unless there is a second CPS worker or another school official present. If a child's undergarments need to be removed to conduct an examination, the child must be taken to a hospital or Child Advocacy Center for such an examination.
- B. Transfer of Students to Child Advocacy Centers/Child Protective Centers for Multidisciplinary Team Investigations and Child Protective Services Removals

Depending upon the individual circumstances, the investigation of a child abuse allegation may result in a student being taken from school for appropriate follow up action. This may occur either when: (1) a CPS worker removes a student and places him/her into protective custody; or (2) the student is transferred to a Child Advocacy Center (CAC) or Child Protective Center (CPC) for a multidisciplinary team investigation in a child friendly setting. The following sets forth the procedures that schools must follow in such situations:

1. Students taken into Protective Custody

In certain situations, CPS workers/NYPD may remove a student from school and place him/her into protective custody in order to ensure the child's safety.

2. Transfer of Students to Child Advocacy Centers/Child Protective Centers

In cases involving allegations of physical abuse, sexual abuse and severe maltreatment committed by a parent or person legally responsible, personnel from ACS, the New York City Police Department (NYPD), and the District Attorneys' Offices (DA) will work together in multidisciplinary teams in order to accomplish the following objectives:

- a. Ensure that evidence is gathered in a timely, effective, and coordinated manner; and
- b. Minimize trauma to the child(ren) during the investigation process by: reducing the need for repetitive interviews and conducting joint interviews of child victims in child-friendly surroundings, such as a CAC or CPC, whenever possible; and
- c. Provide access to timely medical examinations and treatment performed by qualified medical professionals for victims of child abuse at a CAC/CPC whenever possible, having obtained appropriate authorization and consent; and
- d. Provide access to crisis intervention, victim advocacy and mental health services for child victims and non-offending caregivers.

3. Principals or designees must adhere to the following procedures when CPS workers appear on the school premises to take children into protective custody or when one or more members of a Multidisciplinary Team (MDT) appear to take children to a CAC/CPC:

- a. The school must permit CPS workers to take children into protective custody, upon their presentation of a court order, parental consent, or a written statement from ACS (Form 701-C) which indicates that emergency circumstances exist that pose an immediate threat of harm to the child or children. The written statement must be signed by the caseworker or supervisor, declaring their intention to take into custody the specified child or children, in accordance with their statutory powers. If the CPS worker fails to present a court-order or the 701-C form, the principal/designee shall confirm with the CPS worker's supervisor that the child is being taken into protective custody.

- b. The school must permit a member of the MDT to take a child to a CAC/CPC upon presentation of the Child Advocacy Center (CAC) or Child Protective Center (CPC) Multidisciplinary Team Release Form (Attachment No. 1) available at: <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>.
The written statement must be signed by the appropriate CPS/MDT member declaring their intention to transfer specified child or children to a CAC/CPC in accordance with their statutory power.
- c. The school must verify the CPS/MDT member's credentials by asking to see his/her Photo I.D. card and by calling the individual's supervisor. However, no school official is authorized to make photocopies of the CPS worker's/MDT member's Photo I.D. card.
- d. The school must immediately inform and forward a copy of the form or court order authorizing the removal or transfer to the ~~Field Support Center~~FSC Deputy Director for Student Services.
- e. Each ~~Field Support Center~~FSC Deputy Director for Student Services must keep a record of each case in which a child is removed from school or taken to a CAC/CPC. A copy of the form or court order authorizing the removal or transfer must be retained by the ~~Field Support Center~~FSC Deputy Director for Student Services in a secure place.
- f. When the child is being taken for a CAC/CPC interview, a member of the school staff may follow the child and caseworker to the indicated destination if the child appears uncomfortable leaving with the CPS caseworker or if the child requests that a member of the school staff accompany him/her. However, no school official is authorized to be present in the actual interview room during the investigation, nor shall he or she observe the interview.
- g. In situations where the CPS worker has taken the child into protective custody and removed the child from school, the school must notify the parent, guardian or the designated emergency contact person by telephone immediately after the child is removed from school by the CPS caseworker. If a parent or guardian cannot be reached by phone prior to the end of the school day, school officials MUST NOTIFY the police precinct of the child's residence so that if the child is reported missing by the parent, the police can inform the parent as to the whereabouts of the child.
- h. In situations where a MDT member transports a child to a CAC/CPC, the MDT member shall notify the parent, guardian or designated emergency contact person that the child was transported to a CAC/CPC and must provide the parent with contact information.
- i. In the event the parent contacts the school, the school shall advise the parent that the student has been taken to a CAC/CPC and shall provide the parent with contact information.
- j. MDT members shall be responsible for transporting the child or children to the CAC/CPC and for returning the child or children to the school, home or other appropriate destination.

III. POLICIES AND PROCEDURES FOR ESCALATING ABSENCE CONCERNS REGARDING STUDENTS INVOLVED WITH THE ADMINISTRATION FOR CHILDREN'S SERVICES (ACS)

- A. The unexplained absence of a student involved with ACS may indicate that the safety of such student is at risk. For purposes of this regulation, DOE students in foster care and DOE students whose parents are or recently were under investigation by ACS as a result of a report of suspected neglect or maltreatment made by DOE personnel to SCR are referred to as ACS-involved students. In addition to implementing the school-wide attendance responsibilities set forth in Chancellor's Regulation A-210, schools must closely monitor the

attendance of ACS-involved students. In addition, when reviewing the attendance of their ACS-involved students, schools must also take the follow-up action regarding parent outreach, escalating concerns to ACS, and OORs reporting required by the Tiered Response Protocol for High-Risk Cases of Educational Neglect and Unexplained Absence ("Tiered Response Protocol").

B. **Identifying Students Involved with ACS.** Schools must take steps required by the Tiered Response Protocol to identify the students for whom the required protocol applies. 1. Using existing data matches between ACS and DOE, the DOE will generate and securely store a list of ACS-involved DOE students each month. The FSC Deputy Director for Student Services will receive this information and disaggregate it by school and timely disseminate schools' lists of ACS-involved students to the appropriate school's principal/designee.

2. Schools must monitor the daily attendance of these students and determine whether any such students fall into Tier I, Tier II, or Tier III, as defined below.

a. **Tier I**

Tier I includes students for whom all of the following conditions are present:

- The child is in elementary or middle school (pre-kindergarten – 8th grade); and
- The child's family is under current ACS investigation or Court-Ordered Supervision (COS); and
- The child has any unexplained absence or is being discharged from his/her school.

b. **Tier II**

Tier II includes students for whom all of the following conditions are present:

- The child is in elementary school or middle school (pre-kindergarten – 8th grade); and
- The child's family was the subject of an ACS investigation for suspected neglect or abuse that was substantiated in the current or prior school year; and
- The child has at least three consecutive unexplained absences or is being discharged from his/her school.

c. **Tier III**

Tier III includes students for whom all of the following conditions are present:

- The child is in elementary or middle school (pre-kindergarten – 8th grade);
- The child is currently in foster care (including trial discharge); and
- The child has at least three consecutive unexplained absences or is being discharged from his/her school.

C. **Review and Assessment.** The school principal/designee must take the following steps to monitor the attendance of students identified as falling into Tiers I, II and III, as described above.

1. Ensure that the school's staff who are responsible for monitoring attendance and following up with families regarding unexplained absences have access to the school's list of ACS-involved students, are aware of the relevant ACS indicator in ATS, and are familiar with the procedures in this section.
2. Ensure that the school's assigned designee or Attendance Coordinator prints a daily report of absences/latenesses for ACS-involved students and provides this report to school staff who are responsible for monitoring these students' attendance.

3. Assign a school-based point to individual ACS-involved students in Tiers I, II and III as necessary to check attendance daily, personalize daily absence calls, and build familiarity with the student's attendance and academic history. This person must also make regular inquiries of classroom teachers and of the school health office and update the ILOG records of these students with pertinent information about school progress or issues that arise.
4. On a weekly basis, track the YTD rate of attendance and total days absent and late of Tier I, Tier II, and Tier III students, either at the regular school Attendance Team meeting, the principal's cabinet meeting, or other structure set by the school for reviewing weekly YTD attendance reports.
- D. **Escalation of Concerns to ACS and SCR.** If at any point in the process of reaching out to the family a staff member has reasonable cause to suspect that the child has been abused, maltreated, or neglected, the staff member must: a) immediately report the suspicion to the New York State Central Register (SCR) in accordance with Section I of this regulation; and b) contact ACS in accordance with the procedures set forth in the Tiered Response Protocol. In addition, if at any time the staff member has reason to believe that there is an emergency or an imminent threat of danger to the child's health and safety, the staff member must call 911.

IV. LEGAL ISSUES FOR MANDATED REPORTERS

A. Immunity from Liability and Legal Representation

Under Social Services Law, any school employee participating in good faith in the making of a report, the taking of photographs, or the removal or keeping of a child, will have immunity from any liability, civil or criminal, which might otherwise result by reason of such action.

Good faith of the reporter is presumed, provided such persons are acting in the discharge of their duties, within the scope of their employment, and that liability does not result from the willful misconduct or gross negligence of such persons. The malicious filing of a report is strictly prohibited and is not protected by law. Legal representation will be provided to good faith mandated reporters who are sued for reporting a suspected case of child abuse.

B. Liability and Penalties for Failure to Report

Under Social Services Law, the willful and/or knowing failure to report child abuse may result in criminal action or civil liability if the employee had reasonable cause to suspect it. It may also result in disciplinary action against the employee by the Department of Education.

C. Prohibition against Retaliatory Action

School and/or other DOE officials may not take any retaliatory personnel action against a mandated reporter because that reporter believes that he/she had reasonable cause to suspect child abuse and therefore made a report as set forth herein.

D. Service of Subpoena upon School Staff

School staff must comply with all lawfully issued subpoenas. In the event a staff member receives a subpoena to appear in court or to provide documents in connection with a child abuse case, he/she must immediately contact the ~~Field Support Center~~ FSC Deputy Director for Student Services and the Office of Legal Services at (212) 374-6888 for further information and assistance.

If the subpoena is from a governmental agency, the staff member should contact the attorney named on the subpoena and request that he/she be placed on telephone alert for the pending court appearance. Telephone alert allows the staff member to remain in school until his/her personal appearance is required. It is recommended that the staff member speak with the government attorney before his/her court appearance regarding what to expect from the hearing. The staff member may also request that the attorney arrange for him/her to wait at the courthouse in a separate private room prior to his/her testimony.

IV-V. RESPONSIBILITIES OF FIELD SUPPORT CENTERS AND CHILD ABUSE PREVENTION AND INTERVENTION TEAMS

~~A. Establishment of Teams~~

A. Field Support Centers

- ~~CFN Youth Development "Child Abuse Prevention Team" - Each Children First Network (CFN) Network Leader or designee must establish a CFN Youth Development "Child Abuse Prevention Team." The team should include but is not limited to: CFN Network Leader, Administrator for Special Education, CFN Attendance Supervisor, Students in Temporary Housing; Counseling; Health; Drug and Alcohol Prevention and Intervention; Safety Administrator and Supervising Nurse; representatives from Council of Supervisors and Administrators and United Federation of Teachers; Office of Family Engagement and Advocacy Borough Director; Parent Representative; and, as an ex-officio member, a local CPS representative. This team will review, evaluate and approve each school's child abuse prevention plan.~~ The FSC Deputy Director for Student Services is responsible for child abuse matters. In particular, the Deputy Director is responsible for: a) reviewing, evaluating and approving each school's child abuse prevention plan; b) serving as a liaison with the DOE Citywide Coordinator for Child Abuse and Neglect Prevention, the SCR, the local CPS and other service providers; c) establishing a working relationship with the local CPS, community agencies and other service providers to improve communication and services for school staff, parents and students; d) receiving reports from principals on all cases reported to the SCR and maintaining close communication with the local CPS; e) providing ongoing support and training on child abuse prevention to school administrators and school teams including preparing schools for a staff development day which is to be held before November 30th of each year; and f) developing and

implementing the annual “Designated Liaisons Training described below in collaboration with the DOE Citywide Coordinator for Child Abuse and Neglect Prevention Program.

~~2. Each CFN Network Leader must designate a team member from the CFN Youth Development “Child Abuse Prevention Team” to serve as a liaison with the DOE Citywide Coordinator for Child Abuse and Neglect Prevention, the SCR, the local CPS and service providers.~~

2. The FSC Deputy Director is also responsible for ensuring that schools receive and are aware of information indicating the ACS-involved students in their schools, in accordance with Section III.B of this regulation.

~~3. School “B. Child Abuse Prevention and Intervention Team”~~ Teams

1. Each school principal must establish a School “Child Abuse Prevention and Intervention Team.” In addition to the principal/designee, the school team shall include, but is not limited to, an administrator, guidance counselor, UFT representative, parent representative and other pupil personnel services representative(s), and a representative of the School Leadership Team.

- ~~4.2.~~ Each principal shall designate a staff member from the ~~School~~school's "Child Abuse Prevention ~~and Intervention Team~~" to serve as a liaison to ~~the CFN Youth Development Child Abuse Prevention Team.~~ FSC Deputy Director for Student Services. The designated liaison shall assist in facilitating interagency communication and the sharing of information between the school, the local CPS and foster care agencies.
- ~~5.3.~~ All ~~teams~~school liaisons must receive intensive training in the identification and reporting of suspected child abuse and maltreatment and the Department of Education's reporting protocols. ~~The CFN and its designee shall in collaboration with the DOE Citywide Coordinator for Child Abuse and Neglect Prevention Program develop and implement the annual "Designated Liaisons Training."~~

~~B. Responsibility of the CFN Youth Development "Child Abuse Prevention Teams"~~

~~The CFN Youth Development "Child Abuse Prevention Team" shall:~~

- ~~1. Develop and implement a child abuse prevention and intervention plan for the upcoming school year. This plan shall be reviewed annually and submitted to the Office of School and Youth Development Child Abuse and Neglect Prevention Program by April 1st. The Office shall recommend any appropriate modifications by May 1st. Copies of the plan may be obtained at the DOE Child Abuse Prevention website listed above.~~
- ~~2. Establish a working relationship with the local CPS, community agencies and service providers to improve communication and services for school staff, parents and students.~~
- ~~3. Receive reports from principals on all cases reported to the SCR and maintain close communication with the local CPS.~~
- ~~4. Provide ongoing support and training on child abuse prevention to school administrators and school teams. This training should include preparing schools for a staff development day which is to be held before November 30th of each year.~~

~~C. Responsibility of the School Child Abuse Prevention and Intervention Team~~

~~4.~~ The School Child Abuse Prevention and Intervention Team shall:

- ~~4.a.~~ Develop, implement and update on an annual basis a child abuse prevention and intervention plan which must include educational programs on child abuse prevention for school personnel, parents and students. The plan is included as part of the school's annual "Consolidated School and Youth Development Plan" which must be submitted by October 31st of every school year. ~~This plan shall be submitted online at the DOE Principal's Portal~~
- ~~b.2.~~ Facilitate mandated reporting by providing training, materials and guidance on child abuse prevention and intervention to all school staff. The school's designee shall attend the annual "Designated Liaisons Training" to obtain the most current child abuse reporting protocols, updates and best practices. Teams may use, at the discretion of the principal, faculty conferences and prep time, consistent with contractual requirements, to prepare and present to staff relevant issues regarding child abuse prevention.
- ~~3.c.~~ Assist in planning and presentation of an annual child abuse prevention program at a scheduled staff development day dedicated to child abuse or mental health issues which must be conducted by November 30th each year.
- ~~4.d.~~ Utilize local social service agencies to provide services/training to staff, students and parents on child abuse prevention.

VVI. TRAINING PROGRAMS AND PARENT AND STUDENT EDUCATION**A. Training Programs**

Training programs on child abuse prevention and intervention must provide all school personnel with the information necessary to enable them to carry out their reporting responsibility appropriately. Training must include:

1. Signs of physical and sexual abuse, physical neglect and emotional maltreatment.
2. How to make a report and cooperate with local CPS investigations.
3. Characteristics of abusers and abusive families.
4. Techniques for managing and working with students and parents before, during and after reporting incidents of child abuse.
5. Understanding the family: cultural, religious and socio-economic factors.
6. Legal aspects and implications relating to reporting child abuse.

B. Parent Participation

1. All plans must include a parent education component. Parents should be informed of the law relating to the school's role in child abuse prevention and intervention, and specifically, of the school's obligation to report suspected cases of abuse or neglect. Such component may include the establishment of a school-parent support group and activities to develop parenting skills.
2. Parent education activities should be presented positively and delivered in terms of what the school is prepared to do to protect children and help families.
3. Resources in the school and in the community should be used to offer both direct and indirect support to parents and students.

C. Student Education

All plans must include a student education component through existing health and safety programs to include at least the following:

- Age-appropriate information and activities for students about child abuse, sexual abuse and assault.
- Various approaches to develop personal safety skills and prevention strategies: To help personnel implement a student education component, a curriculum framework for abuse prevention was developed by the Department of Education. Seasons of Peace: Curriculum Frameworks for Abuse Prevention Education in Pre-Kindergarten - High School has been developed to help students resist, and find help in coping with child abuse and neglect, abduction, domestic violence, and dating violence. It enables students to seek assistance and intervention in the event they, or someone they know, is abused or suffers some form of family violence. Copies of the Seasons of Peace may be obtained by contacting the Child Abuse and Neglect Prevention Program at the Central Office.

VVII. NOTIFICATION

- A. The ~~CFN Network Leader~~ [FSC Deputy Director for Student Services](#) must provide a copy of this regulation to every member of the CFN Youth Development Child Abuse Prevention Team within their jurisdiction.
- B. Each school must prominently post a copy of the revised "Highlight of Chancellor's Regulation A-750" – (aka the "Blue Card") (Attachment No. 2). A copy may be obtained from the DOE Child Abuse Prevention website at:
<http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>.

- C. Each principal must provide all staff with a copy of the revised Highlights of Chancellor’s Regulation A-750 (aka “Blue Card”).
- D. A copy of Chancellor’s Regulation A-750 must be provided to any staff member who requests it.

VIII. REPORTING TO THE CHANCELLOR

Child Abuse On-line Occurrence Reporting System (OORS) Report

The principal/designee is required to go on-line onto the Department of Education webpage, access the On-line Occurrence Reporting System (OORS) and enter the “Call I.D.” that was provided by the New York State Central Register (Child Abuse Hotline). No information on the “source” of the report may be entered as this information is confidential. The child abuse OORS report must be submitted within 24 hours after the principal/designee is advised of the report to SCR and receives the Call I.D. number.

The DOE OORS website may be accessed at: <https://ats.nycboe.net/safety/portal/>. The Office of School and Youth Development provides a help desk to assist you with any technical questions you might have. The help desk is available from 7:00 AM – 7:00 PM Monday through Friday. To contact the help desk, dial (718) 935-5004 and ask for OSYD Web Support.

IX. TECHNICAL ASSISTANCE

The Office of School and Youth Development can provide the assistance with this regulation, developing a child abuse prevention plan, training, and educational materials on child abuse prevention. Additional child abuse prevention materials and resources are available for school officials at:

<http://portal.nycboe.net/sites/FinanceAdmin/OSYD/SchoolPortal/StudentSupportServices/Childabuse/default.aspx>. For technical assistance contact the Citywide Coordinator of Child Abuse/Neglect Prevention Program.

X. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

<u>Telephone:</u> 212-374-0805	<i>Citywide Coordinator</i> <i>Child Abuse/Neglect Prevention Program</i> N.Y.C. Department of Education 52 Chambers Street – Room 218 New York, NY 10007	<u>Fax:</u> 212-374-5751
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