**COORDINATION OF THE RESPONSE TO REPORTS**

**OF CHILD ABUSE AND NEGLECT**

**RECOMMENDED PROCEDURES FOR LOCAL AGREEMENTS**

**BETWEEN SCHOOL DIVISIONS AND**

**LOCAL DEPARTMENTS OF SOCIAL SERVICES**

The following model agreement has been developed by the Virginia Department of Education and the Virginia Department of Social Services with participation from school divisions and local departments of social services. This model offers recommended procedures to ensure the coordinated response to reports of child abuse and neglect that come to the attention of public school personnel.

**SECTION I – LEGAL BASE**

The *Code of Virginia* Section 63.2-1503 designates local departments of social services as the public agencies responsible for receiving and responding to complaints and reports of child abuse and neglect.

The *Code of Virginia* Section 63.2-1511.A requires that complaints against teachers, principals or other local school board employees for child abuse and neglect be investigated in accordance with Sections 63.2-1503, 63.2-1505 and 63.2-1516.1 of the *Code of Virginia*.

The *Code of Virginia* Section 63.2-1511.D requires each local department of social services and school division to adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports.

**SECTION II – SCHOOL DIVISION EMPLOYEES' REPORTS OF SUSPECTED CHILD ABUSE AND NEGLECT**

1. Responsibilities of the School Division
	1. The school division will provide information to its personnel regarding the child abuse and neglect requirements (*Code of Virginia* Section 63.2-1509) and local procedures for reporting suspected incidences of child abuse or neglect.
	2. The school division will identify one person to act as a liaison with the local department of social services to facilitate communication and collaboration between both agencies.
	3. Pursuant to the *Code of Virginia,* Section 63.2-1509, school division employees will report suspected child abuse and neglect within 24 hours of the first suspicion. School division employees shall have the following responsibilities:
		1. When a school division employee has information that a child under age 18 may be abused or neglected, the employee must immediately report such suspected child abuse or neglect to the local department of social services or to the Virginia State Child Abuse Hotline, 1-800-552-7096.
		2. The school division employee will inform his or her school's administrator or designee of the suspected child abuse or neglect according to the school division’s policies and procedures.
		3. The school division employee will adhere to the school division procedures and policies as they pertain to documenting the submission of the Child Protective Services (CPS) report of child abuse and neglect.
2. Responsibilities of the Local Department of Social Services
	1. The local department of social services will identify one person to act as liaison with the school division to facilitate communication and collaboration between both agencies.
	2. The local department of social services will provide information to the school division about how to recognize and report suspected child abuse and neglect.

**SECTION III – INVESTIGATION OR FAMILY ASSESSMENT OF CHILD ABUSE AND NEGLECT BY A NON-SCHOOL EMPLOYEE**

1. Responsibilities of the School Division
	1. The school site administrator, or designee, will cooperate with the CPS worker during an investigation or family assessment of child abuse and neglect by a nonschool employee by providing the following resources:
		1. Documentation and/or information relative to the complaint;
		2. Pertinent directory information, such as the child and family’s contact information;
		3. A room or space to interview children and/or staff that ensures privacy and is free from interruptions. Pursuant to the *Code of Virginia*, Section 63.2-1518, consent of the parent, legal guardian or school personnel to conduct the CPS interviews at school is not required.
	2. The Federal Education Rights and Privacy Act (FERPA) prohibits the sharing of student information without explicit parental consent unless the CPS worker has a court order to review the record. However, in an emergency or health/safety situation, the school could provide access to the record. It is the responsibility of the school division to determine what constitutes an emergency.
2. Responsibilities of the Local Department of Social Services
	1. The local department of social services shall provide information to school division employees about the role and function of the local department of social services in responding to reports of suspected child abuse and neglect.
	2. The local department of social services shall have the capability of receiving reports on a 24-hours-a-day, 7-days-a-week basis.
	3. The *Code of Virginia, S*ection 63.2-1503.I, requires the local department of social services to determine the validity of all CPS reports. The *Code of Virginia, S*ection 63.2-1508, establishes the following elements for a valid report:  the alleged victim is under the age of eighteen at the time of the report; the alleged abuser is the alleged victim child’s parent or other caretaker; the local department receiving the report has jurisdiction; and the circumstances describe suspected child abuse or neglect as defined in the *Code of Virginia* Section 63.2-100.  If the report is determined to be valid, the local department will conduct a family assessment or investigation.
	4. Upon receipt of the complaint, the local department of social services’ CPS worker will conduct an immediate investigation or family assessment based on the assessed response time as determined by the CPS Intake Unit. The assigned CPS worker will contact the school site administrator or designee to:
		1. Secure further information and/or documentation relative to the complaint;
		2. Obtain the child and family’s contact information;
		3. Arrange to see and interview the child and siblings at school when necessary. Pursuant to the *Code of Virginia*, Section 63.2-1518, consent of the parent, legal guardian or school personnel to conduct the CPS interviews at school is not required.
	5. The CPS worker may take photographs of the alleged child victim at school. Consent of the parent or other person responsible for such child to take photographs is not required pursuant to Section 63.2-1520 of the *Code of Virginia.*
	6. If the initial report was made by a school employee, that individual shall receive a written communication from the local department of social services informing them that the investigation or family assessment has been completed and a description of the actions taken.
	7. Pursuant to the *Code of Virginia*, Section 63.2-1505.B7, if the abuser is a full-time, part-time, permanent or temporary employee in a school division located within the Commonwealth, the local department of social services shall notify the relevant school board of the founded disposition. This includes founded dispositions in investigations involving the employee’s own children or children in the care of the employee.

**SECTION IV – INVESTIGATION OF CHILD ABUSE OR NEGLECT BY A SCHOOL EMPLOYEE IN**

**THE COURSE OF HIS/HER EMPLOYMENT**

1. Responsibility of the School Division
	1. During an investigation of child abuse or neglect by a school employee in the course of his/her employment, the school site administrator or designee will determine if he or she will participate in the planning of a joint investigation or if there is a conflict of interest.
	2. The school site administrator or his or her designee will provide logistical support and information to the CPS worker to assist in the investigation to include:
		1. A room or space to interview children and/or staff that ensures privacy and is free from interruptions;
		2. An escort for the CPS worker to the site of the alleged abuse or neglect;
		3. Pertinent policies and procedures, such as those related to the use of reasonable force and the use of appropriate restraining techniques;
		4. Records and written statements pertaining to the alleged abuse or neglect;
		5. Names, functions and roles of the involved parties;
		6. Work schedules and contact information of staff;
		7. Contact information of non-victim children's parents/guardians in order to obtain permission for the CPS worker to interview them.

1. Responsibilities of the Local Department of Social Services
	1. The local department of social services shall provide information to the school division about the role and function of the local department of social services in responding to reports of suspected child abuse and neglect by employees of the school division.
	2. The local department of social services will investigate a complaint of suspected child abuse or neglect involving a teacher, principal or other public school employees pursuant to Sections 63.2-1503, 63.2-1505 and 63.2-1516.1 of the *Code of Virginia.*
	3. The local department of social services will conduct an immediate investigation upon receipt and validation of a report about suspected incidents of child abuse or neglect by a school employee.
	4. The local department of social services will keep the school site administrator or designee apprised of the investigation's status.
	5. The local department of social services will make a disposition within 45 days, or 60 days when an extension is documented to be necessary, or 90 days if the investigation is being conducted with law enforcement pursuant to Section 63.2-1505 of the *Code of Virginia.*
	6. The *Code of Virginia,* Section 63.2-1511.C, requires the CPS worker to determine that there was willful misconduct or gross negligence by the school employee in addition to the standard requiring a preponderance of the evidence for a founded disposition.
	7. The CPS worker shall provide both verbal and written notification of the findings to the site administrator and the school division’s superintendent (22VAC 40-730-110). The written notification must include:
		1. The identity of the abuser/neglector and victim, the type of abuse/neglect and the disposition;
		2. A summary of the investigation and how the disposition is supported.
	8. If the initial report was made by a school employee, that individual shall receive a written communication from the local department of social services informing them that the investigation has been completed and a description of the action taken.
	9. Pursuant to Section 63.2-1503.P of the *Code of Virginia*, the local department of social services shall notify the Superintendent of Public Instruction, Virginia Department of Education, when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding the individual to the Board of Education after all rights to any appeal provided in *Code of Virginia,* Section 63.2-1526 have been exhausted.

**SECTION IV – INFORMATION SHARING AND CONFIDENTIALITY**

1. Information shall be shared between the CPS Unit of the local department of social services and the school division that is accurate, complete, timely, and pertinent so as to ensure fairness in determination of the disposition of the complaint.
2. All information gathered as a result of a child abuse and neglect investigation or family assessment shall be treated confidentially, in accordance with applicable social services and education requirements.
3. The Federal Education Rights and Privacy Act (FERPA) prohibits the sharing of student information without explicit parental consent unless the CPS worker has a court order to review the record. However, in an emergency or health/safety situation, the school could provide access to the record. It is the responsibility of the school division to determine what constitutes an emergency.

**SECTION V – EXECUTION OF AGREEMENT**

1. The local department of social services and school division shall report annually on the status of this agreement to the State Board of Social Services and to the Board of Education, respectively. Once this interagency agreement is adopted, an annual report is not necessary unless the agreement has been substantially modified.
2. This Agreement shall become effective immediately upon signature of both parties. Signature of both parties shall constitute acceptance of this Agreement as well as assurance of the distribution and implementation of the procedures described herein. This Agreement shall be reviewed by both parties on a periodic basis or as needed.

County/City Department of Social Services County/City Public Schools

Date Date