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To: BOCES District Superintendents
Superintendents of Public School Districts
Principals of Public Schools
Charter School Leaders

From: Renée L. Rider 

Subject: Regulatory Changes Pertaining to Child Protective Services Workers Conducting Interviews of Children in Schools

As educators, you are aware of the critical importance of the timely investigation of allegations of child abuse or neglect, and taking appropriate steps to protect children from abuse, particularly when the allegations involve possible abuse by the parents. As such, regulatory language of section 432.3 of Title 18 of the New York Codes Rules and Regulations (NYCRR) was recently amended to require that school districts and charter schools provide access to a child, and provide certain information to representative(s) of Child Protective Services (CPS), or members of a multi-disciplinary team accompanying a representative of CPS.

Specifically, the amendments require that school districts and charter schools provide:

- Access to records relevant to the investigation of suspected abuse or maltreatment; and
- Access to any child named as a victim in a report of suspected abuse or maltreatment or any sibling or other child residing in the same home as the named victim. This includes conducting an interview of a child or children without a court order or the consent of the parent, guardian or other person legally responsible for the child or children.

In addition, the amendments state that the representative of CPS and other members of a multi-disciplinary team accompanying a representative of CPS may be asked to provide photographic employment identification or an alternate form of government issued photographic identification but may not be asked for or required to provide any other information or documentation as a condition of having access to a child or children. It is also permissible for the school or school district to designate a school or district staff member to observe the interview of the child or children, either from the same or another room. The amendments also state that a school or school district may require that CPS representatives comply with reasonable visitor policies or procedures of the school or school district unless the visitor policies or procedures are contrary to the requirement to give access to the child or children.

The full text of the amended regulation is included as Attachment A. **This rule change is effective immediately and requires schools to allow representatives of CPS to do their work associated with the investigation or family assessment in response to all reports of suspected child abuse and maltreatment within 24 hours.**

Additional guidance in the form of a memorandum of understanding between the State Education Department and the New York State Office of Children and Family Services, is available at <http://www.p12.nysed.gov/sss/pps/educationalneglect/>.

Districts should consult with their own counsel regarding the changes to ensure legal and procedural safeguards are in place to protect students' rights, and that local school policies are followed. If you have questions or concerns, please contact Student Support Services at (518) 486-6090 or StudentSupportServices@nysed.gov.

As always, thank you for your continued dedication to keeping our children safe.

Attachment A

Amendments to Existing Subdivision (i) of Section 432.3 of Title 18 of the NYCRR

(i) (1) Commencing or causing the appropriate society for the prevention of cruelty to children to commence within 24 hours an appropriate investigation or family assessment response on all reports of suspected child abuse and maltreatment in accordance with the provisions of sections 432.2(b)(3) and section 432.13 of this Part.

(2) Request and receive, as provided for in subdivision 1 of Section 425 of the Social Services Law, when applicable, from departments, boards, bureaus, or other agencies of the state, or any of its political subdivisions including school districts (as that term is defined in subdivision 2 of Section 1980 of the Education Law), and charter schools operated pursuant to Article 56 of the Education Law, or any duly authorized agency, or any other agency providing services under the local child protective services plan, such assistance and data as will enable the local child protective service to fulfill its responsibilities properly, including providing such assistance and data to members of a multi-disciplinary team established pursuant to subdivision 6 of Section 423 of the Social Services Law when such members accompany a representative of the child protective service. Such assistance and data includes, but is not limited to:

(i) access to records relevant to the investigation of suspected abuse or maltreatment; and

(ii) access to any child named as a victim in a report of suspected abuse or maltreatment or any sibling or other child residing in the same home as the named victim. Such access includes conducting an interview of such child without a court order or the consent of the parent, guardian or other person legally responsible for the child when the child protective service encounters circumstances that warrant interviewing the child apart from family or other household members or the home or household where child abuse or maltreatment allegedly occurred. The representative of the child protective service and other members of a multi-disciplinary team accompanying a representative of the child protective service may be asked to provide identification and to identify the child or children to be interviewed, but may not be asked for or required to provide any other information or documentation as a condition of having access to a child or children. Nothing contained herein shall preclude a school, school district or other program or facility operated by a department, board, bureau, or other agency of the state or any of its political subdivisions, or by a duly authorized agency or other agency providing services under the local child protective services plan from authorizing a staff member of the school or other such program or facility to observe the interview of the child, either from the same or another room, at the discretion of the school, school district or other such program or facility. Nothing contained herein shall preclude a school, school district or other such program or facility from requiring that representatives of the child protective service or other members of a multi-disciplinary team accompanying a representative of the child protective service comply with the reasonable visitor policies or procedures of the school, school district or other such program or facility, unless such policies or procedures are contrary to the requirements of this paragraph