

Category: **STUDENTS**

Issued: 9/28/17

Number: **A-750**

Subject: CHILD ABUSE AND MALTREATMENT PREVENTION

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## **SUMMARY OF CHANGES**

This regulation updates and supersedes Chancellor's Regulation A-750 dated December 22, 2016.

### Changes:

- The title of the regulation was changed to Child Abuse and Maltreatment Prevention (p.1).
- Provides that the definition of parent includes, for purposes of this regulation, any person responsible for the child's care (p. 1).
- Clarifies that 911 must be called if there is an imminent threat of danger to a child's health or safety or if a child requires immediate medical care (p. 1).
- Provides updated definitions of child abuse and child maltreatment and educational neglect consistent with applicable statutory authority (p. 1).
- Provides that a child is the victim of child abuse or maltreatment if that abuse is committed by any person continually or at regular intervals found within the same household of the child or an employee of a DOE LYFE Center or an employee of a New York City Early Childhood Learning Center (NYCEEC) and that mandated reporters are required to report such abuse (p. 1 and Section I.A.1, p. 2).
- Clarifies that "principal" as used in this regulation also refers to the Early Childhood Director of a DOE Pre-K Center (Section I.A.3, pp. 2-3).
- Clarifies that it is the responsibility of the mandated reporter (as opposed to the principal/designee) to prepare and submit a written report using the LDSS-2221A form within 48 hours after making the oral report to SCR (Section I.A.5, p. 3).
- Provides that a copy of the LDSS-2221A report must be sent to the FSC Director for Student Services (Section I.A.6, p. 3).
- Clarifies that if the mandated reporter receives additional information regarding an allegation of child abuse or maltreatment that was previously reported, the mandated reporter (as opposed to the principal/designee) must call SCR within 24 hours of receiving the additional information; state that he/she has additional information about a report that was previously made; and provide any new information, including the name, title and contact information of any additional staff person who has direct knowledge of the additional information. After calling SCR to report additional information, the mandated reporter must report the fact that the additional call was made to the principal/designee and update the LDSS-2221A to include the additional information (Section I.A.7, p. 3).
- Clarifies that if additional allegations of suspected child abuse or maltreatment arise involving a child who was involved in a previous report and such allegations are new allegations that stem from different facts, conditions or circumstances than those that prompted the previous report regarding the child, those suspicions must be reported to SCR and a new LDSS-2221A written report must be prepared and submitted (Section I.A.8, pp. 3-4).
- Provides updated contact information for the borough CPS offices (Section I.A.8, pp. 3-4).
- Clarifies that school employees are prohibited from disclosing the name of the mandated reporter or confirming that the school made the report to the parent, subject of the report, or family, or any individual not authorized to receive this information under the Social Services Law. (Section I.A.9, p. 4).
- Provides that if school staff believe that a CPS worker disclosed a mandated reporter's identity or school affiliation to the subject of the report or a parent or other family member, this concern shall be reported to the ACS Office of Safety First at 718-543-7233 (Section I.A.9, p. 4).

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- Establishes that in connection with reports of suspected child abuse or maltreatment of a DOE student, it is the policy of the DOE that photographs shall be taken of any visible injuries. Photographs must be taken in a private setting. Where feasible and appropriate, the student should be taken to the nurse's office or the school's medical room in order for photographs to be taken. Photographs may only be taken by someone who has completed the appropriate New York City training. At a minimum, in each school, the school nurse and Designated Liaison (the staff member appointed by the principal to serve as a liaison on child abuse and maltreatment matters to the FSC Director for Student Services in accordance with Section V.A.2) must complete this training. At least two staff members must be trained. If a school nurse is not assigned to the building, the principal must identify an alternate staff member to be trained (Section I.A.10, pp. 4-6).
- Establishes that when the principal/designee is advised of the suspected child abuse or maltreatment and the visible signs of trauma, the principal/designee shall immediately cause the nurse or the Designated Liaison or another trained staff member to take photographs of the visible injuries. The individual taking the photograph must ask the principal/designee to confirm that a report has been made to SCR. If the principal/designee confirms that the report has been made, he or she must immediately provide the "Call I.D." number to the person who took the photograph. If the principal/designee does not confirm that the report has been made, the individual who took the photograph must immediately call in the report to SCR and follow the procedures set forth in the regulation for making a report. If the principal/designee provides such confirmation but does not provide the mandated reporter with the "Call I.D." number by the end of the school day, the mandated reporter must immediately call in the report to SCR and follow the procedures set forth in the regulation for making a report (Section I.A.10.a.ii – iii, p. 5).
- Provides that such photographs must be taken from a City-owned device issued to a staff member and may not be taken with a personally-owned device, transmitted to ACS at the time the LDSS-2221A report is submitted or as soon as possible thereafter, copied and stored in a secure location only accessible to the principal/designee and deleted from the City-owned device. Provides that if SCR declines the report of suspected child abuse or maltreatment, the Designated Liaison shall ensure ILOG is updated to reflect the fact that a photograph was taken (Section I.A.10. b-e, pp. 5-6).
- Provides that DOE personnel must make a report to the NYS Justice Center's Vulnerable Persons Central Register (VCPR) (rather than SCR) regarding suspected abuse or maltreatment of individuals of any age who are in a residential placement when such abuse or maltreatment is believed to have been caused by a staff member (Section I.A.11, p. 6).
- Provides that if SCR refuses to accept a report, the mandated reporter must advise the principal of the fact that a report was made and not accepted and make an entry into ILOG (Section I.C.1, p. 7).
- Clarifies that a child's student records may be released in accordance with the health and safety emergency exception set forth in the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, if the police or district attorney informs the school that they are investigating an allegation of child abuse or maltreatment. School officials may call their Senior Field Counsel for advice before releasing any records to the police or district attorney, but release of such records shall not be unreasonably delayed (Section I.C.4, p. 7).
- Provides that in accordance with Chancellor's Regulation A-210, when a student is absent for 10 consecutive days, where there has been a prior 407 investigation for a student, and such student is subsequently absent for 8 consecutive days or 15 aggregate days; or a student in pre-kindergarten through 8<sup>th</sup> grade has been absent for 20 aggregate days over a 4-month period, a Form 407 investigation must be conducted and must address whether the student's absences may be related to educational neglect or other forms of maltreatment or child abuse (Section I.D.2, p. 8).

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- Clarifies that a report of educational neglect must be filed when all of the conditions for reporting such neglect are met, regardless of whether a Form 407 attendance investigation was conducted (Section I.D.2, p. 8).
- Clarifies that in conducting their investigations, CPS workers must be permitted to interview and examine, on school property, children who are the subject of a report of suspected abuse or maltreatment and their siblings, regardless of whether the siblings attend the same school (Section II.A.3, p. 8).
- Clarifies the process for verifying a CPS worker's credentials when the CPS worker seeks to conduct an investigation of suspected child abuse or maltreatment or when a CPS worker calls a school regarding such an allegation (Section II.A.4.b, p. 8).
- Clarifies that once a CPS worker's credentials have been verified, the CPS worker may be provided with access in accordance with the health and safety emergency exception set forth in the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, to all student records relating to the child who is named in the report and his or her sibling(s) if they attend the same school, including IEPs and evaluations as applicable. Schools may contact their Senior Field Counsel for advice before providing access to or copies of such records, but release of such records shall not be unreasonably delayed. (Section II.A.4.c, p. 8).
- Clarifies that when a CPS worker removes a child's outer garments, a school nurse can satisfy the requirement that a second person be present (in addition to another CPS worker or school official) (Section II.A.4.f, p. 9).
- Clarifies the procedures for verifying a CPS worker's or MDT member's credentials when the CPS worker seeks to place a student into protective custody or one of more members of the MDT seek to take a student to a CAC/CPC (Section II.B.3.c, p. 10).
- Provides that the school must maintain a copy of the court order, the 701-C form or the CAC/CPC MDT release form when a student is placed into protective custody or taken to a CAC or CPC (Section II.B.3.e, p. 10).
- Provides that schools must record all student removals by Child Protective Services in ILOG and OORS (Section II.B.3.j, p. 10).
- Defines adequately explained absence for purposes of monitoring the attendance of students with child welfare involvement and the circumstances under which inadequately explained absences of students with child welfare involvement must be escalated to ACS or an ACS agency partner (Sections III.A.2, p. 11).
- Provides that on each day of absence of a student with child welfare involvement as defined by this regulation, the assigned school staff person must conduct same day outreach to the child's parent and notify the principal/designee of the results of the outreach. If parent contact is made and a reason is provided by the parent, the principal/designee in consultation with the assigned school staff person, will determine whether the reason supplied by the parent is adequate (Section III.C.4, p. 12).
- Provides that the assigned school staff person must record the following in ILOG for each day of absence: a) if the parent is reached, the reason provided by the parent for the absence and the principal's determination regarding the adequacy of the explanation; or b) if the parent cannot be reached, the attempted outreach and the inability to make contact (Section III.C.5, p. 12).

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- Provides that pursuant to Social Services Law § 419, any school employee participating in good faith in the making of a report, the taking of photographs, the removal or keeping of a child or the disclosure of child protective services information in accordance with other provisions of the Social Services Law, will have immunity from any liability, civil or criminal, which might otherwise result by reason of such action (Section IV.A., p. 13).
- Provides that an employee is entitled to request that the city defend him/her in any civil action brought against the employee in connection with actions taken to comply with this regulation and clarifies that the DOE is prohibited from taking retaliatory action against employees in connection with actions taken to comply with this regulation (Sections IV.C, p. 13 and IV.E, pp. 13-14).
- Clarifies that the ACS Office of Education Support and Policy Planning is available to coordinate the participation of ACS staff in school-based trainings (Section V.A.3.c, p. 14).
- Provides that the Director for Student Services at the Field Support Centers is responsible for ensuring that schools receive and review lists of students with child welfare involvement in their schools and take appropriate action in accordance with Section III.B of this regulation (Section V.B.2, p. 14).
- Provides that all school staff must be provided with training that will enable them to carry out the reporting and other responsibilities set forth in the regulation by October 31<sup>st</sup> of each year and clarifies what such training must include (Section VI.A.2, p. 15).
- Requires that each school shall provide notice, in English and Spanish and in the covered languages as required in Chancellor's Regulation A-663, of the OCFS child abuse/maltreatment telephone hotline number and directions for accessing the OCFS website and describes how such notice shall be provided to parents, students and staff (Section VIII.D, p. 16).

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### **ABSTRACT**

This regulation updates and supersedes Chancellor's Regulation A-750 dated December 22, 2016.

The New York State Social Services Law mandates that school personnel report all cases of suspected child abuse and maltreatment directly to the State Central Register for Child Abuse and Maltreatment (SCR). This regulation addresses the obligations of New York City Department of Education (DOE) school personnel to make these reports and cooperate with investigations conducted by the New York State Office of Children and Family Services (OCFS) and the New York City Administration for Children's Services (ACS), which are collectively referred to in this regulation as Child Protective Services (CPS), and to escalate concerns regarding absences of students with child welfare involvement.

### **PREFACE**

A child is considered abused or maltreated if the child is less than 18 years old and a parent, guardian, custodian or person regularly residing in the home, or another person responsible for the child's care, which includes an employee of a New York City Early Education Center (NYCEEC) and an employee of a DOE LYFE Center, harms the child, creates substantial risk of harm or fails to exercise a minimum degree of care to protect the child. DOE school personnel, as mandated reporters, are required to report suspicions of abuse or maltreatment to SCR immediately.

School personnel with concerns about misconduct or sexual abuse of a student committed by a DOE employee or others connected with DOE school programs or services must immediately report such concerns to the Special Commissioner of Investigation.

If a student is the victim of suspected criminal activity other than child abuse and/or maltreatment, school personnel must contact the New York City Police Department (NYPD).

If, at any time there is an imminent threat of danger to a child's health or safety or a child requires immediate medical attention, 911 must be contacted immediately.

### **DEFINITIONS**

Below are definitions of terms used throughout this regulation.

#### **PARENT**

The term parent, as used in this regulation, means a child's parent or any person responsible for the child's care. A person responsible for a child's care includes a guardian, custodian or any person in a parental or custodial relationship to the child.

#### **CHILD ABUSE**

A child less than 18 years of age is the victim of child abuse if the child's parent, any person continually or at regular intervals found in the same household as the child, or an employee of a DOE LYFE Center or an employee of a NYCEEC inflicts upon the child serious physical injury by other than accidental means, creates a substantial risk of serious physical injury by other than accidental means or commits an act of sex abuse against the child. A person can be abusive to a child if he or she perpetrates any of these actions against a child in his or her care or allows another person to perpetrate these actions against that child.

#### **CHILD MALTREATMENT**

Maltreatment refers to the quality of care a child is receiving from those responsible for the child's care. Maltreatment occurs when a parent, any person continually or at regular intervals found in the same household as the child, or an employee of a DOE LYFE Center or an employee of a NYCEEC harms a child less than 18 years of age or places the child in imminent danger of harm by: 1) failing to exercise the minimum degree of care in providing the child with food, clothing, shelter, education (failure to provide the child with the minimum degree of care with respect to education is hereinafter referred to as educational

neglect), and/or medical care when financially able to do so; 2) abandoning the child; 3) failing to provide adequate supervision for the child; 4) engaging in excessive use of drugs or alcohol such that it interferes with his or her ability to adequately supervise the child; and/or 5) unreasonably inflicting excessive corporal punishment.

### **SUBJECT OF REPORT**

The subject of the report is the person against whom an allegation of child abuse or maltreatment is made to SCR.

## **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 of child abuse and maltreatment and must make a report as set forth below:
  - a. When a child less than 18 years of age comes before a mandated reporter in his or her official or professional school-related capacity and the mandated reporter has reasonable cause to suspect that the child has been abused or maltreated by the parent, any person continually or at regular intervals found in the same household as the child, or an employee of a DOE LYFE Center or NYCEEC the mandated reporter is required to immediately report the suspicion to SCR by telephoning 1-800-635-1522. The mandated reporter is not required to possess certainty or to interview or otherwise inspect the child before making a report.
  - b. When the parent, any person continually or at regular intervals found in the same household as the child, or an employee of a DOE LYFE Center or an employee of a NYCEEC comes before a mandated reporter in his or her professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render a child less than 18 years of age an abused or maltreated child, the mandated reporter is required to immediately report the suspicions to SCR as set forth in Section I.A.1.a.
  - c. Along with the mandated reporter's own contact information, the mandated reporter must provide 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 mandated reporter has this information. The mandated reporter must provide information about the alleged child abuse or maltreatment, and must advise whether the child is receiving special education services and the nature of the disability, to the extent the mandated reporter has such knowledge.
  - d. Requirements for making reports of suspected maltreatment based on educational neglect are set forth in Section I.D. Procedures pertaining to investigating the circumstances surrounding a student's absence to determine whether the absences may be related to educational neglect or other maltreatment or child abuse are set forth in Chancellor's Regulation A-210 (Standards for Attendance Programs).
2. When making an oral report, the mandated reporter must ask SCR for the "Call I.D." number. The "Call I.D." number must be retained and used by the mandated reporter and school officials to complete the OCFS LDSS-2221A written report and the DOE Online Occurrence (OORS) Report. (See Sections I.A.5 and IX.)
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 or her with the "Call I.D." number. As used in this regulation, "principal" also refers to the Early Childhood Director of a DOE Pre-K Center. The principal's designee must be a



member of the Child Abuse and Maltreatment Prevention and Intervention Team (see Section V). The principal's responsibilities in connection with this regulation are further set forth below. If the principal chooses to delegate these responsibilities to a designee, the principal must appoint a designee on an annual basis.

4. If the mandated reporter has reasonable cause to suspect child abuse or maltreatment and has direct knowledge that a report has already been made to SCR by another mandated reporter in the school based on the same facts, conditions or circumstances, he or 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 or she must immediately provide the "Call I.D." number to the mandated reporter. If the principal/designee does not confirm that another report has been made, the mandated reporter must immediately call in the report to SCR and follow the procedures set forth above. If the principal/designee provides such confirmation but does not provide the mandated reporter with the "Call I.D." number by the end of the school day, the mandated reporter must immediately call in the report to SCR and follow the procedures set forth above.
5. The mandated reporter must also prepare a written report using the LDSS-2221A form within 48 hours after making the oral report to SCR. This written report must include: a) the name, title and contact information for every staff person who is believed to have direct knowledge of the allegation(s) in the report; b) where the report of abuse or maltreatment concerns a child with a disability, a description of the child's disability and the medical or related services being provided by the school; and c) the "Call I.D." number provided by SCR. The mandated reporter must also request a copy of the finding after investigation by checking the "Yes" box on the form where it says "the Mandated Reporter Requests Finding of Investigation." Copies of the form may be obtained on the DOE Child Abuse Prevention website at: [LDSS-2221A Report of Suspected Child Abuse or Maltreatment \(PDF\)](#).

The LDSS-2221A written report must be emailed or mailed to the local CPS field office in the borough where the alleged subject of the report lives (see CPS contact information below).

6. The school must keep a copy of all LDSS-2221A written reports in a file labeled Reports of Suspected Child Abuse, and store the file in a secure place accessible only to the principal/designee. A copy of the report must also be sent to the Field Support Center (FSC) Director for Student Services, who must similarly store such reports (the responsibilities of FSC Directors for Student Services regarding child abuse prevention and intervention are set forth in Section V.B.).
7. If the mandated reporter receives additional information regarding an allegation of child abuse or maltreatment that was previously reported, the mandated reporter must call SCR within 24 hours of receiving the additional information, state that he or she has additional information about a report that was previously made and provide any new information regarding the name, title and contact information for any additional staff person who has direct knowledge of the allegation. If the additional information does not include new allegations, a new LDSS-2221A written report is not required. After calling SCR to report additional information, the mandated reporter must report the fact that the additional call was made to the principal/designee and update the LDSS-2221A written report that was previously submitted to include the additional information and submit the updated report as set forth in Section I.A.5.
8. If additional allegations of suspected child abuse or maltreatment arise involving a child who was involved in a previous report and such allegations are new allegations that stem from different facts, conditions or circumstances than those that prompted the previous report regarding such child, those suspicions must be reported to SCR and a new LDSS-2221A written report must be prepared and submitted in accordance with Section I.A.1-5.

CPS Contact Information

LDSS-2221A written reports can be emailed to the email addresses found at: <http://schools.nyc.gov/NR/rdonlyres/C92AF1F3-91FD-4C94-B8DB-3286D2050F5C/0/WHITECARDLDSS2221AEmailListRev772016.pdf>.

Addresses of the respective borough CPS offices for mailing the LDSS-2221A written reports are set forth below:

**Local Register****Manhattan Field Office**

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

**Local Register****Bronx Field Office**

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

**Local Register****Staten Island Field Office**

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

**Local Register****Brooklyn Field Office**

Applications Unit  
1274 Bedford Ave. - 2<sup>nd</sup> Floor  
Brooklyn, NY 11216

**Local Register****Queens Field Office**

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

9. Reports made by mandated reporters to SCR are confidential, but they may not be made anonymously. Mandated reporters must provide their names to SCR. CPS workers are prohibited from releasing the name of the mandated reporter or disclosing the mandated reporter's school affiliation to the parent, subject of the report, or family during an investigation. In addition, school employees are prohibited from disclosing the name of the mandated reporter or confirming that the school made the report to the parent, subject of the report, or family, or any individual not authorized to receive this information under the Social Services Law. The Social Services Law provides that the identity of the reporting person may only be given to the local CPS, a court, grand jury, district attorney, police or other agency specifically allowed such access.

If a mandated reporter has reason to suspect that his or her information was released by a DOE staff member to any party not legally authorized to receive this information, a report must be immediately made to the Department's Office of Legal Services at 212-374-6888. If school personnel believe that a CPS worker disclosed a mandated reporter's identity or school affiliation to the subject of the report or a parent or other family member, this concern shall be reported to the ACS Office of Safety First at 718-543-7233.

10. Policy for Photographing Injuries When Child Abuse or Maltreatment Is Suspected

In connection with reports of suspected child abuse or maltreatment, it is the policy of the DOE that photographs shall be taken of any visible signs of trauma, as set forth below. Photographs must be taken in a private setting that best serves the interest and privacy of the child. Where feasible and appropriate, the child should be taken to the nurse's office or the school's medical room in order for photographs to be taken. Photographs may only be taken by someone who has completed the appropriate New York City training. At a minimum, in each school, the school nurse and Designated Liaison (the staff member appointed by the principal to serve as a liaison on child

abuse and maltreatment matters to the FSC Director for Student Services in accordance with Section V.A.2) must complete this training. At least two staff members must be trained. If a school nurse is not assigned to the building, the principal must identify an alternate staff member to be trained; additional staff may also complete this training.

- a. Notification to Principal/Designee and Reporting to SCR
  - i. When a mandated reporter observes visible signs of trauma and has reasonable cause to suspect child abuse or maltreatment, the mandated reporter shall: a) for the purpose of causing photographs to be taken, immediately notify the principal/designee of the suspected child abuse or maltreatment and the visible signs of trauma; and b) immediately thereafter make an oral report to SCR, in accordance with the procedures in Section I.A.1 and no later than the end of the school day provide the principal/designee with the "Call ID" number, in accordance with Section I.A.3.
  - ii. When the principal/designee is advised of the suspected child abuse or maltreatment and the visible signs of trauma, the principal/designee shall immediately cause the nurse or the Designated Liaison or another trained staff member to take photographs of the visible injuries, in accordance with the procedures described below.
  - iii. The individual taking the photograph must ask the principal/designee to confirm that a report has been made to SCR. If the principal/designee confirms that the report has been made, he or she must immediately provide the "Call I.D." number to the person who took the photograph as set forth in Section I.A.4. If the principal/designee does not confirm that the report has been made, the individual who took the photograph must immediately call in the report to SCR and follow the procedures set forth in Sections I.A.1-5. If the principal/designee provides such confirmation but does not provide the mandated reporter with the "Call I.D." number by the end of the school day, the mandated reporter must immediately call in the report to SCR and follow the procedures set forth Sections I.A.1-5.
  - iv. The principal/designee shall immediately, but no later than 24 hours after the photographs were taken, advise the Designated Liaison, if he or she was not responsible for taking the photographs, that photographs were taken.
  - v. The mandated reporter must submit the written LDSS-2221A report within 48 hours of making the oral report to SCR, in accordance with the procedures set forth in Sections 1.A.5. The mandated reporter must check the "Photographs" box on the form where it says "Actions Taken or About to be Taken."
- b. Taking of Photographs
  - i. Photographs must be taken in a private setting in a way that best serves the interest and privacy of the child. Where feasible and appropriate, the student should be taken to the nurse's office or the school's medical room in order for photographs to be taken.
  - ii. Photographs must be taken with a City-owned device issued to a staff member and may not be taken with a personally owned device.
  - iii. Photographs may only be taken by someone who has completed the appropriate New York City training.
  - iv. No photographs may be taken and no examination may be conducted of a child's genital, perineal or breast areas.

- c. Transmitting Photographs of the Child's Injury/Injuries to ACS
  - i. After the photographs have been taken, the device containing the photograph must immediately be given to the Designated Liaison.
  - ii. The Designated Liaison must obtain the following information: the SCR "Call I.D." number; the name of the student; the student's OSIS number; and the date when the LDSS-2221A written report was submitted.
  - iii. At the time the written LDSS-2221A report is submitted, or as soon as possible thereafter, the Designated Liaison must send an encrypted email with the photographs attached to the borough-specific designated ACS email inbox indicated below from a City-owned device in accordance with procedures developed by the DOE. The email must contain: the SCR "Call I.D." number; the student's name; the student's OSIS number; the number of photos attached; the sender's name; and the school name and DBN.  
  
Bronx: [DOEPhotosBronx@acs.nyc.gov](mailto:DOEPhotosBronx@acs.nyc.gov)  
Brooklyn: [DOEPhotosBrooklyn@acs.nyc.gov](mailto:DOEPhotosBrooklyn@acs.nyc.gov)  
Manhattan: [DOEPhotosManhattan@acs.nyc.gov](mailto:DOEPhotosManhattan@acs.nyc.gov)  
Queens: [DOEPhotosQueens@acs.nyc.gov](mailto:DOEPhotosQueens@acs.nyc.gov)  
Staten Island: [DOEPhotosStatenIsland@acs.nyc.gov](mailto:DOEPhotosStatenIsland@acs.nyc.gov)
- d. Retaining and Storing of Photographs
  - i. The Designated Liaison must print a copy of the photograph. The photograph must be stored together with the LDSS-2221A written report in a secure place accessible only to the principal/designee, as set forth in Section I.A.6. The report and the photograph are confidential documents and may not be released to the subject of the report, parent, or family and may only be released to those authorized to receive such information in accordance with the Social Services Law, as set forth in Section I.A.9.
  - ii. After the photograph has been transmitted to ACS and a copy of the photograph has been made, the Designated Liaison must save the confirmation of receipt email from ACS, delete the photograph from the City-owned device, and delete the email and attached photograph that had been transmitted to ACS.
- e. Procedures if SCR Declines a Report of Suspected Child Abuse or Maltreatment
  - i. If SCR declines the report of suspected child abuse or maltreatment, the mandated reporter must follow the procedures in Section I.C.1.
  - ii. The principal/designee must notify the Designated Liaison that the report was declined. The Designated Liaison shall ensure that the entry in ILOG indicating that the report was declined by SCR is updated to reflect the fact that a photograph was taken and immediately delete the photographs from the City-owned device. No copies of such photographs shall be made or retained.

- 11. DOE personnel must make a report to the New York State Justice Center's Vulnerable Persons Central Register (VCPR) at 855-373-2122, rather than SCR, whenever they have reasonable cause to suspect abuse or maltreatment of individuals of any age by a staff member in a residential placement.

#### B. Procedures for Cases of Imminent Danger to a Child

- 1. If at any time there is reason to believe that there is an imminent threat of danger to a child's health or safety or a child requires immediate medical attention, 911 must be called.

2. If a CPS worker has not made contact by the end of the scheduled school day on which a report of suspected child abuse or maltreatment was made to SCR and it is believed that the child's life, health or safety is in imminent danger if the child returns home, the principal/designee must notify the FSC Director for Social Services and then call 911 for emergency police assistance.
- C. Procedures if SCR Declines a Report and/or Refers a Report to Police
1. If a SCR operator declines to accept a report, the mandated reporter may request that a SCR supervisor review the report. If a report is not accepted, the mandated reporter must obtain the name of the SCR operator and/or supervisor who was on the telephone call, advise the principal/designee of the fact that a report was made and not accepted and make an entry into ILOG.
  2. In certain cases, SCR will make a Law Enforcement Referral (LER) and refer a report of child abuse or maltreatment to NYPD for investigation. School officials must cooperate with the police investigation and the district attorney's office.
  3. Where NYPD wishes to question a student about an allegation of suspected child abuse or maltreatment against the parent, the principal must permit the questioning to take place and must not contact the student's parent. Where the police wish to question a student about an allegation against a person continually or regularly found in the same household as the student of suspected child abuse or maltreatment, NYPD, after consultation with the principal, shall determine whether the questioning should take place without contacting the student's parent, and the principal shall act accordingly. In either case, the principal, or a person with whom the child is comfortable, must be present during the interview, unless the child requests otherwise.
  4. A child's student records may be released in accordance with the health and safety emergency exception set forth in the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, if the police or district attorney informs the school that they are investigating an allegation of child abuse or maltreatment, school officials may call their Senior Field Counsel for advice before releasing any records to the police or district attorney, but release of such records shall not be unreasonably delayed.
  5. Where NYPD wishes to question a student about an allegation of a crime other than child abuse or maltreatment committed against the child by the student's parent, or a person continually or regularly found in the same household of the student, the procedures set forth in Chancellor's Regulation A-412 (Security in the Schools) must be followed. Where NYPD seeks access to a child's student records in connection with a crime other than child abuse committed against a student, the procedures in Chancellor's Regulation A-412 must be followed.
- D. Reporting Suspicions of Maltreatment Based on Educational Neglect
1. A report of educational neglect must be filed with SCR in accordance with the procedures set forth in Section I.A whenever the absences of a student of compulsory attendance age cause a mandated reporter to reasonably suspect that:
    - a. The parent is aware or should have been aware of the absences;
    - b. The parent is contributing to the child's absences or is 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
    - c. The absences are impairing the child's education.

**Even if all of the conditions set forth above for reporting educational neglect have not been met, a report to SCR must be made in accordance with the procedures set forth in Section I.A whenever school officials have reasonable cause to suspect child abuse or other maltreatment.**

2. Chancellor's Regulation A-210 (Standards for Attendance Programs) sets forth the requirements for when Form 407 attendance investigations must be conducted for students who remain absent. These investigations require elevated tracking and intervention measures that must be implemented **after** standard follow-up and outreach measures have been utilized. In accordance with Chancellor's Regulation A-210, when a student is absent for 10 consecutive days; where there has been a prior 407 investigation for a student, and such student is subsequently absent for 8 consecutive days or 15 aggregate days; or a student in pre-kindergarten through 8<sup>th</sup> grade has been absent for 20 aggregate days over a 4-month period, a Form 407 investigation must be conducted and must address whether the student's absences may be related to educational neglect or other forms of maltreatment or child abuse.<sup>1</sup> A report of educational neglect must be filed when all of the conditions for reporting educational neglect are met as forth set in Section I.D, whether or not a Form 407 investigation was conducted.

## II. PROCEDURES FOR COOPERATING WITH CPS INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR MALTREATMENT

### A. Investigations by CPS

1. Investigations of suspected child abuse or maltreatment may be conducted by local CPS workers. The CPS worker assigned to the case will interview the mandated reporter and anyone in the school with direct knowledge of the basis of the report.
2. All school personnel are legally obligated to cooperate in investigations of suspected child abuse or maltreatment and to cooperate with the assigned CPS worker, whether or not the allegations are reported by school personnel.
3. In conducting their investigations, CPS workers must be permitted to interview and examine, on school property, children who are the subject of a report of suspected abuse or maltreatment and their siblings, regardless of whether the siblings attend the same school, as set forth below.
4. The following procedures must be followed by school officials when a CPS worker wishes to conduct an investigation on school grounds of suspected child abuse or maltreatment:
  - a. The principal/designee must be notified.
  - b. Whenever a CPS worker is investigating a report the CPS worker's credentials must be verified by asking to see his or her photo I.D. card. School officials shall not make photocopies of the CPS worker's photo I.D. card. Whenever a CPS worker communicates with school personnel by phone, school officials must verify the caller's credentials by asking the caller to send an email from his or her ACS email address or a fax on ACS letterhead.
  - c. Once the credentials have been verified, the CPS worker may be provided with access in accordance with the health and safety emergency exception set forth in the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, to all student records relating to the child who is named in the report and his or her sibling(s) if they attend the same school, including IEPs and evaluations as applicable. Schools may contact their Senior Field Counsel for advice before providing access to or copies of such records, but release of such records shall not be unreasonably delayed. The school shall provide records requested by the CPS worker electronically (i.e., by email or fax) or by providing copies of such records.
  - d. Once the credentials have been verified, the CPS worker must be permitted to conduct an investigation. If requested by the CPS worker or the child, a member of the school staff familiar to the child may be present to observe any interview

<sup>1</sup> All questions regarding Form 407 Investigations should be directed to the Office of Counseling Support Programs at 212-374-0835.

with the child. School personnel present at such an interview are bound to maintain confidentiality and may be subpoenaed to testify in court.

- e. Where a CPS worker wishes to question a student about an allegation of suspected child abuse or maltreatment against the student's parent, the school must not contact the student's parent. Where the allegation of suspected child abuse or maltreatment is against a person continually or regularly found in the same household as the student, the principal, in consultation with CPS, shall determine whether to contact the student's parent.
- f. In conducting their investigations, CPS workers may remove a child's outer garments if, in their professional opinion, such removal is necessary to determine the nature and extent of abuse or maltreatment. Under no circumstances are a child's outer garments to be removed by a CPS worker unless there is a second CPS worker, school official or school nurse present. If a child's undergarments need to be removed to conduct an examination, the child must be taken to a hospital or, in accordance with the procedures set forth in Section II.B, to a Child Advocacy Center for such an examination.

**B. Transfer of Students to Child Advocacy Centers/Child Protective Centers for Multidisciplinary Team Investigations or other Child Protective Services Removals**

Depending upon the individual circumstances, an investigation of an allegation of suspected child abuse or maltreatment may result in a student being removed from school for appropriate follow-up action and/or additional assessment. This may occur either when: 1) a CPS worker or NYPD removes a student to place him or her into protective custody; or 2) the student is transported to a Child Advocacy Center (CAC) or Child Protective Center (CPC) for a Multidisciplinary Team (MDT) 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 or NYPD may remove a student from school and place him or her into protective custody in order to protect the child's safety.

**2. Transfer of students to CACs/CPCs**

In cases involving allegations of physical abuse, sexual abuse and/or severe maltreatment, a student may be taken to a CAC/CPC for a MDT investigation by a member of the MDT. The MDT is composed of personnel from ACS, NYPD, and the District Attorneys' Offices, who work together in order to accomplish the following objectives:

- a. ensure that evidence is gathered in a timely, effective, and coordinated manner;
- b. minimize trauma to the child during the investigation process by reducing the need for repetitive interviews and conducting joint interviews of child victims in child-friendly surroundings, whenever possible;
- c. provide access to timely medical examinations and treatment performed by qualified medical professionals for victims of child abuse or maltreatment whenever possible; and
- d. provide access to crisis intervention, victim advocacy and mental health services for child victims and non-offending caregivers.

**3. Principals/designees must adhere to the following procedures when CPS workers seek to take a student into protective custody or when one or more members of a MDT seek to take a student to a CAC/CPC:**

- a. The school must permit CPS workers to take a student into protective custody upon their presentation of a court order or a 701-C form (a written statement from ACS which indicates that emergency circumstances exist that pose an immediate threat of harm to the child). The 701-C form must be signed by the caseworker or supervisor. If the CPS worker fails to present a court order or a

701-C form, the principal/designee must confirm with the CPS worker's supervisor that CPS has determined that the student must be placed into protective custody.

- b. The school must permit a member of the MDT to take a student to a CAC/CPC upon presentation of the CAC/CPC MDT Release Form. The release form must be signed by the appropriate MDT member. The release form is available at: <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>
- c. The school must verify the CPS worker's or MDT member's credentials by asking to see his or her photo I.D. card. However, no school official is authorized to make photocopies of the CPS worker's or MDT member's photo I.D. card.
- d. The school must immediately notify the FSC Director for Student Services whenever a student is removed and placed in protective custody or taken to a CAC/CPC. The FSC Director for Student Services must maintain a record of all such removals.
- e. The school must maintain a copy of the court order, the 701-C form or the CAC/CPC MDT release form in a secure location in the school.
- f. When the student is being taken for a CAC/CPC interview, a member of the school staff may follow the child and MDT member to the indicated destination if the child appears uncomfortable leaving with the MDT member or upon the request of the child or MDT member. 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 or NYPD has removed the student from school and taken the child into protective custody, the school must notify the parent by telephone immediately after the child is removed from school. If the parent cannot be reached by phone prior to the end of the school day, school officials MUST NOTIFY the police precinct and provide them with contact information for the child's residence so that if the child is reported missing by the parent, the police can inform the parent or the designated emergency contact person as to the whereabouts of the child.
- h. In situations where a MDT member transports a student to a CAC/CPC, the MDT member will notify the parent, and provide the parent with contact information.

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.
- i. DOE staff are not responsible for transporting a student for further evaluation. MDT members shall be responsible for transporting the child to the CAC/CPC and for returning the child to the school, home or other appropriate destination.
- j. Schools must record all removals and placements of students in protective custody and/or transports to CACs/CPCs for MDT investigations in ILOG and in the DOE's Online Occurrence Reporting System (OORS).

### **III. POLICIES AND PROCEDURES FOR ESCALATING ABSENCE CONCERNS REGARDING ELEMENTARY AND MIDDLE SCHOOL STUDENTS WITH CHILD WELFARE INVOLVEMENT (Tiered Response Protocol)**

#### **A. Tiered Response**

The inadequately explained absence of an elementary or middle school student with child welfare involvement 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 or any person continually or at regular intervals found in the same household as the child are or



recently were under investigation by ACS as a result of a report of suspected abuse or maltreatment made by DOE personnel to SCR are referred to as students with child welfare involvement, as set forth further in Section III.B.

1. Schools must closely monitor the attendance of students with child welfare involvement. In addition to implementing the attendance-related requirements set forth in Chancellor's Regulation A-210, when reviewing the attendance of their students with child welfare involvement, schools must take the follow-up action regarding parent outreach, escalating concerns to ACS, and OORS reporting required by this regulation.
2. An adequately explained absence, as that term is used in this regulation, is an explanation for an absence that is determined to be satisfactory by the principal in consultation with the staff member conducting outreach, in that it: a) does not cause the school's principal/designee to question the reasons provided for the absence; and b) does not raise concerns about the child's welfare. An adequately explained absence may not necessarily constitute an excused absence according to the school's attendance policies.

#### B. Identifying Students with Child Welfare Involvement

Schools must take the following steps to identify the students for whom the Tiered Response applies.

1. Using existing data matches between ACS and DOE, the DOE will generate each month and securely store a list of students with child welfare involvement. The FSC Director for Student Services is responsible for ensuring that schools receive and review lists of students in their schools with child welfare involvement. Schools must update these lists when they have additional information.
2. Students with child welfare involvement for purposes of this regulation fall into Tier I, II, or III, as defined below.
  - a. Tier I  
Tier I includes students for whom all of the following conditions are present:
    - i. The child is in elementary or middle school (pre-kindergarten through 8<sup>th</sup> grade); and
    - ii. The child is named in a SCR report that is under current ACS investigation, or the child's family is under Court-Ordered Supervision.
  - b. Tier II  
Tier II includes students for whom all of the following conditions are present:
    - i. The child is in elementary school or middle school (pre-kindergarten through 8<sup>th</sup> grade); and
    - ii. The child was named in a SCR report that was substantiated after investigation by ACS in the current or prior school year.
  - c. Tier III  
Tier III includes students for whom all of the following conditions are present:
    - i. The child is in elementary or middle school (pre-kindergarten through 8<sup>th</sup> grade); and
    - ii. The child is currently in foster care (including trial discharge).

#### C. Review and Assessment

Schools must take the following steps to monitor the attendance of students with child welfare involvement:

1. The principal/designee must assign individual students with child welfare involvement to a school staff person 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.
  2. The principal/designee must ensure that the school staff who are responsible for monitoring these students' attendance and following up with families regarding absences have access to the school's list of students with child welfare involvement, are aware of and using relevant indicators in Automate the Schools (ATS) to identify pre-kindergarten through 8<sup>th</sup> grade students with child welfare involvement and are familiar with the procedures in this regulation.
  3. The principal/designee must ensure that the school's assigned designee, Attendance Coordinator, and/or school staff who are responsible for monitoring these students' attendance have access to information reflecting their daily attendance status.
  4. On each day of absence of a student with child welfare involvement, the assigned school staff person must conduct same-day outreach and notify the principal/designee of the results of the outreach. If parent contact is made and a reason is provided by the parent, the principal/designee in consultation with the assigned school staff person must determine whether the reason supplied by the parent is adequate.
  5. The assigned school staff person must record the following in ILOG for each day of absence: a) if the parent is reached, the reason provided by the parent for the absence and the principal's determination regarding the adequacy of the explanation; or b) if the parent cannot be reached, the attempted outreach and the inability to make contact. Absences must be escalated to ACS under the circumstances set forth below in Section III.D.
  6. On a weekly basis, the principal/designee must track the YTD rate of attendance and the total days of absence and lateness of students with child welfare involvement, 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. Mandatory Escalation of Concerns to ACS or ACS Agency Partner.
1. On the first day of absence of a student in Tier I, if in conducting outreach, the attendance coordinator/principal's designee: a) is unable to reach the parent; b) reaches the parent but the parent provides an inadequate explanation for the absence as determined by the principal in consultation with the staff member conducting outreach; or c) reaches the parent and the parent provides no reason to explain the absence (the parent hangs up the phone or refuses to answer the school's question) the attendance coordinator/principal's designee must:
    - a. immediately contact ACS or ACS Agency Partner to report the student's absence and the results of outreach; and
    - b. record the school's contacts in ILOG.
  2. For students in Tier II and Tier III, on the third consecutive day of absence on which the parent cannot be reached and/or for which no explanation or no adequate explanation for the absence is provided, as determined by the principal, in consultation with the staff member doing outreach, the assigned school staff person must:
    - a. immediately contact the ACS Office of Education Support and Policy Planning at 212-453-9918 or [Education.unit@acs.nyc.gov](mailto:Education.unit@acs.nyc.gov) or the appropriate foster care provider agency, as applicable, to report the student's absences and the results of outreach; and
    - b. record the school's contacts to the applicable ACS Office partner in ILOG.

E. Escalation of Concerns to SCR

If at any point a staff member has reasonable cause to suspect that the child has been the subject of child abuse or maltreatment, the staff member must: a) immediately report the suspicion to SCR in accordance with Section I.A.; and b) ensure that the appropriate ACS office or foster care provider agency, as applicable, is contacted immediately. If at any time the staff member has reason to believe that there is an imminent threat of danger to the child's health or safety, or a child requires immediate medical attention, the staff member must call 911.

**IV. LEGAL ISSUES FOR MANDATED REPORTERS**

A. Immunity from Liability

Pursuant to Social Services Law § 419, any school employee participating in good faith in the making of a report, the taking of photographs, the removal or keeping of a child or the disclosure of child protective services information in accordance with other provisions of the Social Services Law, will have immunity from any liability, civil or criminal, which might otherwise result by reason of such action. Good faith of reporters is presumed, provided such persons are acting in the discharge of their duties, within the scope of their employment, and have not engaged in willful misconduct or gross negligence in the making of a report, in the taking of photographs, the removal or keeping of a child or the disclosure of child protective service information in accordance with the provisions of Social Services Law. Knowingly filing a false report exposes the reporter to criminal and civil liability.

B. Liability and Penalties for Failure to Report

The willful and/or knowing failure to report child abuse or maltreatment 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 DOE.

C. Prohibition against Retaliatory Action

School and/or other DOE officials may not take any retaliatory personnel action against an employee in connection with actions taken to comply with this regulation.

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 or maltreatment case, he/she must immediately contact the FSC 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 shall 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 the staff member's 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.

E. Employee's Entitlement to Request Legal Representation

An employee is entitled to request that the city defend him/her in any civil action brought against the employee in connection with actions taken to comply with this regulation.

In accordance with General Municipal Law § 50-k, an employee is generally eligible for legal representation and indemnification provided that, at the relevant time period, the employee was acting within the scope of his or her public employment and in the discharge of his or her duties, and was not in violation of any rule or regulation of the DOE. Legal representation and indemnification will be provided as set forth in General Municipal Law § 50-k to good faith mandated reporters who are sued for reporting a suspected case of child abuse or maltreatment.

Note: Mandated reporters with questions or concerns about any report may contact the ACS Office of Safety First at 718-543-7233.

**V. RESPONSIBILITIES OF CHILD ABUSE AND MALTREATMENT PREVENTION AND INTERVENTION TEAMS AND FIELD SUPPORT CENTERS**

**A. School Child Abuse and Maltreatment Prevention and Intervention Teams**

1. Each school principal must establish a School Child Abuse and Maltreatment 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; other pupil personnel services representative(s); and a representative of the School Leadership Team.
2. Each principal shall designate a staff member from the school's Child Abuse and Maltreatment Prevention and Intervention Team to serve as a liaison to the FSC Director for Student Services (referred to as the Designated Liaison). The Designated Liaison shall assist in facilitating interagency communication and the sharing of information between the school, CPS and foster care agencies.
3. The School Child Abuse and Maltreatment Prevention and Intervention Team shall:
  - a. Develop, implement and update on an annual basis a child abuse and maltreatment prevention and intervention plan, which is part of the school's annual "Consolidated School and Youth Development Plan" that must be submitted by October 31<sup>st</sup> of every school year. The child abuse and maltreatment prevention and intervention plan must include training for staff and educational programs for parents and students on child abuse and maltreatment prevention. (See Section VI for additional information about training and parent and student education).
  - b. Provide training, resources and guidance on child abuse and maltreatment prevention and intervention to school staff in collaboration with the FSC. Teams may use, at the discretion of the principal, faculty conferences and prep time, consistent with contractual requirements, to prepare such resources and guidance and to provide such training.
  - c. Utilize local social service agencies to provide services/training to staff, students and parents on child abuse and maltreatment prevention and intervention. The ACS Office of Education Support and Policy Planning is available to coordinate ACS staff participation in school-based training. Training requests may be sent to [education.unit@acs.nyc.gov](mailto:education.unit@acs.nyc.gov) or made by phone to 212-453-9918.

**B. Field Support Centers**

1. The FSC Director for Student Services is responsible for supporting schools in responding to child abuse and maltreatment matters. In particular, the FSC Director for Student Services is responsible for: a) reviewing, evaluating and approving each school's child abuse and maltreatment prevention and intervention plan; b) serving as a liaison with the DOE Citywide Coordinator for Child Abuse and Neglect Prevention, 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 written reports from principals on all cases reported to SCR and maintaining close communication with the local CPS; and e) providing ongoing support and training on child abuse and maltreatment policies and prevention to school administrators, Designated Liaisons, and School Child Abuse and Maltreatment Prevention and Intervention Teams, as set forth in Section VI.
2. The FSC Director for Student Services is also responsible for ensuring that schools receive and review lists of students in their schools with child welfare involvement and take appropriate action, in accordance with Section III.B.

**VI. STAFF TRAINING AND PARENT AND STUDENT EDUCATION****A. Staff Training**

1. On an annual basis, all Designated Liaisons must receive the Designated Liaison Training, which addresses the identification and reporting of suspected child abuse and maltreatment and the DOE's reporting protocols.
2. All school staff must be provided with training that will enable them to carry out the reporting and other responsibilities set forth in this regulation. Such training must be held by October 31<sup>st</sup> of each year and must include:
  - a. signs of child abuse and maltreatment;
  - b. the requirements of this regulation, including when a report of child abuse or maltreatment must be made, how to make a report and how to cooperate with local CPS investigations;
  - c. techniques for managing and working with students and parents before, during and after reporting incidents of child abuse or maltreatment; and
  - d. legal aspects and implications relating to reporting child abuse and maltreatment, including but not limited to confidentiality requirements and the consequences of failure to make a report.
3. Designated Liaisons and school nurses must be provided with training on the photographing of visible signs of injury in connection with reports of suspected child abuse or maltreatment. If a school nurse is not assigned to the school building, the alternate staff member identified by the principal to take photographs, and any additional staff designated for such purpose as set forth in Section I. A. 10 must be provided with such training.

**B. Parent Participation**

1. All schools must develop and provide parents with education programs on child abuse and maltreatment. Such programs should address the law relating to child abuse and maltreatment, including the school's role in child abuse and maltreatment prevention and intervention and the school's obligation to report suspected cases of abuse or maltreatment. The programs may also include the establishment of school-parent support groups and activities to develop parenting skills.
2. Parent education activities should be presented positively and focus primarily on 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. For more information, schools should refer to the DOE-ACS Joint Policy on Educational Neglect Reporting at <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>.

**C. Student Education**

1. Schools must provide all students with the following information, which may be included in existing health and safety programs:
  - a. age appropriate information and activities for students about child abuse and maltreatment, sexual abuse and assault; and
  - b. age appropriate information about prevention strategies and developing personal safety skills.
2. In providing student education, schools can access Seasons of Peace, a curriculum framework for child abuse and maltreatment prevention developed by the DOE and designed to help students seek assistance and intervention if they or someone they know is abused or maltreated (including situations of child abuse and maltreatment,

abduction, domestic violence, and dating violence). Copies of Seasons of Peace may be obtained by contacting the Child Abuse and Neglect Prevention Program (see Section XI for contact information.)

#### **VII. OBLIGATION TO REPORT MISCONDUCT BY DOE EMPLOYEES**

Every DOE employee or officer 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 committed 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. Information about ongoing investigations is confidential.

The Special Commissioner of Investigation may be reached at:

212-510-1400  
80 Maiden Lane - 20<sup>th</sup> Floor  
New York, NY 10038  
<http://nycsci.org/>

#### **VIII. NOTIFICATION**

- A. Each school must prominently post a copy of the “Highlights of Chancellor’s Regulation A-750.” A copy may be obtained from the DOE Child Abuse Prevention website at: <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>.
- B. Each principal must provide all staff, including pedagogical and non-pedagogical staff, with a copy of the Highlights of Chancellor’s Regulation A-750.
- C. A copy of Chancellor’s Regulation A-750 must be provided to any staff member who requests it.
- D. Each school shall provide notice, in English and Spanish, and in the covered languages as required by Chancellor’s Regulation A-663, of the OCFS child abuse/maltreatment telephone hotline number and directions for accessing the OCFS website as follows:
  1. By posting: a) the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or maltreatment; and b) the internet address to access the OCFS website at <http://ocfs.ny.gov/main/cps/>. A copy of the posting may be obtained at: <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/ChildAbuse/default.htm>. Such information shall be posted in highly-visible areas of school buildings and on the school’s website, if such a website exists.
  2. By providing such information to parents at least once per school year in a manner determined by the school, including, but not limited to, through electronic communication or sending such information home with students;
  3. By providing each teacher and administrator in the school with such information; and
  4. By making such information available at district and school-level administrative offices.

#### **IX. REPORTING TO THE CHANCELLOR**

Child Abuse or Maltreatment OORS Report.

The principal/designee is required to submit an OORS report whenever a report of child abuse or maltreatment has been made to SCR within 24 hours after the principal/designee is advised of the report to SCR and receives the “Call I.D.” number. The principal/designee must enter the “Call I.D.” number into the OORS report. No information on the source of the report may be entered, as this information is confidential.

The DOE OORS website may be accessed at: <https://ats.nycboe.net/safety/Portal/Default.aspx>. The Office of Safety and Youth Development provides a help desk to assist with technical

questions. 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.

**X. TECHNICAL ASSISTANCE**

The Office of Safety and Youth Development provides assistance with implementing this regulation and developing a child abuse and maltreatment prevention and intervention plan and provides all training and educational materials on child abuse and maltreatment prevention. Additional child abuse prevention materials and resources are available for school officials at: [Child Abuse - Non-Academic Support - New York City Department of Education](#). For technical assistance contact the Citywide Coordinator of Child Abuse/Neglect Prevention Program (see Section XI for contact information).

**XI. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

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