CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

~~Every employee of the Albemarle County School Board who, in the employee's professional or official capacity, has reason to suspect that a child is abused or neglected,~~ In~~in~~ compliance with the Code of Virginia § 63.2-1509 ~~et seq.~~, the following people who, in their professional or official capacity, have reason to suspect that a child has been abused or neglected, shall immediately report the matter ~~to~~:

- any teacher or other person employed by the Albemarle County School Board; and
- any athletic coach, director, or other person 18 years or older employed by or volunteering with a school athletics program in a division school, including interscholastic teams and clubs.

A report of suspected child abuse or neglect must be made to:

- the local county or city department of social services where the child resides or where the abuse or neglect is believed to have occurred; ~~or~~
- to the Virginia Department of Social Services' ("Department") toll-free child abuse and neglect hotline; ~~or.~~
- to the person in charge of the school or department, or a designee, who shall immediately make the report to the local or state agency.

If a person makes an initial report to the school or department, the supervisor must notify the person bringing the initial report of the name of the agency representative receiving the report and forward any communication resulting from the report. Reporting to a supervisor does not relieve an individual of ensuring that the report is made to the appropriate agency. ~~If the information is received by a teacher, staff member, intern, or nurse in the course of professional services in a school, such person may, in place of said report, immediately notify the principal of the school, or designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the principal of the school, or designee, pursuant to this subsection, such person shall notify the teacher, staff member, intern, or nurse who made the initial report to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.~~

Notice of Reporting Requirement

In compliance with Va. Code 22.1-291.3 ~~The School Board posts in each school a notice that~~the Superintendent must ensure that each school has posted a notice of duty to report child abuse or neglect. The notice must include:

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- that any teacher or other Divsion employee ~~person employed there~~ who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or a~~the~~ designee; ~~and~~
- that all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose;~~.~~ And
- ~~The notice shall also include~~ the Department's toll-free child abuse and neglect hotline.

Complaints of Abuse and Neglect

The School Board and the local department of social services maintain ~~have adopted~~ a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services and will be modified or updated in accordance with applicable state guidance.

Adopted: November 6, 2014
Amended: September 10, 2015; March 10, 2022
Equity Review: March 10, 2022

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-253.13:7, 22.1-291.3, 63.2-1509, 63.2-1511

Cross Ref.: JFHA/GBA, *Prohibition Against Harassment and Retaliation*
GABA, *Third Party Complaints Against Employees*

~~CHILD ABUSE AND NEGLECT REPORTING~~

~~I. Definitions~~

~~The Code of Virginia requires teachers or other persons employed in the public schools to report suspected child abuse and neglect within 24 hours of first having reason to suspect child abuse and neglect.~~

~~A. Child Abuse and Neglect. An abused or neglected child shall mean any child less than 18 years of age whose parent(s) or other person(s) responsible for the child's care act(s) in any of the following ways:~~

~~1. Creates or inflicts, or threatens to create or inflict, upon such child a physical or mental injury by other than accidental means or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including but not limited to, a child who is with their parent or other person responsible for their care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for their care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of Virginia Code §18.2-248.~~

~~2. Neglects or refuses to provide care necessary for the child's health, provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of their medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest.~~

~~3. Abandons such child.~~

~~4. Commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.~~

~~5. Creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in Virginia Code §55-79.2, with a person to whom the child is not related by blood or~~

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marriage and who the parent or other person responsible for the child's care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to Virginia Code §9.1-902.

6. Causes the child to be without parental care or guardianship due to unreasonable absence or mental or physical incapacity.

B. Actions by School Employees. Virginia Code §63.2-1511 provides that any of the following actions, if taken by a teacher, principal, or other person employed by a public school in the course of employment, do not constitute child abuse and neglect:

1. Physical pain, injury, or discomfort caused by the use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.

2. 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.

3. The use of reasonable and necessary force to prevent a student from inflicting physical harm on themselves and/or others.

4. The use of reasonable and necessary force for self-defense or the defense of others.

5. The use of reasonable and necessary force to obtain possession of weapons or other dangerous objects that are upon the person of the student or within their control.

6. The use of reasonable and necessary force to obtain possession of controlled substances or paraphernalia that are upon the person of the student, within their control, and present the danger of evidence or immediate harm to the student or others.

The above actions are not the only examples of permissible conduct by school employees, but are those that have been specifically listed in Virginia Code §63.2-1511.

H. Reporting Procedures

A. Any teacher or other person employed by the Albemarle County Public Schools ("ACPS") who has reason to suspect that a child is an abused or neglected child, whether due to the conduct of an employee or other person, shall either: (1) Report the matter immediately to the Albemarle County office of the Virginia Department of Social Services ("Department") or to the Department's toll-free child abuse hotline, but in no event, later than 24 hours; or (2) Notify the principal/designee of such matter immediately and such principal/designee shall report to the Albemarle County office of the Department or to the Department's toll-free child abuse and neglect hotline immediately, but in no event, later than 24 hours. The principal/designee making the report to the Department must notify the person who made the initial report when the

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report of suspected child abuse or neglect is made to the local office of the Department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

B. If an employee of the local office of the Department is suspected of abusing or neglecting a child, the report shall be made to the Juvenile and Domestic Relations District Court.

C. The Department has, by law, the responsibility for receiving and investigating complaints and reports, except in cases where the reports or complaints are to be made to the Juvenile and Domestic Relations District Court. In accordance with Virginia Code §63.1-248.10, a child protective services worker or a police officer may talk to any child suspected of being abused or neglected or to any of their siblings without the consent of and outside the presence of the parent, legal guardian, or school personnel. In cases of interviews of children on school grounds, the child protective services worker or police officer will furnish proper identification and make appropriate arrangements for the interview with the principal/designee.

D. In cases referred by the school, if the child is frightened or upset, a school staff member trusted by the child be present for, at least, the initial portion of the interview with the consent of the child protective services worker or officer.

E. If a report of abuse or neglect is unfounded, the Department shall transmit a report to such effect to the principal and to the parent or guardian or person responsible for the care of the child in those instances where such person was suspected of abuse or neglect. Such reports, however, are not to be filed in the child's school record.

F. The ACPS shall maintain and follow the interagency agreement with the Department concerning the conduct of child abuse and neglect investigations attached to the end of this regulation. This interagency agreement provides the procedures to be followed in the event that an ACPS employee is reported to have engaged in sexual abuse of a student or in other forms of child abuse and neglect.

III. Notification

Every school shall post a notice, pursuant to Virginia Code §§22.1-291.3 and 63.2-1509, that states:

(i) any teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or the designee; and

(ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on

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account of such reports unless such person has acted in bad faith or with malicious purpose; and

(iii) the phone number for the Department's toll-free child abuse and neglect hotline.

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IV. Penalties

A. Any person required to file a report regarding suspected child abuse and neglect who is found guilty of failure to do so within 24 hours of the first suspicion of child abuse and neglect shall be fined not more than $500 for the first failure.

B. Subsequent failures incur a fine of not less than $1,000.

V. Immunity

Any person who makes such a report or who participates in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted with malicious intent.

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Adopted: November 6, 2014
Amended: September 10, 2015; March 10, 2022
Equity Review: March 10, 2022

Albemarle County Public Schools

RESPONSE TO REPORTS OF ABUSE AND NEGLECT OF CHILDREN

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

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

SECTION I – REPORTING CHILD ABUSE AND NEGLECT

A. Responsibilities of ACPS

1. According to Code of Virginia § 63.2-1509, any teacher, athletic coach, athletics administers, or other person employed in a public school is a mandated reporter. As such, any teacher or other person employed and working in an ACPS school shall report all instances of suspected abuse and neglect of children under age 18 to the ACDSS within 24 hours. Reports from ACPS staff can be made to ACDSS 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 the ACDSS Child Protective Services Unit (CPS) if the mandated reporter is uncertain about the need to report.

2. ACPS 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 ACDSS CPS.

3. In order to facilitate a more efficient reporting process, each school shall designate the Principal or Program Administrator of each school and program as the contact for all reports from ACPS staff regarding suspected child abuse or neglect. ACPS staff who need to report child abuse and neglect will be encouraged to make this report to the designated Principal or School Program Director. A back-up person shall also be designated. The obligation of the designated contact person to report cases of suspected child abuse or neglect brought to his attention by ACPS staff members is not discretionary and the contact person shall assure that the case is duly reported. The ACDSS CPS Supervisor will verify the listing of Principals and designees at the beginning of every school year with ACPS School Administrators.

4. If a mandated reporter believes that a delay resulting from following these procedures would be detrimental to the child, he/she may report this case directly to ACDSS and then inform the designated ACPS contact person of his/her referral. Nothing in these recommended procedures

prohibits a mandated reporter from reporting child abuse and neglect directly to ACDSS or the State Hotline for Child Abuse and Neglect.

5. Reports are to be made to ACDSS (434-972-4010) during regular business hours, typically 8 AM to 5 PM Monday through Friday, except on Albemarle County Local Government holidays. Outside of regular business hours, reports are to be made through the Virginia Child Abuse State Hotline (1-800-552-7096). Reports can also be made through the email address DSSOnline@albemarle.org .

6. School Based Family Support Workers and Bright Star Coordinators cannot accept reports of abuse/neglect on behalf of ACDSS.

7. When reporting child abuse or neglect, the ACPS staff must share with the ACDSS 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 ACDSS to respond.

B. Responsibilities of ACDSS

1. ACDSS shall have the capability of receiving reports on a 24-hours-a-day, 7-day-a-week basis.

2. CPS Intake and Supervisory staff will be available for consultation regarding any questions about mandated reporting. If, during the consultation, CPS hears 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 ACDSS 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 ACDSS CPS to respond. Criminal acts and acts of non-caretaker abuse will be reported to the Albemarle County Police Department (ACPD) by ACDSS on behalf of the reporter.

5. The reporter will be informed within 24 hours of the report by CPS Intake if the case meets the CPS criteria to be "valid" and CPS action will be taken, if the report has been transferred to ACPD or if the case is not deemed "valid" to CPS response and recommendations by ACDSS for appropriate service providers to address service needs.

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 ACPS

1. ACPS shall allow the ACDSS CPS worker 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 CPS worker.

2. ACPS staff will direct all inquiries from the family regarding the CPS intervention to the assigned CPS worker or the CPS Supervisor. ACPS staff 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, ACPS will make staff available to participate in a Family Partnership Meeting initiated by ACDSS, to address concerns with the family and develop the plan regarding the child's safe placement. ACPS staff directly involved with the case and invited to participate in the Family Partnership Meeting should share any relevant information regarding the child's safety and service needs during such meeting.

B. Responsibilities of ACDSS

1. ACDSS 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 CPS worker to go onto school premises, the CPS worker shall inform the appropriate ACPS 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. However, in some situations, the case may remain open for a total of 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. ACDSS 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 ACDSS 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 ACDSS plans to continue to provide services.

6. ACDSS will internally transfer the case to Family Preservation Unit, Family Support or Bright Stars should there be ongoing services needs. Information regarding these cases can only be exchanged with ACPS 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 ACPS

1. Upon receiving a report that an ACPS Staff member has abused/neglected a child in their care, the ACPS administration will use professional judgment in implementing a plan that prohibits contact of that staff member and the alleged victim child, in consultation with the ACPSs Human Resources Office.

2. Virginia Code §22.1-279.1 prohibits any school staff member or personnel form subjecting a student to corporal punishment. Pursuant to Virginia Code § 63.2-1511, the prohibition of corporal punishment shall not be deemed to prevent the following, and shall not 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 himself;

   (iv) the use of reasonable and necessary force for self-defense or the defense of others; or

   (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.

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

3. ACPS administrators are to make contact with the involved ACPS staff member to make them aware that an allegation has been received. As necessary, the ACPS administrators can use this contact to gather more information to determine if the alleged act is determined to be suspected child abuse or neglect. When initially informing the alleged abuser/neglector that an allegation has been made, details of the allegation are not to be revealed. The ACPS administrator shall inform the alleged abuser that he/she has the right to involve a representative of his choice to be present during the interviews.

4. ACPS 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. Reports involving ACPS staff abusing or neglecting children in their care are to be reported to ACPS Human Resources (HR) after CPS is contacted. HR will conduct a joint investigation with CPS in order to coordinate the Administrative responsibilities for each organization, while minimizing the number of times individuals need to be interviewed.

6. The School's Principal or school program's Director, or designee will contact CPS 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 434-972-4010 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. ACPS shall allow CPS 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 CPS Worker.

8. HR can participate in interviews, both on and off site, as requested by CPS and relevant to gather information required in determining any administrative action by ACPS. HR will not make contact with any involved party without discussing with CPS prior to the contact.

9. HR, Principals, School Program Directors are to exercise administrative actions as required. These actions can be informed by the CPS process, but should not be delayed to await CPS action. CPS Investigations can take up to 60 days to complete, and should not delay necessary actions for ACPS.

B. Responsibilities of ACPS

1. Upon receipt of the complaint, ACDSS 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, within 24 hours if immediate notification is not possible. All valid cases will be assigned to workers who have received VDSS training on how to investigate child abuse and neglect reports that occur outside the home.

2. Within 24 hours, the assigned CPS Worker will contact the HR 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 CPS Worker assigned to investigate will arrange with HR, 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. CPS Worker will make every effort to conduct an interview with the victim child at the Foothills Child Advocacy Center. This provides;

a. That a Forensic Interviewer will interview the victim under the supervision of CPS, Police and ACPS Administration, providing for a single interview in order to limit traumatizing the child

b. Review and supervision by the Foothills Multidisciplinary Team, which is the local area Child Abuse and Neglect Multidisciplinary Team.

5. CPS Worker will provide an opportunity for the audio recording made during the interview at Foothills CAC to the ACPS Administrator.

6. The CPS worker shall inform the alleged abuser that he has the right to involve a representative of his choice to be present during the interviews. The CPS worker should also inform him if anyone other than the CPS worker is planning to be present.

7. 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.

8. The CPS worker shall interview collateral staff witnesses, as appropriate, according to a plan developed jointly with the superintendent's designee. Where there is an apparent conflict of interest, the CPS worker shall use discretion regarding who is to be present in the interview.

9. The CPS Worker will minimally provide weekly updates to ACPS 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.

10. 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.

11. When the investigation is completed and a disposition is made, the CPS worker shall verbally notify both the alleged abuser and the ACPS HR Administrator. The alleged abuser should be informed first, or at the same time as the ACPS HR Administrator. A written report of the findings shall be submitted to the alleged abuser along with 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.

12. The ACDSS 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 his child, to make plans for the child, and to provide needed support and services.

13. 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.

14. ACPS may provide post-investigation corrective action, as deemed appropriate by ACPS, for the school facility and any personnel, including the named abuser. Nothing prohibits the ACPS from implementing disciplinary measures according to its policies and procedures.

15. If the initial report was made by a school employee, that individual shall receive a written communication from the ACDSS informing him that the investigation has been completed, and either that the disposition was "Unfounded," or that "Appropriate action has been taken."

16. The alleged abuser has the right to appeal a "Founded" disposition within 45 days of learning of this Disposition. ACDSS will inform the HR 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, ACDSS will inform the HR Administrator of this change.

SECTION IV – FOLLOW-UP TO THE INVESTIGATION

A. ACDSS may provide post-investigative protective and/or treatment services, and follow-up contacts to the child, family and named abuser.

B. When an ACPS employee is named as the abuser, ACPS may provide post-investigation corrective action, as deemed appropriate by ACPS, for the school facility and any personnel, including the named abuser. Nothing prohibits ACPS 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 CPS Finding, ACDSS will notify the ACPS HR Administrator when an appeal is noted after gaining consent from the identified abuser. Should the identified abuser successfully have a disposition overturned in appeal, ACDSS will notify ACPS HR Administrator of this result.

D. If ACPS staff has first-hand knowledge of child abuse and neglect involving cases where ACDSS files a petition in Juvenile and Domestic Relations Court to provide protection for the child(ren), ACPS staff will be available to assist in preparation for any Court Hearing and appear in Court if subpoenaed as a witness by ACDSS.

SECTION IV – CONFIDENTIALITY

A. Information shall be shared between appropriate staff of the ACDSS and ACPS 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. ACDSS will attempt to secure a signed Release of Information from parents prior to requesting information from ACPS. However, should it be deemed necessary to request any information in order to protect child by ACDSS, ACPS will release any information that is the basis of a report of child abuse and neglect to ACDSS, as provided by Code of Virginia § 63.2-1509

D. 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.

E. In accordance with §63.20-1505 of the Code of Virginia, as of July 1, 2008, ACDSS will notify the ACPS Human Resources any time ACDSS makes a "Founded" disposition against a person who is employed in an education role by ACPS. This finding will be reported in cases involving school related incidents, as well as home related incidents.

SECTION V-TRAINING

Upon request, ACDSS 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 ACDSS in child abuse and neglect.

SECTION VI – SIGNATURES

Kathy Ralston — 11/28/2012
DIRECTOR — Date
Albemarle Department of Social Services

Pamela G. Moran — 11/9/12
SUPERINTENDENT — Date
Albemarle County Public Schools

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA AND THE COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA

THIS MEMORANDUM OF UNDERSTANDING is entered into this 28 day of June, 2013, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, hereinafter referred to as the "County," and the **COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA, T/A ALBEMARLE COUNTY PUBLIC SCHOOLS**, hereinafter referred to as the "ACPS."

W I T N E S S:

WHEREAS, the parties acknowledge that the number of false alarms, as defined herein, generated by individual schools increase the County's public safety costs and divert public safety resources from other critical areas of public safety work; and

WHEREAS, ACPS is willing to reimburse the County for its costs to respond to false alarms at individual schools (the "School").

NOW THEREFORE, in consideration of the mutual premises stated in this Agreement, the County and ACPS agree as follows:

1. **Term.** The term of this Memorandum of Understanding (the "MOU") shall be for a period of one (1) year beginning on July 1, 2013 and ending on June 30, 2014, and shall automatically renew for an additional one (1) year term on each July 1 anniversary date thereafter. Either the County or ACPS may terminate this MOU at any time for any reason whatsoever by giving at least thirty (30) days' written notice to the other party of its intent to terminate.

2. **False alarm defined.** For the purposes of this MOU, the term "false alarm" for which ACPS agrees to reimburse the County means an alarm that causes an Albemarle County Police Department (the "Police") response when there is no actual or threatened criminal activity or other emergency requiring an immediate Police response.

A. **Acts Included.** False alarms for which ACPS is required to reimburse the County include, but are not limited to: (i) negligently or accidentally activated signals; (ii) signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; (iii) signals which are purposefully activated to summon a Police response in nonemergency situations; and (iv) alarms for which the actual cause is not determined.

B. **Acts Excluded.** False alarms for which ACPS is not required to reimburse the County are: (i) alarms caused by failure of the equipment at the emergency communications center; (ii) alarms determined by the responding Police officer to have been triggered by a student or other person whose purpose was not to summon a Police response in a nonemergency situation; (iii) criminal activity; (iv) activity unauthorized by ACPS or the School; or (v) any other activity outside the control of ACPS or the School.

3. **False Alarm Notification.** The County's responding Police officer will provide a false alarm notification/

prevention card (the "card") to the School for the first and second false alarm activations at that School in a fiscal year. The card will provide the incident number and date of the response to the School.

4. **Reimbursement.** ACPS shall reimburse the County for the Police responding to a false alarm at each School within a fiscal year according to the following schedule:

A. First false alarm: No charge.

B. Second false alarm: No charge.

C. Third false alarm: $100.

D. Fourth false alarm: $150.

E. Fifth false alarm: $200.

F. Sixth and subsequent false alarms: $300.

The County shall bill the School at which any false alarm for which reimbursement is required under Section 4 occurred. The School shall reimburse the County within thirty (30) days, or a longer period as may be agreed to in writing between the County and the School.

5. **Appeal.** If ACPS disputes whether a particular false alarm is subject to reimbursement under this MOU, it may appeal the bill to the County's chief of police within ten (10) after receiving the bill. The appeal shall be in writing and state the basis for the appeal. The chief of police's decision shall be made within ten (10) days after receipt of the appeal, and his decision shall be final.

6. **Amendment of this MOU.** This MOU may be amended, in writing, upon the mutual agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the date first written above.

COUNTY OF ALBEMARLE, VIRGINIA

Colonel Steve Sellers, Chief of Police

COUNTY SCHOOL BOARD OF ALBMARLE COUNTY, VIRGINIA

Dr. Pamela Moran, Superintendent

Approved as to Form:

County Attorney