

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { } ACTION { X } CLOSED MEETING { }

SUBJECT: **SUPERINTENDENT’S REPORT - ACTION**

Response to Reports of Abuse and Neglect of Children

BACKGROUND: **HB 683 requires that local school divisions and local departments of social services develop written interagency agreements of all complaints of child abuse or neglect. School divisions must report annually to the Board of Education regarding the status of interagency agreements. This legislation became effective July 1, 2014.**

A proposed agreement follows.

RECOMMENDATION: **Approval of the agreement is recommended.**

RESPONSE TO REPORTS OF ABUSE AND NEGLECT OF CHILDREN

AN AGREEMENT BETWEEN THE BATH COUNTY DEPARTMENT OF SOCIAL SERVICES AND BATH COUNTY PUBLIC SCHOOLS

The following is an agreement between the Bath County Department of Social Services (BCDSS) and Bath County Public Schools (BCPS), which sets forth a protocol for a collaborative response to applicable reports of suspected abuse and neglect of children in the County of Bath, Virginia. This agreement is largely based on a model inter-agency agreement developed jointly by the Virginia Department of Education (VDOE) and the Virginia Department of Social Services (VADSS).

SECTION I – REPORTING CHILD ABUSE AND NEGLECT

A. Responsibilities of Bath County Public Schools

1. According to Code of Virginia § 63.2-1509, any teacher, athletic coach, athletics administrator, or other person employed in a public school is a mandated reporter. As such, all employees of Bath County Public Schools shall immediately (when possible), or within 12 hours, report all instances of suspected abuse and neglect of children under age 18 within 24 hours. Reports from Bath County Public School staff can be made to the Bath County Department of Social Services regardless of where the abuse occurred, where the child lives, or if the abuse and/or neglect is perpetrated by a caregiver. Mandated reporters are not required to report accidental injuries, or incidents that do not result in, or place the child at risk for, a physical or mental injury. Mandated reporters should use professional judgment in determining if an incident was non-accidental, and is encouraged to consult with Child Protective Services if the mandated reporter is uncertain about the need to report.
2. School staff shall not investigate incidents of child abuse/neglect. Questioning of the child shall be limited to only questions used to confirm the suspicion of abuse/neglect occurring. Once the concern is confirmed, all questioning is to stop and a report is to be made to CPS.
3. In order to facilitate an efficient reporting process, school principals and central office administrative staff will serve as the contact for all reports from school staff regarding suspected child abuse or neglect. School staff who need to report child abuse and neglect should make this report to the designated administrative staff. A back-up person shall also be designated in each building (head teacher or other individual in charge in the principal's absence). The obligation of the designated contact person to report cases of suspected child abuse or neglect brought to her/his attention by staff members is not discretionary and the contact person shall assure that the case is duly reported. The Child Protective Services Coordinator will verify the listing of principals, administrators and designees at the beginning of every school year with the division superintendent.
4. If a complainant believes that a delay resulting from following these procedures would be detrimental to the child, she/he may report this case directly and then inform the designated contact person of his referral. Nothing in these recommended procedures prohibits a mandated reporter from reporting child abuse and neglect directly to the Bath County Department of Social Services or the State Hotline for Child Abuse and Neglect.

5. Reports are to be made to the Bath County Department of Social Services (540-839-7271) during regular business hours. Outside of regular business hours, reports are to be made through the Virginia Child Abuse State Hotline (1-800-552-7096).
6. When reporting child abuse or neglect, the school employee must share with the Department of Social Services all information that establishes the basis for the suspicion of abuse or neglect of the alleged victim child. This includes providing demographic and address information that will allow Social Services to respond.

B. Responsibilities of Bath County Department of Social Services

1. The Department of Social Services shall have the capability of receiving reports on a 24-hours-a-day, 7-day-a-week basis.
2. Child Protective Services Intake and Supervisory staff will be available for consultation regarding any questions about mandated reporting. If, during the consultation, CPS staff hear information that is required to be reported, they will inform the mandated reporter that an official report should be made immediately.
3. Upon receipt of a report of child abuse and/or neglect, a written report will be entered in OASIS, VADSS centralized child welfare database by BCDSS or the Virginia State Hotline, according to which agency received the report.
4. Every report will be immediately screened for Validity, a determination if the information presented is adequate to provide jurisdiction for Child Protective Services to respond. Criminal acts and acts of non-caretaker abuse will be reported to the Bath County Sheriff's Office (BCSO) by the Bath County Department of Social Services on behalf of the reporter.
5. The reporter will be informed within 5 days of the report by Child Protective Services Intake if the case is valid and CPS action will be taken, if the report has been transferred to BCSO or if the case is not valid to CPS response and recommendations by DSS for appropriate service providers to address service needs.
6. BCDSS will notify the School Principal of any report of child abuse or neglect that may require contact at school with any BCPS students or staff members.

SECTION II – INVESTIGATIONS OF CHILD ABUSE AND NEGLECT WHEN THE CHILD IS ALLEGED TO HAVE BEEN ABUSED/NEGLECTED IN AN IN-HOME SETTING

A. Responsibilities of Bath County Public Schools

1. The school division shall allow the Child Protective Services Worker to interview the child or siblings without consent of parents/guardians. In order to protect the family's right to privacy the interview shall be in private. The interview may include school personnel upon the discretion of the Child Protective Services (CPS) worker.

2. School personnel will direct all inquiries from the family regarding CPS intervention to the assigned CPS worker. School personnel will then contact CPS to report the inquiry.
3. Should the report result in an assessment of high risk of future abuse and there is a risk of out of home placement for the child, the BCPS will make staff available to participate in a Family Partnership Meeting initiated by BCDSS, to address concerns with the family and develop the plan regarding the child's safe placement. School staff directly involved with the case and invited to participate in the meeting should share any relevant information regarding the child's safety and service needs during the meeting.

B. Responsibilities of Bath County Department of Social Services

1. The Department will conduct a 45 day assessment regarding the allegations. Cases with significant injury will have an Investigation. All other reports will receive a Family Assessment. Response time to cases will be determined by the Structured Decision-Making Tool provided by VADSS, and responses will occur according to priority. R-1 cases are to be responded to in 24 hours, R-2 within 72 hours and R-3 within 5 business days.
2. The CPS Investigating Worker will determine if the response is going to be to the home, or to see the child at the school, using safety concerns and needs to preserve evidence as a basis for this decision.
3. If the investigation requires the Child Protective Services worker to go onto school premises, the Child Protective Services worker shall inform the principal or designee upon arriving at the school of why he/she is at the school and the need for private space to interview the victim child.
4. An Investigation or Family Assessment will be completed prior to the 45th day following the complaint. In some situations, the case may remain open for 60 days past the report date in order to complete the investigation. Prior to case closure, families will receive a verbal report regarding the final determination on the case and appropriate service referrals will be offered. BCDSS will provide written notification of its findings to the family prior to the 60th day after the report was received.
5. Should the reporter information be available to BCDSS at the time of the report, upon completion of the Family Assessment/Investigation, and prior to the 60th day after the referral was received, the CPS Worker will provide written and/or verbal notification to the reporter that the case was assessed for services, and if the BCDSS plans to continue to provide services.
6. BCDSS will internally staff the case should there be ongoing service needs. Information regarding these cases can only be exchanged with School personnel once a proper written release is obtained.

SECTION III – INVESTIGATIONS OF CHILD ABUSE AND NEGLECT WHEN THE CHILD IS ALLEGED TO HAVE BEEN ABUSED/NEGLECTED IN THE SCHOOL SETTING

A. Responsibilities of Bath County Public Schools

1. Upon receiving a report that a Bath County Public Schools staff member has abused/neglected a child in their care, school and division administration will use professional judgment in implementing a plan that prohibits contact of that staff member and the alleged victim child.
2. Virginia Code § 63.2-1511 indicates that the following acts do not constitute an act of physical abuse of a child:
 - (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control
 - (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property
 - (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on her/himself
 - (iv) the use of reasonable and necessary force for self-defense or the defense of others
 - (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the student or within his control.

School Administrators should immediately consult with CPS regarding any questions about how these definitions relate to a particular situation.

3. School Administrators are to make contact with the involved staff member to make them aware that an allegation has been received. When initially informing the alleged abuser/neglector that an allegation has been made, details of the allegation are not to be revealed. The School Administrator shall inform the alleged abuser that she/he has the right to involve a representative of her/his choice to be present during the interviews.
4. School Administrators can interview alleged victims and witnesses only for the purpose to satisfy any questions as to if the incident is considered suspected child abuse and neglect (ie, was there a non-accidental injury to a child as a result of the actions or inactions of a caregiver, regardless of intent). If children are questioned, detailed notes will be provided to CPS regarding the line of questioning.
5. BCPS Administration will conduct a joint investigation with Child Protective Services in order to coordinate the Administrative responsibilities for each organization, while minimizing the number of times individuals need to be interviewed.

6. BCPS Administration will contact Child Protective Services and report the allegation immediately upon learning of a report of child abuse, or determines an action by staff constitutes a reportable offense of child abuse or neglect. The report will be made by calling 839-7271 during regular business hours, and 1-800-552-7096 during weekends, evenings and holidays. Virginia Code § 63.2-1509 requires a report be made within 24 hours of a mandated reporter becoming aware of an incident of abuse or neglect.
7. The school division shall allow the Child Protective Services Worker to interview the alleged victim child without consent of parents/guardians. In order to protect the family's right to privacy the interview shall be in private. The interview may include school personnel upon the discretion of the Child Protective Services Worker.
8. BCPS Administrators can participate in interviews, both on and off site, as requested by Child Protective Services and relevant to gather information required in inform any administrative action by Bath County Public Schools. School Administrators will not make contact with any involved party without discussing with CPS prior to the contact.
9. BCPS Administration will exercise administrative actions as required. These actions can be informed by the CPS process, but should not be delayed to await CPS action. Child Protective Services Investigations can take up to 60 days to complete, and should not delay necessary actions for Bath County Public Schools.

B. Responsibilities of Bath County Department of Social Services

1. Upon receipt of the complaint, the Department of Social Services shall immediately determine the validity of the report as legally appropriate for a CPS response. The reporter will be informed of this determination within same business day when possible, or within 24 hours if immediate notification is not possible. All valid cases will be assigned to Designated Out-Of-Family trained Social Workers.
2. Within 24 hours or as soon as possible, the assigned Child Protective Services Worker will contact the BCPS Administrator and together they shall consult and develop an investigation plan. The Investigation Plan will detail required interviews, who will participate in interviews, who will lead interviews, and an estimated timeline regarding the completion of the investigation.
3. The Child Protective Services Worker assigned to investigate will arrange with the BCPS Administrator or designee, if necessary, for:
 - a. Securing further information in regard to the complaint;
 - b. Obtaining records and/or documentation which may be the basis for the complaint;
 - c. Obtaining child's home address and work and home telephone numbers of his parents or guardians;
 - d. Making arrangements to see and interview the child at school when necessary.
4. The CPS Worker will provide an opportunity for the audio recording made during the interview to the Bath Public School Administrator.

5. The CPS worker shall inform the alleged abuser that she/he has the right to involve a representative of her/his choice to be present during the interviews. The CPS worker should also inform her/him if anyone other than the CPS worker is planning to be present.
6. The CPS worker shall provide the alleged abuser with the allegations in writing, offer to digitally record the interview, and provide a copy to the alleged abuser at the earliest convenience.
7. The CPS worker shall interview collateral staff witnesses, as appropriate, according to a plan developed jointly with the School Administrator. Where there is an apparent conflict of interest, the CPS worker shall use discretion regarding who is to be present in the interview.
8. The CPS Worker will minimally provide weekly updates to School Administrators and the alleged abuser or his/her representative in order for all to be informed of the progress on the case, and provide updated timeframes for when the investigation will be completed.
9. The CPS worker shall complete the investigation and make a disposition within 45 calendar days (or 60 days when an extension is documented to be necessary). All efforts are to be made to complete the investigation prior to the 45th day without compromising the investigation.
10. When the investigation is completed and a disposition is made, the CPS worker shall verbally notify both the alleged abuser and the BCPS Administrator. The alleged abuser should be informed first, or at the same time as the BCPS Administrator. A written report of the findings shall be submitted to the alleged abuser along with her/his disposition notification letter and appeal notification. A copy of the report of findings shall be submitted to the superintendent's designee. This report of findings shall include a summary of the investigation, with an explanation of how the information gathered supports the disposition.
11. The Bath County Department of Social Services shall provide written notification of the disposition, at the time the finding is made, to the parent, guardian, or agency holding custody of the victim child. The CPS worker may use discretion in determining the extent of investigative findings to share with the parent; however, sufficient detail must be provided for the child's custodian to know what happened to her/his child, to make plans for the child, and to provide needed support and services.
12. The names of victim children are removed from the electronic case record 45 days after a "Founded" disposition is made, unless requested otherwise by the parents. Alleged Abuser's names will appear in the Virginia Child Abuse and Neglect Central Registry immediately upon a "Founded" determination being entered, and remain on the Registry for 21 years in cases of Sexual Abuse, 18 years in cases of serious harm to the victim children, 7 years in cases of moderate harm to victim children, and 3 years in cases of minimal harm to victim children.
13. The school division may provide post-investigation corrective action, as deemed appropriate by the school, for the school facility and any personnel, including the named abuser. Nothing prohibits the school division from implementing disciplinary measures according to its policies and procedures.

14. If the initial report was made by a school employee, that individual shall receive a written communication from the Department of Social Services informing her/him that the investigation has been completed, and either that the disposition was “Unfounded,” or that “Appropriate action has been taken.”
15. The alleged abuser has the right to appeal a “Founded” disposition within 45 days of learning of this Disposition. BCDSS will inform the BCPS Administrator should an appeal be noted. The Department of Social Services has a three stage level of appeal with varying time frames at each stage. Should, at any point, the finding be overturned on appeal, BCDSS will inform the BCPS Administrator of this change.

SECTION IV – FOLLOW-UP TO THE INVESTIGATION

- A. The Department of Social Services may provide post-investigative protective and/or treatment services, and follow-up contacts to the child, family and named abuser.
- B. When a school employee is named as the abuser, the school division may provide post-investigation corrective action, as deemed appropriate by the school division, for the school facility and any personnel, including the named abuser. Nothing prohibits the school division from implementing disciplinary measures according to its policies and procedures.
- C. Should the identified abuser in an in-school incident request an administrative appeal of the Child Protective Services Finding, BCDSS will notify the BCPS Administrator when an appeal is noted after gaining consent from the identified abuser. Should the identified abuser successfully have a disposition overturned in appeal, BCDSS will notify the BCPS Administrator of this result.

SECTION IV – CONFIDENTIALITY

- A. Information shall be shared between appropriate staff of the Bath County Department of Social Services and Bath County Public Schools which is accurate, complete, timely and pertinent so as to assure fairness in determination of the disposition of the complaint.
- B. All information gathered shall be treated confidentially, in accordance with applicable social services and education requirements.
- C. The Federal Education Rights and Privacy Act (FERPA) prohibits the sharing of student information without explicit parental consent unless the Child Protective Services worker has a court order to review the record. However, in an emergency or health/safety situations, the school could provide access to the record. The school determines what constitutes an emergency.
- D. In accordance with §63.20-1505 of the Code of Virginia, as of July 1, 2008, Bath County Department of Social Services will notify the BCPS Superintendent any time the Department makes a “Founded” disposition against a person who is employed by Bath County Public Schools. This finding will be reported in cases involving school related incidents, as well as home related incidents.

SECTION V-TRAINING

Upon request, The Department of Social Services shall provide information and cooperate in training school division personnel regarding their responsibilities to report suspected child abuse or neglect, methods of reporting suspected incidents, and the role and functions of the Department of Social Services in child abuse and neglect.

SECTION VI – SIGNATURES

DIRECTOR
Bath County Department of Social Services

Date

SUPERINTENDENT
Bath County Public Schools

Date