

## **CHILD ABUSE IN AN EDUCATIONAL SETTING**

KIPP NYC recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the New York Education Law.

### Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- other school personnel required to hold a teaching or administrative license or certificate
- school board member
- school bus drivers and other persons employed or contracted to provide transportation services to the school
- licensed and registered physical therapist
- licensed and registered occupational therapist
- licensed and registered speech-language pathologist
- teacher aide/paraprofessional
- school resource officer

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

Regardless of whether a member of the school community qualifies as a “required reporter”, all members of the school community (including school personnel not required to hold a teaching or administrative license or certificate, contractors, and volunteers) are strongly encouraged to promptly report written and oral allegations of child abuse in an educational setting.

### Definitions

“**Administrator**” or “**School Administrator**” shall mean a principal, or the equivalent title, in a school, or other chief school officer.

“**Child**” means a person under the age of 21 enrolled in the School.

“**Child Abuse**” means any one of the following acts committed in an educational setting by an employee or volunteer against a child<sup>1</sup>:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by Sections 130 or 235 of the NY Penal Law; or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors.

“**Educational Setting**” means the buildings and grounds of the school, the vehicles provided by the school to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where interaction between an employee and a child, or a volunteer and a child, has allegedly occurred including both physical interaction as well as interaction via electronic communications (*e.g.* phone calls, text messages, emails, social media and remote/distance learning platforms).

“**Employee**” shall mean any person:

- who is receiving compensation from a School; or
- whose duties involve student contact and (a) who is receiving compensation from any person or entity that contracts with a School to provide transportation services to children, or (b) who is an employee of a contracted service provider or worker placed within the School under a public assistance employment program, pursuant to title 9-B of Article 5 of the Social Services Law.

“**Law Enforcement Authorities**” shall mean a municipal police department, sheriff’s department, the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or any society for the prevention of cruelty to children.

“**Parent**” shall mean either or both of a Child’s Parents or other persons legally responsible for the Child.

“**School**” shall include a school district, public school, charter school, nonpublic school, board of cooperative educational services, special act school district, New York State approved preschool special education program, and New York State approved private residential or non-residential school for the education of students with disabilities.

“**Volunteer**” shall mean any person, other than an Employee, who has student contact and (i) provides services to a School, or (ii) provides services to any person or entity that contracts with a School to provide transportation services to children.

---

<sup>1</sup> Please see the definition of “child sexual abuse” on Exhibit 2 for further information.

*See Exhibit 2 for more details on relevant definitions.*

### Reporting Requirements

In any case where a written or oral allegation of Child Abuse by an Employee or Volunteer in an Educational Setting is made to a required reporter or witnessed by a required reporter, the required reporter shall:

1. promptly (within one school day) complete the required State Education Department report form – See Exhibit 1; and
2. deliver it to the Principal of the School in which the Child Abuse allegedly occurred and to the Chief People Officer.

If the allegation involves a Child who was allegedly abused by an Employee or a Volunteer of a School other than a KIPP NYC School, the required reporter must promptly forward the report form to the Chief Schools Officer of the School or school district of the Child's attendance and the Chief Schools Officer of the School or School district where the abuse allegedly occurred (if different).

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of Child Abuse has occurred. If the person making the allegation of abuse is someone other than the Child or the Child's Parent, the Principal/Chief Schools Officer shall contact the person making the report to learn the source and basis for the allegation. Prior to making the reasonable suspicion determination, the Principal shall consult with the Chief People Officer. In the event the allegation pertains to the Principal, the report form should be delivered to the School's Managing Director and the Chief People Officer.

If the oral or written allegation is made to a school bus driver employed by a person or entity that contracts with KIPP NYC to provide transportation services to children, that a Child has been subjected to Child Abuse by an Employee or Volunteer in an Educational Setting, such driver shall promptly (within one school day) report the allegation to their supervisor employed by such contracting person or entity, and the supervisor must then report the allegation to the Principal and Chief People Officer within one school day.

In those circumstances where the Chief Schools Officer receives the written report directly, they will be responsible for making the reasonable suspicion determination in consultation with the Chief People Officer. The following situations<sup>2</sup> describe when the Chief Schools Officer may receive the report form directly: (1) when the Principal receives the oral or written allegation and completes the report form; (2) when it is alleged that a Child was abused by an Employee or Volunteer of another School (other than KIPP NYC); or (3) when the Chief Schools Officer receives an allegation of Child Abuse in an Educational Setting from local Law Enforcement Authorities or from child protective services – in those cases, the Chief Schools Officer would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.

---

<sup>2</sup> Situations where the Chief Schools Officer is responsible for making the reasonable suspicion determination include, but are not limited to, the examples set forth in this policy.

*See Exhibit 3 for more details on reporting requirements.*

If the Principal/Chief Schools Officer determines there is reasonable suspicion to believe that an act of Child Abuse has occurred, they shall promptly notify the Parent of the alleged Child victim that an allegation of Child Abuse in an Educational Setting has been made or received, and promptly provide the Parent (via express delivery and certified first class mail) with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

*See Exhibit 4 for Form Parental Rights Letter.*

The Principal shall also promptly provide a copy of the written report to the Chief Schools Officer and send a copy to the appropriate Law Enforcement Authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Chief Schools Officer.

The Chief Schools Officer shall send to the Commissioner of Education any written report forwarded to the local Law Enforcement Authorities where the Employee or Volunteer alleged to have committed an act of Child Abuse holds a certification or license issued by the New York State Education.

In the event the Principal/Chief Schools Officer determines that there is not reasonable suspicion to believe that an act of Child Abuse has occurred, they should use their discretion regarding how to notify the Parent of the alleged Child victim that an allegation has been made or received.

#### Rights of Employees and Volunteers

Any Employee or Volunteer who has adverse action taken against them by virtue of or in connection with any report made pursuant to Article 23-B of the New York Education Law may be entitled to receive a copy of such report pursuant to Article 23-B, Section 1131.

#### Confidentiality of Records

The law requires that all reports, records, photographs, and other material submitted pursuant to this policy and Article 23-B of the Education Law remain confidential and may not be disclosed except to Law Enforcement Authorities involved in the criminal investigation of Child Abuse in an Educational Setting or as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Chief Schools Officer shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a Class A misdemeanor.

#### Penalties

Willful failure of an Employee to prepare and submit a written report of alleged Child Abuse required by Article 23-B of the Education Law shall be a Class A misdemeanor.

Willful failure of any Principal or Chief Schools Officer to submit a written report of alleged Child Abuse to an appropriate Law Enforcement Authority, as required by Article 23-B of the Education Law, shall be a Class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to \$5,000 on any administrator who fails to submit a report of Child Abuse to an appropriate Law Enforcement Authority.

The law further prohibits any Principal or Chief Schools Officer from agreeing to withhold from the appropriate Law Enforcement Authorities, a Chief Schools Officer or the Commissioner of Education, where appropriate, an allegation of Child Abuse in an Educational Setting on the part of any Employee or Volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a Class E felony charge and a civil penalty of up to \$20,000.

### Record Retention

Any report of Child Abuse by an Employee or Volunteer that does not result in a criminal conviction shall be expunged from the records kept by the School with respect to the subject of the report after five years from the date the report was made or at an earlier time as the School may determine in accordance with New York Education Law §1128-a (2).

### Training

The Chief Schools Officer shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B.

Ref: Education Law §§1125-1133  
Penal Law §§130, 235, 263  
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)  
*Appeal of S.S.*, 42 EDR 273 (2003)

**CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT 1-  
CONFIDENTIAL REPORT OF ALLEGATION**

<b>SUBJECT CHILD</b>	<b>PARENT OF SUBJECT CHILD</b>
Name: _____ Last          First MI Address _____ _____ School _____ Grade ____ Sex (M, F, Unknown) _____ Age or Birthday (Mo/Day/Yr) _____ _____	Name _____ Address (if different) _____ _____

<b>SOURCE OF ALLEGATION (Check as Appropriate)</b>
<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> Other – Name _____ Relationship to Child (if any) _____

<b>ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)</b>
Name _____ School _____ or _____ School _____ District _____ School Building _____ School _____ Position _____ _____

<b>SPECIFIC ALLEGATION</b>
Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

<b>REPORTER INFORMATION</b>
_____

Name \_\_\_\_\_ School \_\_\_\_\_

School Address \_\_\_\_\_ School \_\_\_\_\_ Telephone \_\_\_\_\_

Relationship to Child (if any) \_\_\_\_\_

Teacher     School Guidance Counselor     School Nurse     School Psychologist  
 Administrator     School Board Member     School Social Worker  
 School bus driver     Physical Therapist     Occupational Therapist  
 Speech/Language Pathologist     Teacher Aide/Paraprofessional     School Resource Officer  
 School personnel required to hold teaching or administrator license or certification

Date Submitted to Administrator \_\_\_\_/\_\_\_\_/\_\_\_\_/

Signature \_\_\_\_\_

<b>FOR PRINCIPAL USE ONLY</b>	<b>FOR CHIEF SCHOOLS OFFICER OF SCHOOL USE ONLY</b>
Reasonable Suspicion    ____Yes ____No	Reasonable Suspicion    ____Yes ____No
Date Submitted to Chief Schools Officer ____/____/____	Date Submitted to Law Enforcement ____/____/____
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ____/____/____	Date Submitted to Commissioner ____/____/____
Name/Signature _____	Name/Signature _____

**CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT 2-**  
**Child Abuse in an Educational Setting Definitions**

Definitions contained in §1125 of Article 23-B, Title I of the Education Law

1. “**Administrator**” or “**School Administrator**” shall mean a principal, or the equivalent title, of a public school, charter school or board of cooperative educational services, or other chief school officer.
2. “**Child**” shall mean a person under the age of 21 years enrolled in a School.
3. “**Child Abuse**” means any of the following acts committed in an educational setting by an employee or volunteer against a child:
  - a. intentionally or recklessly inflicting physical injury, serious physical injury or death, or
  - b. intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death, or
  - c. any child sexual abuse as prohibited by Sections 130 or 235 of the NY Penal Law, or
  - d. the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the NY Penal Law.
4. “**Child Sexual Abuse**” shall mean conduct prohibited by Article 130 or 263 of the NY Penal Law. Such prohibited conduct includes, but is not limited to, the following: “Sexual intercourse” occurs upon any penetration, however slight; “Oral sexual conduct” means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina; “Anal sexual conduct” means conduct between persons consisting of contact between the penis and anus; “Sexual contact” means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed; “Sexual conduct” means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact, actual or simulated sexual intercourse, oral sexual conduct, anal sexual conduct, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals; “Aggravated sexual contact” means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child; “Sexual performance” means any performance or part thereof which includes sexual conduct by a child.
5. “**Educational setting**” shall mean the building and grounds of a public school district or charter school, the vehicles provided by the school for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other



location where interaction between an employee and a child, or a volunteer and a child, has allegedly occurred including both physical interaction as well as interaction via electronic communications (*e.g.* phone calls, text messages, emails, social media and remote/distance learning platforms).

6. “**Employee**” shall mean any person receiving compensation from a School or whose duties involve student contact and (a) who is receiving compensation from any person or entity that contracts with a School to provide transportation services to children, or (b) who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of Article 5 of the Social Services Law.
7. “**Law Enforcement Authorities**” shall mean a municipal police department, sheriff’s department, the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or society for the prevention of cruelty to children as such terms are defined in Section 423 of the Social Services Law.
8. “**Parent**” shall mean either or both of a Child’s parents or other persons legally responsible for the Child.
9. “**School**” shall include a school district, public school, charter school, nonpublic school, board of cooperative educational services, special act school district, New York State approved preschool special education program, and New York State approved private residential or non-residential school for the education of students with disabilities.
10. “**Volunteer**” shall mean any person, other than an Employee, who has student contact and (i) provides services to a School, or (ii) provides services to any person or entity that contracts with a School to provide transportation services to children.

## **CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT 3- NOTICE/REPORTING REQUIREMENTS**

### Duties of Employees

The law imposes reporting requirements on teachers, Administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members, school bus drivers and other persons employed or contracted to provide transportation services to the school, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides/paraprofessionals, school resource officers, and all other school personnel required to hold a teaching or administrative license or certificate. When these Employees receive an allegation of Child Abuse by an Employee or Volunteer in an Educational Setting, they must take the following steps:

- a. Upon receipt of an oral or written allegation of Child Abuse in an Educational Setting, the Employee must promptly (within one school day) complete the “Child Abuse in an Educational Setting” report form.
- b. Upon completion of the report form, the Employee must deliver it to the Principal of the School in which the Child Abuse allegedly occurred and the Chief People Officer.
- c. If the allegation(s) involves a Child who was allegedly abused by an Employee or a Volunteer of a School in another school district (or a School other than KIPP NYC), the Employee must promptly forward the report form to the Chief Schools Officer of the School or school district of attendance and the school district where the abuse allegedly occurred.

### Duties of School Building Principals

In all cases, upon receipt of a report form, the Principal must review the form and determine if there is reasonable suspicion to believe that an act of Child Abuse, as defined by law, has occurred. This determination by the Principal must be made in conjunction with the Chief People Officer. If they find reasonable suspicion to believe that an act of Child Abuse has occurred, additional steps must be taken which differ depending upon the individual who has made the allegation.

#### Child makes the Allegation

- a. Promptly notify the Parent of the Child that an allegation of Child Abuse in an Educational Setting has been made.
- b. Promptly provide the Parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).
- c. Promptly provide a copy of the completed report form to the Chief Schools Officer.
- d. Promptly forward a copy of the completed report form to the appropriate Law Enforcement Authorities. The report to law enforcement may not be delayed by reason of inability to contact the Chief Schools Officer.

### Parent Makes the Allegation

- a. Promptly provide the Parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly provide a copy of the completed report form to the Chief Schools Officer.
- c. Promptly forward a copy of the completed report form to the appropriate Law Enforcement Authorities. The report to law enforcement may not be delayed by reason of inability to contact the Chief Schools Officer.

### Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the Parent of the Child that an allegation of Child Abuse in an Educational Setting has been made.
- b. Promptly provide the Parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Ascertain from the reporting Employee the source and basis for the allegation and complete that portion of the report form.
- d. Promptly provide a copy of the completed report form to the Chief Schools Officer.
- e. Promptly forward a copy of the completed report form to appropriate Law Enforcement Authorities. The report to law enforcement may not be delayed by reason of inability to contact the Chief Schools Officer.

### Duties of Chief Schools Officers

In most cases, the Principal will receive the completed report form from an Employee and make the reasonable suspicion determination in consultation with the Chief People Officer. However, there are situations in which the Chief Schools Officer will receive the report form directly and they in conjunction with the Chief People Officer will be responsible for making the reasonable suspicion determination such as:

- a. Where the Principal receives the oral or written allegation and is required to complete the report form;
- b. Where it is alleged that a Child was abused by an Employee or Volunteer of a School other than a KIPP NYC school.

In addition, a Chief Schools Officer may receive an oral or written allegation of Child Abuse in an Educational Setting from local Law Enforcement Authorities or from child protective services. In these cases, the Chief Schools Officer would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination in conjunction with the Chief People Officer.

If the Chief Schools Officer finds reasonable suspicion to believe that an act of Child Abuse has occurred, as defined by law, additional steps must be taken which differ depending on the individual who has made the allegation.

### Child makes the Allegation

- a. Promptly notify the Parent of the Child that an allegation of Child Abuse in an Educational Setting has been made.
- b. Promptly provide the Parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Promptly forward a copy of the completed report form to the appropriate Law Enforcement Authorities.

### Parent Makes the Allegation

- a. Promptly provide the Parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- b. Promptly forward a copy of the completed report form to the appropriate Law Enforcement Authorities.

### Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the Parent of the Child that an allegation of Child Abuse in an Educational Setting has been made.
- b. Promptly provide the Parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).
- c. Ascertain from the reporting person the source and basis for the allegation and complete that portion of the form.
- d. Promptly forward a copy of the completed report form to the appropriate Law Enforcement Authorities.

In all cases where a completed report is forwarded to the appropriate Law Enforcement Authorities and the Employee or Volunteer alleged to have committed an act of Child Abuse holds a certification or license issued by the New York State Education Department, the Chief Schools Officer must also refer such report to the Commissioner of Education.

### Expungement

A report that does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a School or school district with respect to the subject of such a report after a period of five years from the date of the making of such report or at such earlier time as the School determines.

### Penalty Provisions

The requirements set forth within the law are mandatory. Willful failure of an Employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a Principal or Chief Schools Officer to forward a copy of the

report form to the appropriate Law Enforcement Authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a School Administrator (e.g. Principal) or a Chief Schools Officer up to \$5,000 for failure to forward a copy of the completed report form to the appropriate Law Enforcement Authorities.

### Immunity Provisions

The law provides immunity from civil liability for Employees, Volunteers, School Administrators and Chief Schools Officers who reasonably and in good faith make a report of Child Abuse in an Educational Setting in the manner described in the law. The law also provides immunity from civil liability to School Administrators (e.g. Principals) and Chief Schools Officers who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

### Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the Principal and the Chief Schools Officer. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to Law Enforcement Authorities involved in the criminal investigation of Child Abuse in an Educational Setting or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a Class A misdemeanor. The law requires that Principals and Chief Schools Officers exercise reasonable care to prevent unauthorized disclosure.

### Duties of District Attorneys

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate Law Enforcement Authorities, the district attorney must notify the Chief Schools Officer of the School where the acts of Child Abuse occurred and the Chief Schools Officer of the School where the Child attends, if different, of the following:

- an indictment;
- the filing of an accusatory instrument;
- the disposition of the criminal case; or,
- the suspension or termination of the investigation.

Where a criminal conviction is obtained for a crime involving Child Abuse in an Educational Setting by a licensed or certified School Employee, the district attorney is required to notify the Commissioner of Education, as well as the Chief Schools Officer of the School in which the acts of Child Abuse occurred and the Chief Schools Officer of the School where the Child attends, if different.

### Duties of the Commissioner of Education

Upon receiving notification of conviction from a district attorney, the Commissioner of Education must begin proceedings against the convicted individual pursuant to Part 83 of the

Commissioner's regulations to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to their license or certification.

The Commissioner has also issued the attached form that must be used for the recording and transmission of allegations of Child Abuse in Educational Settings.

The Commissioner and the Board of Regents also promulgated §100.2(hh)(2), which sets forth the training requirements relating to Child Abuse in an Educational Setting.

#### Unreported Resignations or Voluntary Suspensions

The law prohibits Principals or Chief Schools Officers from agreeing to withhold from the appropriate Law Enforcement Authorities, a Chief Schools Officer or the Commissioner of Education, where appropriate, an allegation of Child Abuse in an Educational Setting on the part of any Employee or Volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a Class E felony charge and a civil penalty of up to \$20,000.

**CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT 4-  
SAMPLE LETTER TO PARENTS OF PARENTAL RIGHTS, RESPONSIBILITIES,  
AND PROCEDURES**

**[On School Letterhead]**

**[Insert date]**

**VIA EXPRESS MAIL AND CERTIFIED FIRST CLASS MAIL**

**[Insert parent's/guardian's name and address]**

Dear **[parent's/guardian's name]**,

KIPP NYC is deeply committed to the welfare and safety of its students and takes all allegations of child abuse seriously. You are receiving this letter because we have received an allegation of abuse that occurred within the school setting concerning your child, and we have reasonable suspicion to believe that an act of child abuse has occurred.

**[Include the allegation].**

Please read the following to understand your rights and the procedures that the school is required to follow so that you know what you may expect.

**DUTIES OF SCHOOL EMPLOYEES**

The law requires all teachers, school nurses, school guidance counselors, school psychologists, school social workers, school administrators, school board members, school bus drivers and other persons employed or contracted to provide transportation services to the school, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides/paraprofessionals, school resource officers, and all other school personnel who hold a teaching or administrative license or certificate to complete a written report when they have learned of an allegation that a child has been intentionally harmed by a school employee or volunteer.

All New York schools must complete the State's "Child Abuse in an Educational Setting Confidential Report of Allegation." The submitted report must include the full name of the child, the name of the child's parents or guardians, the name of the person making the allegation and their relationship to the child, the name of the employee or volunteer against whom the allegation was made, and the details of the allegation. The completed report must be personally delivered to the school administrator.

If the allegations are made against an employee or volunteer from a school outside the one where the child attends school, the completed report must be forwarded to both the school where the child attends school and the school/district where the alleged harm occurred.

## **DUTIES OF SCHOOL PRINCIPALS AND CHIEF SCHOOLS OFFICERS**

When a principal or Chief Schools Officer receives a completed report and has reasonable suspicion to believe that an act of child abuse has occurred, the Principal or Chief Schools Officer must promptly notify the child's parents. The principal or Chief Schools Officer must also promptly forward the report to appropriate law enforcement authorities. When the allegation is made by someone other than the child or the child's parents, the Principal or Chief Schools Officer must learn from the person making the report the source and the basis for the allegation. The school must provide parents with this copy of parental rights, responsibilities, and procedures.

### **ADDITIONAL DUTIES OF CHIEF SCHOOLS OFFICERS**

When the principal or Chief Schools Officer forwards a report to appropriate law enforcement authorities, the Chief Schools Officer must refer the report to the Commissioner of Education when the accused employee or volunteer holds an educational certificate or license. When a report does not lead to a criminal conviction, the school must remove the report from all school records within five years.

### **NOTIFICATION BY DISTRICT ATTORNEY**

The district attorney must notify the Chief Schools Officer of the status of the investigation, if delayed or terminated, whether criminal charges will be filed, and the outcome of the criminal case.

### **ACTIONS TO BE TAKEN UPON A CRIMINAL CONVICTION**

When a report leads to a criminal conviction, the district attorney must notify the Commissioner and the school Chief Schools Officer. The Commissioner must then promptly make an official finding as to whether the individual meets the definition of possessing good moral character according to state regulations.

A school is not permitted to take adverse action against an employee or volunteer when there is no reasonable suspicion to believe that the report was true.

### **DUTIES OF THE COMMISSIONER OF EDUCATION**

The Commissioner must prepare a form for schools to complete when allegations have been made. The form should include the applicable legal definitions and enough space so that the person completing the form can include any and all information that would be helpful in explaining the allegations being made.

The Commissioner must also create rules concerning training school personnel and other applicable individuals about reporting and procedural requirements.



## **CONFIDENTIALITY OF RECORDS**

Reports and any additional materials included with the report are confidential. The report may not be shared with unauthorized persons, but may be shared with law enforcement authorities investigating the allegations or by a court-ordered subpoena. School administrators and Chief Schools Officers must take reasonable care to prevent the report from being inappropriately disclosed. Willful wrongful disclosure of a report is a Class A misdemeanor.

## **PENALTIES FOR FAILURE TO COMPLY**

Willful failure by an employee to prepare and submit a report of an allegation of child abuse is a Class A misdemeanor. Willful failure by a principal or Chief Schools Officer to submit a written report to appropriate law enforcement authorities is a Class A misdemeanor and subject to a civil penalty not to exceed \$5,000 upon an administrative determination by the Commissioner.

## **PROHIBITION AND PENALTY AGAINST UNREPORTED EMPLOYEE OR VOLUNTEER RESIGNATION**

An accused employee or volunteer may not agree to resign or be suspended in exchange for a report of alleged child abuse being withheld from law enforcement authorities. Violation of this rule is a felony and subject to a monetary fine.

Please feel free to contact me at [insert contact information] if you have any questions.

Sincerely,

[insert name of building principal]