**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 (VDOE) and the Virginia Department of Social Services (VDSS) 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 investigation of 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:
2. 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.
3. The school division employee will inform their school's administrator or designee of the suspected child abuse or neglect according to the school division’s policies and procedures.
4. 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.
5. Responsibilities of the Local Department of Social Services (LDSS)
	1. The LDSS will identify one person to act as liaison with the school division to facilitate communication and collaboration between both agencies.
	2. The LDSS will provide information to the school division about how to recognize and report suspected child abuse and neglect.

# SECTION III –CPS RESPONSE WHEN THE SUBJECT OF THE REPORT IS 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, family assessment, or human trafficking assessment of suspected child abuse and neglect by a non-school-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.

1. Responsibilities of the Local Department of Social Services (LDSS)
	* 1. The LDSS shall provide information to school division employees about the role and function of the LDSS in responding to reports of suspected child abuse and neglect.
		2. The LDSS 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 LDSS 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 LDSS will conduct a family assessment or investigation. Additionally, if a report is made alleging human trafficking of a child, the LDSS will conduct a human trafficking assessment.
		4. Upon receipt of the complaint, the LDSS CPS worker will conduct an immediate investigation, family assessment or human trafficking 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:
2. Secure further information and/or documentation relative to the complaint;
3. Obtain the child and family’s contact information;
4. 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.
	* 1. 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.*
		2. If the initial report was made by a school employee, that individual shall receive a written communication from the LDSS informing them that the investigation or family assessment has been completed and a description of the actions taken.
		3. Pursuant to the *Code of Virginia*, Section 63.2-1505.B7, if the abuser is or was at the time of the investigation or when the conduct that led to the report a full-time, part-time, permanent or temporary employee in a school division located within the

Commonwealth, the LDSS 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 THEIR EMPLOYMENT

1. Responsibility of the School Division
	* 1. During an investigation of child abuse or neglect by a school employee in the course of their employment, the school site administrator or designee will determine if they will participate in the planning of a joint investigation or if there is a conflict of interest.
		2. The school site administrator or their designee will provide logistical support and information to the CPS worker to assist in the investigation to include:
2. A room or space to interview children and/or staff that ensures privacy and is free from interruptions;
3. Escort the CPS worker to the site of the alleged abuse or neglect;
4. Pertinent policies and procedures, such as those related to the use of reasonable force and the use of appropriate restraining techniques;
5. Records and written statements pertaining to the alleged abuse or neglect;
6. Names, functions and roles of the involved parties;
7. Work schedules and contact information of staff;
8. 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 (LDSS)
	1. The LDSS shall provide information to the school division about the role and function of the LDSS in responding to reports of suspected child abuse and neglect by employees of the school division.
	2. The LDSS 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 LDSS 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 LDSS will keep the school site administrator or designee apprised of the investigation's status.
	5. The LDSS 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.* Investigations involving sexual abuse or a child fatality may be suspended under certain circumstances.
	6. The *Code of Virginia,* Section 63.2-1511.C, states that if, after an investigation the LDSS determines that the acts or omissions of the school employee were within their scope of employment **and** were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if the report is founded is whether such acts constituted willful misconduct or gross negligence.
	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:
2. The identity of the abuser/neglector and victim, the type of abuse/neglect and the disposition;
3. A summary of the investigation and how the disposition is supported.

**Note**: Pursuant to the *Code of Virginia,* Section 63.2-1505.B7, notification of a **founded disposition** is required if the abuser is or WAS at the time of the investigation or when the conduct that led to the report a full-time, part-time, permanent or temporary school employee.

* 1. If the initial report was made by a school employee, that individual shall receive a written communication from the LDSS informing them that the investigation has been completed and a description of the action taken.
	2. In addition to notifying the school division of the founded complaint, pursuant to Section 63.2-1503.P of the *Code of Virginia*, the LDSS shall (i) notify the Superintendent of Public Instruction (Virginia Department of Education) without delay 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 if the LDSS knows the person holds a license issued by to the Board of Education and (ii) notify the Superintendent of Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an appeal pursuant to the *Code of Virginia,* Section 63.2-1526.

# SECTION V - INFORMATION SHARING AND CONFIDENTIALITY

1. Information shall be shared between the CPS Unit of the LDSS 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, family assessment, or human trafficking assessment shall be treated confidentially, in accordance with applicable social services and education requirements.
3. The *Code of Virginia,* Section 63.2-1516.1 B, specifies that if the case is being criminally investigated by law enforcement (LE), and the LDSS and LE is conducting a joint investigation, no information in the possession of the LDSS shall “be released by the local department except as authorized by the investigating law-enforcement officer or his supervisor or the local attorney for the Commonwealth.”
4. 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 VI – EXECUTION OF AGREEMENT

1. The LDSS 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.