

Students

SUBJECT: CHILD ABUSE AND NEGLECT IN AN INSTITUTIONAL SETTING

The District is committed to the protection of students in the residential school setting from abuse, neglect and other significant incidents that may jeopardize a student's health, safety and welfare by employees and volunteers. Abuse as defined in Section 488 of Social Services Law includes physical abuse, sexual abuse, psychological abuse, deliberate inappropriate use of restraints, unauthorized use of aversive interventions, obstruction of reports of reportable incidents and unlawful use or administration of a controlled substance. All reports of abuse, neglect, or a significant incident must be reported to the Vulnerable Persons Central Register (VPCR). The VPCR is a statewide central registry of reportable incidents established and operated in accordance with Section 492 of Social Services Law.

Incident Review Committee

Unless exempted from such procedures by the State Education Department in accordance with Section 490 of Social Services Law, the School District will establish an incident review committee for the purpose of reviewing allegations of abuse, neglect or a reportable incident and incident patterns and trends to identify and implement preventive and corrective actions. Such actions may include, but will not be limited to, staff retraining or any disciplinary action allowed by law or contract, as well as opportunities for improvement. Investigations and report of findings will be made in accordance with applicable laws and Commissioner's regulations.

Duty to Report

Allegations of abuse, neglect, or a reportable incident, including death for which there is any reason to believe that abuse or neglect may be involved, must be identified and immediately reported to the VPCR upon discovery by a mandated reporter in accordance with the provisions of Sections 491 and 492 of Social Services Law. The death of any student attending a residential school must also be immediately reported to the Justice Center in the form and manner prescribed by the Center and to the Commissioner of Education or his or her designee.

At the time a student is placed in the school, the student's parents will be provided with written information explaining the reporting requirements and processes regarding allegations of abuse, neglect or a significant incident. Such information will also be made available upon request to any person.

Custodial Provisions

The District will screen applicants for employment and volunteer positions as well as contractors and consultants, with the Register of Substantiated Category One Cases of Abuse and Neglect ("staff exclusion list") in accordance with the procedures developed by the Justice Center before determining whether to hire or allow any person to have regular or substantial contact with a student.

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If an applicant appears on the staff exclusion list, the school may not hire the applicant for a position in which the person would have the potential for regular and substantial contact with the student. If the result of that inquiry is that the person about whom the inquiry is made is not on the staff exclusion list, the school will make an inquiry of the Statewide Central Register of Child Abuse and Maltreatment in accordance with Section 424-a of Social Services Law.

Every employee, at the time of his or her initial employment and at least annually thereafter, will be provided with a copy of the *Code of Conduct* developed by the Justice Center and acknowledge that he or she has read and understands the *Code of Conduct*.

The District will develop procedures for protection of students from abuse, neglect and significant incidents in accordance with applicable laws and regulations. In addition, the District will establish and implement on an ongoing basis, a training program for all current and new school officials regarding these policies and procedures.

Immunity from Liability

Any person, official, or institution who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or neglect in accordance with Social Services Law Section 424 will have immunity from any liability, civil or criminal, that might otherwise result by reason of those actions.

Education Law Article 902(b) and 3028-b
Penal Law Articles 130, 235 and 263
Social Services Law Article 6 and 11
8 NYCRR Part 83 and Sections 200.7, 200.15 and 200.22