

Students

MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT**SUBJECT: CHILD ABUSE IN AN INSTITUTIONAL SETTING**

The Mount Pleasant Cottage School Union Free School District is committed to the protection of students from abuse, neglect and other misconduct perpetrated by custodians that may jeopardize a student's health, safety and welfare. As used in this regulation, custodian includes a director, operator, employee or volunteer of a residential school; or a consultant or an employee or volunteer of a corporation, partnership, organization or governmental entity which provides goods or services that permits such person to have regular and substantial contact with individuals who are cared for by the residential school.

Duty to Report

The District will ensure that allegations of reportable incidents, including but not limited to any death for which there is any reason to believe that abuse or neglect may be involved, will be identified and immediately reported to the statewide Vulnerable Persons' Central Register (VPCR) upon discovery by a mandated reporter. The VPCR has been established by the Justice Center and is operated pursuant to Social Services Law.

Any mandatory reporter who willfully fails to report a case of suspected child abuse or neglect to the VPCR may be: subject to termination, consistent with the terms and procedures set forth in the applicable bargaining agreement; guilty of a Class A misdemeanor and/or civilly liable for the damages proximately caused by such failure to report. Mandatory reporters include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate as well as any child care or foster care worker.

The school will provide a student's parents with written information explaining the reporting requirements and processes regarding allegations of reportable incidents consistent with law, at the time the student is placed in the school. Such information will also be made available to any person upon request.

Upon notification that an allegation of a reportable incident has been made to the Vulnerable Persons' Central Register, the Superintendent or his/her designee will:

- 1) Preserve any potential evidence through such actions as securing the area wherein the suspected reportable incident occurred;
- 2) Obtain proper medical evaluation and/or treatment of a student, as needed, with documentation of any evidence of the reportable incident;

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- 3) With consideration for causing as little disruption as possible to the daily routines of the students in the program, evaluate the situation and immediately take appropriate action to assure the health and safety of the student(s) involved in the report and of any other students similarly situated in the facility or program; and
- 4) Take such additional action as is necessary to prevent future acts of abuse, neglect or significant incidents.

Investigation and Reports of Findings

In accordance with law, the school will take appropriate action to support a request for information from the Justice Center, its representative or designee, and/or the State Education Department when such requests are made. The resignation or termination of a subject of a reported alleged abuse or neglect from his/her position while an investigation is pending will be promptly reported to the Justice Center. If so directed, the school will promptly conduct an investigation in accordance with guidelines issued by the Department.

The Justice Center will take all appropriate measures to protect the life and health of an alleged victim of a reportable incident. This may include working with the State Education department to take immediate steps to remove the vulnerable person from his/her current facility or to remove/suspend a subject from a program, subject to any applicable collective bargaining agreement, if there is reasonable cause to believe that that vulnerable person's life or health is in imminent danger. The District will cooperate within legal limits with the Justice Center and State Education Department in all investigations and remedial measures.

Plans for Prevention and Remediation

Upon receipt of a substantiated report of abuse, neglect or a significant incident, the Superintendent, after consideration of any recommendations of the Justice Center and/or the State Education Department for preventive and remedial action, including legal action, will:

- 1) Within ten (10) business days of receipt of a substantiated report of a reportable incident, develop, implement and submit to the appropriate designee of the Commissioner of Education for approval, a written plan of action to be taken with respect to an individual employee or volunteer to assure the continued health and safety of students and to provide for the prevention of future acts of abuse, neglect or significant incidents.

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- 2) Develop and implement a plan of prevention and remediation within thirty (30) days of receipt of such a report in the event an investigation determines that abuse, neglect or a significant incident exists and may be attributed in whole or in part to noncompliance by the facility in accordance with Education Law or the regulations of the Commissioner of Education.
- 3) Such plans will address, at minimum, those areas in which the facility has been found to be out of compliance, if applicable, and the manner in which the facility will come into compliance; actions to be taken to address the investigative findings; the person(s) responsible for assessing the efficacy of the remedial action(s); and the monitoring dates or interval of monitoring dates, if appropriate. Such plan will be signed by the Superintendent or his/her designee to ensure that the plan is implemented.

For substantiated reports of significant incidents, the District will also notify the parent or guardian of the student(s) named in the report, and the School District or referring agency of the student(s), of the report of the findings of the investigation, consistent with the confidentiality requirements pursuant to law.

Staff Training

The District will provide, or ensure the provision of, child abuse prevention and identification training to all administrators, employees and volunteers on a regular, but at least annual, basis. A written description of such training plan will be submitted for review and approval within a time frame established by the commissioner. The purpose of such training will be to increase the participants' level of awareness, encourage positive attitudes and enhance knowledge and skill development in areas including, but not limited to child abuse prevention and identification, safety and security procedures, principles of child development, characteristics of children in care, techniques of group and child management, including crisis intervention and appropriate restraint training as well as laws, regulations and procedures, including appropriate reporting responsibilities, governing the protection of students from reportable incidents.

Each new employee or volunteer will, immediately upon commencement of duties, be provided an orientation to the procedures of the school and the policies and procedures of the department regarding the protection of students from reportable incidents.

Each custodian will, at the time of his or her initial employment and at least annually thereafter, 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 such code of conduct. This code will govern the conduct of such custodians with respect to the safety, dignity and welfare of students in residential schools to whom they provide care and will be enforced in a manner consistent with law and applicable collective bargaining agreements.

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SUBJECT: CHILD ABUSE IN AN INSTITUTIONAL SETTING (Cont'd.)**Incident Review Committee**

Unless exempted from such procedures by the State Education Department, the District will establish an incident review committee in the form and manner required by the Justice Center and the State Education Department. The committee will review individual reportable incidents and incident patterns and trends to identify and implement preventative and corrective actions, which may include, but will not be limited to, staff retraining or any appropriate disciplinary action allowed by law or contract, as well as opportunities for improvement.

Access to Records

Unless otherwise permitted by law, any request made to the District for records relating to abuse and neglect will be referred to the Justice Center.

Construction

This regulation is to be construed in a manner consistent with the Protection of People with Special Needs Act and that law's implementing regulations.