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

The following is an interagency agreement ("Agreement") among the Albemarle Department of Social Services ("ACDSS"), Albemarle County Public Schools ("ACPS"), and Albemarle County Police Department ("ACPD") (collectively "the parties"), which sets forth a protocol for investigating 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 by the Virginia Department of Education and the Virginia Department of Social Services, modified consistent with the law, through input from ACPS, ACDSS, and ACPD.

I. LEGAL AUTHORITY

A. Abuse and Neglect

Va. Code § 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. Additionally, § 63.2-1503(D) requires that the local department of social services notify the Commonwealth's Attorney and law enforcement of all complaints of suspected child abuse and neglect.

Va. Code § 63.2-1507 requires all law enforcement departments and other state and local departments, agencies, authorities, and institutions to cooperate with each child protective services coordinator of the local department of social services and any multidisciplinary teams in the detection and prevention of child abuse and neglect.

Va. Code § 63.2-1509(A) mandates law enforcement officers, and employees of a public or private school, kindergarten, or child day program who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, to report the matter immediately to the local department of social services of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free abuse and neglect hotline. Additionally, Va. Code § 63.2-1509(A) requires teachers and persons employed in a public or private school, kindergarten, or child day program who maintain a record of a child who is the subject of a suspected abuse or neglect report to cooperate with the investigating agency and make related information, records, and reports available to the investigating agency unless such disclosure violates the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

The three agencies acknowledge and agree that they each have different legal responsibilities and mandates, and they each will independently reach their own decisions about the disposition of a particular case. The three agencies acknowledge that though they will independently reach their own dispositions they will communicate, to the extent permitted by law, and work cooperatively pursuant to the terms of this Agreement.

B. Abuse and Neglect Involving School Personnel

Va. Code § 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 Va. Code §§ 63.2-1503, 63.2-1505, and 63.2-1516.1. Pursuant to Va. Code § 63.2-1511(D), each

local department of social services and school division must adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports.

22 VAC 40-730-115(A) requires, in cases where an employee of a school board is suspected of abusing or neglecting a child in the course of their employment, the local department of social services and the relevant school board to assist in conducting a joint investigation. Additionally, 22 VAC 40-730-115(A) further provides that each local department of social services and local school divisions shall adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports involving school personnel.

C. Multidisciplinary Team

Va. Code § 63.2-1503(J) requires the local departments of social services to foster the establishment of a local multidisciplinary team to assist the local department of social services in identifying abused and neglected children, and coordinating medical, social, and legal services for the children. Va. Code § 63.2-1503(J) further establishes that the local multidisciplinary team may include members from the medical, mental health, social work, nursing, education, legal, and law enforcement professions.

Va. Code § 15.2-1627.5 requires the establishment of a multidisciplinary child sexual abuse and neglect response team, which may be an existing multidisciplinary team and conduct reviews of any other reports of child abuse and neglect in the jurisdiction.

D. Disclosure of Educational Records

The Family Educational Rights and Privacy Act, 20 U.S.C § 1232g(b)(J)(ii), allows for the disclosure of educational records of a student without the written consent of the child's parents in compliance with a subpoena from the court or other issuing agency, so long as good cause is shown for the educational agency to not disclose to any person the existence or contents of the subpoena, or any of the information provided in response. 20 U.S.C § 1232g(b)(J)(ii). Additionally, 20 U.S.C § 1232g(l) provides that prior written consent from the child's parents is not required for the disclosure of educational records if there is an emergency and/or knowledge of the information is necessary to protect the health or safety of the student or other persons.

E. Local Board of Social Services

Va. Code § 63.2-322 provides that local boards of social services, in the exercise and performance of their functions, duties, and powers, are authorized to hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers, and other documents, to administer oaths, and to take testimony thereunder.

Pursuant to Albemarle County Board of Supervisors Resolution, the Chief Human Services Officer serves as the local Board of Social Services for Albemarle County for purposes of Va. Code §§ 63.2-300, 63.2-302, and 63.2-303. Albemarle County Bd. of Supervisors, *Minutes of Regular Meeting* 8 (Aug. 2, 2023), https://albemarle.legistar.com/View.ashx?M=M&ID=1104337&GUID=B29C0062-A92B-42D0-8A38-4797C6B7EBDC.

II. REPORTS OF SUSPECTED CHILD ABUSE AND NEGLECT

A. Responsibilities of ACPS

1. Pursuant to Va. Code § 63.2-1509, ACPS employees will report suspected child abuse and neglect within 24 hours of the first suspicion. School division employees shall have the following responsibilities:
   a) When an ACPS 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, to the Virginia State Child Abuse Hotline, 1-800-552-7096, or online at https://vacps.dss.virginia.gov/VACPSWeb/.
   b) The ACPS 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.
   c) The ACPS 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. ACPS will identify one person to act as a liaison (ACPS Liaison) with ACDSS and ACPD for each incident to facilitate communication and collaboration between both agencies.

B. Responsibilities of ACDSS

1. ACDSS will have the capability of receiving reports on a 24 hours-a-day, 7 days-a-week basis at https://vacps.dss.virginia.gov/VACPSWeb/. ACDSS will confirm receipt of a complaint, made pursuant to 22VAC40-705-50(A) and Va. Code § 63.2-1509, to the ACPS staff member reporting as soon as practicable.
2. All complaints of child sexual abuse and child abuse and neglect resulting in injury regardless of CPS validity will be reported to ACPD, and the Albemarle County Commonwealth Attorney within two hours pursuant to Va. Code § 63.2-1503(D).
3. If the allegation is a valid complaint, CPS will contact the ACPD for information about whether the referral has been accepted for investigation, and, if so, ACPD Detective assigned.
4. CPS Worker will contact ACPD Detective immediately for the purpose of making the preliminary plan for initial information gathering, contacting the child and family, and the investigation.
5. ACDSS will identify one person to act as liaison (ACDSS Liaison) with ACPS and ACPD for each incident to facilitate communication and collaboration between ACDSS, ACPD, and ACPS.

C. Responsibilities of ACPD

1. Allegations of criminal child abuse, neglect, and sexual assault received by ACPD will be assigned to a ACPD Detective and the police report will be sent to the appropriate CPS Worker for screening and/or assignment.
2. If the referral from ACPD is accepted for investigation by ACDSS, the ACPD Supervisor will notify ACPD Detective.
3. ACPD Detective contacts CPS Supervisor immediately for the purpose of making the preliminary plan for initial information gathering, contacting the child, their family, and the investigation.

4. ACPD will forward all reports to Foothills for Multidisciplinary Team ("MDT") review in cases involving:
   a) sexual assault involving an alleged victim under 18 years of age; or
   b) child sex abuse material involving students enrolled in ACPS; and
   c) when the victim is identified and lives in Albemarle County, even when the case is not referred to Foothills for the forensic interview.
5. If ACPD believes that a case has a special degree of sensitivity such that immediate referral to the MDT at the early stage of the investigation could jeopardize the needs of the investigation and/or a successful prosecution, ACPD may delay the referral to the MDT. When a referral to the MDT is delayed, Foothills may still provide forensic interview or other services for the investigation at the request of ACPD provided that Foothills agrees to follow the investigating agency's request for complete confidentiality and agrees not to place the case on the MDT case review agenda until requested to do so by ACPD. When referral to the MDT has been delayed, ACPD may still work with their jurisdiction's Commonwealth Attorney, CPS, and Victim/Witness to coordinate the needs of the victim(s) and investigation.
6. ACPD refers cases to Foothills for forensic interviews when practicable when the suspect is not a caretaker, in sexual abuse crimes against children and when the victim is identified as a child under the age of 18 and not residing in Albemarle County. Children who are witnesses to violence or, siblings of victims and victim of other child maltreatment cases can be interviewed at Foothills, as determined by ACPD Detective. Cases that will not be interviewed at Foothills are those which involve non-verbal children, children living in residential settings where removing them might result in a flight risk or a public protection issue, children not residing in the areas served by Foothills, children in imminent danger or with safety concerns if a parent is notified prior to the interview with the child, parental refusal, child refusal and/or inclement weather, or other circumstances under which the best interest of the child would require an alternate location.

III. ALL INVESTIGATIONS OF SUSPECTED CHILD ABUSE AND NEGLECT

Each agency works within its policies and procedures. Nothing contained herein supersedes the statutes, rules and regulations governing each agency. Current regulations will prevail to the extent that any provision of this agreement is inconsistent with such statute, rule, or regulation.

A. Responsibilities of ACPS

1. ACPS school site administrator, or the ACPS Liaison, will cooperate with the assigned CPS worker and, in a criminal case of child abuse and neglect, the ACPD Detective 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:
   a) documentation and/or information relative to the complaint, consistent with the above and below conditions;
   b) pertinent directory information, such as the child and family's contact information;
   c) a room or space to interview children and/or staff that ensures privacy and is free from interruptions. Pursuant to Va. Code § 63.2-1518, consent of the

parent, legal guardian, or school personnel to conduct the CPS interviews at school is not required.

2. Pursuant to Va. Code § 63.2-1509(A), teachers and persons employed in a public or private school, kindergarten, or child day program who maintain a record of a child who is the subject of a suspected abuse or neglect report to cooperate with the investigating agency and make related information, records and reports available to the investigating agency unless such disclosure violates the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).
3. The Federal Education Rights and Privacy Act prohibits the sharing of student information without explicit parental consent unless the CPS Worker presents a valid subpoena or a court order to review the record. However, in an emergency or health/safety situation, the school can provide access to the record without consent, a subpoena, or court order. It is the responsibility of the school division to determine what constitutes an emergency.
4. When it is possible to do so without violating legal obligations, ACPS will share video footage with representatives of ACDSS and/or ACPD to assist these agencies in their investigations to expedite reaching a disposition or charge as quickly as reasonably possible.
5. Collaborate with ACDSS regarding communication with the alleged victim's family and any other name individuals named in the investigation, family assessment, or human trafficking assessment.

B. Responsibilities of ACDSS

1. ACDSS determines the validity of all CPS reports pursuant to Va. Code §§ 63.2-1503(I), 63.2-1508, and 63.2-100. If the report is determined to be valid, ACDSS will conduct a family assessment or investigation. Additionally, if a report is made alleging human trafficking of a child, ACDSS will conduct a human trafficking assessment in collaboration with ACPD.
2. Upon receipt of the complaint, the assigned CPS Worker will conduct an immediate investigation, family assessment or human trafficking assessment based on the assessed response time as determined by the SDM Intake Tool. If the report of alleged abuse or neglect originated at ACPS, the assigned CPS Worker will contact the school site administrator or designee to:
   (i) if necessary, secure further information and/or documentation relative to the complaint;
   (ii) obtain the child and family's contact information; and
   (iii) arrange to see and interview the child and siblings at school when necessary. Pursuant to Va. Code § 63.2-1518, consent of the parent, legal guardian, or school personnel to conduct the CPS interviews at school is not required.
3. The assigned CPS Worker may take photographs of an alleged child victim at school. Consent of the parent or other person responsible for such child to take photographs is not required pursuant to Va. Code § 63.2-1520.
4. CPS will forward all reports to Foothills for MDT review in cases where a forensic interview is requested, or MDT review is indicated.
5. If the initial report was made by a school employee, that individual will receive a written communication from ACDSS pursuant to 22 VAC 40-705-140.

6. Pursuant to 22 VAC 40-730-60, the CPS Worker (Family Services Specialist in the VAC) and ACDSS Supervisor must consult with the regional practice consultant to review the investigation finding before ACDSS can notify anyone of the disposition.
7. The assigned CPS Worker or a designated substitute from their agency observes the forensic interview at Foothills.
8. The assigned CPS Worker will assist families by making referrals and providing resources, as necessary. Criteria used in the decision whether to seek mental health evaluations include the child exhibiting critical signs of distress or reported or observed indicators of a danger to self or others.
9. The assigned CPS Worker will consult with their attorney to make decisions regarding filing an abuse or neglect petition in the appropriate Juvenile and Domestic Relationship Court.
10. The assigned CPS Worker will make an administrative disposition or assessment outcome within the mandated time frames as set forth in the CPS Manual.

C. Responsibilities of ACPD

1. A representative from the ACPD will participate in Foothills MDT meetings.
2. In all criminal investigations, the assigned ACPD Detective or a designated substitute will observe the forensic interview.
3. The alleged abuser or neglector will be interviewed at the discretion of the assigned Detective and in accordance with police procedures.
4. ACPD will provide a copy of the police report to ACDSS and the Albemarle Commonwealth Attorney's Office and consult with the Commonwealth Attorney about the case and any potential criminal charges.

D. Responsibilities of ACPD and ACDSS in Joint Investigations

1. ACPD will work collaboratively with CPS by conducting joint investigations, including interviews with the victim, non-offending caregiver, alleged abuser or neglector, and other collaterals, jointly.
2. The assigned CPS Worker and ACPD Detective decide on a time when both team members can be present at the interview, if necessary.
3. The assigned ACPD Detective or CPS Worker contacts Foothills Children's Advocacy Center to schedule a forensic interview. The assigned CPS Worker and ACPD Detective are present to observe the child forensic interview, if necessary.
4. Pursuant to 22 VAC 40-705-80(B)(2), the alleged abuser or neglector is interviewed by ACPD and CPS jointly.
5. Other collateral interviews are planned and completed as is appropriate and agreed upon by the assigned CPS Worker and ACPD Detective.
6. Interviews with the victim's siblings and other children in the home are coordinated and referred to Foothills as determined by the assigned CPS Worker and ACPD Detective.
7. ACPD and ACDSS will prioritize the conclusion of joint ACPD and ACDSS casework to ensure compliance with the time frames prescribed in the CPS Manual.

IV. INVESTIGATIONS OF SUSPECTED CHILD ABUSE AND NEGLECT BY A SCHOOL EMPLOYEE IN THE COURSE OF THEIR EMPLOYMENT

Each agency works within its policies and procedures. Nothing contained herein supersedes the statutes, rules and regulations governing each agency. Current regulations will prevail to the extent that any provision of this agreement is inconsistent with such statute, rule, or regulation.

A. Responsibilities of ACPS

1. During an investigation of child abuse or neglect by a school employee in the course of their employment, ACPS will designate a liaison in the ACPS Human Resources Department (ACPS HR Liaison) to coordinate with the CPS worker who shall attempt to facilitate a coordinated approach among ACDSS, ACPD, and the ACPS designated liaison. 22VAC40-730-50B.
2. The ACPS HR Liaison, or designee, will cooperate with the CPS worker (Family Services Specialist in the VAC), plan how each will be kept informed of the progress of the investigation, and confer at the conclusion of the investigation to inform the others of their respective findings pursuant to 22 VAC 40-730-110.
3. The school site administrator or their designee will provide logistical support and information to the assigned CPS Worker and ACPD Detective to assist in the investigation to include:
   a) a room or space to interview children and/or staff that ensures privacy and is free from interruptions;
   b) escort CPS Worker and/or ACPD Detective to the site of the alleged abuse or neglect;
   c) pertinent policies and procedures, such as those related to the use of reasonable force and the use of appropriate restraining techniques;
   d) records and written statements pertaining to the alleged abuse or neglect, consistent with the above and below conditions;
   e) names, functions and roles of the involved parties;
   f) work schedules and contact information of staff;
   g) contact information of non-victim children's parents/guardians in order to obtain permission for CPS Worker and/or ACPD Detective to interview them; and
   h) Provide all personnel information concerning the alleged abuser or neglector to ACDSS and ACPD, to the extent permissible under applicable laws and regulations.

B. Responsibilities of ACDSS

1. Pursuant to Va. Code § 63.2-1505(B)(7), if the alleged abuser or neglector 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, ACDSS will 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.
2. Pursuant to Va Code § 63.2-1511(A), ACDSS will conduct an immediate investigation upon receipt and validation of a report about suspected incidents of child abuse or neglect by a school employee.
3. ACDSS will keep the ACPS HR Liaison apprised of the investigation's status, as practicable and to the extent allowed by law.

4. In cases involving alleged abuse or neglect by an ACPS staff member, the CPS worker who shall attempt to facilitate a coordinated approach among ACDSS, ACPD, and the ACPS designated liaison as set out in 22VAC40-730-50B.
5. ACDSS will make a disposition as required by code 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 Va. Code § 63.2-1505. Investigations involving sexual abuse or a child fatality may be suspended under certain circumstances.
6. Pursuant to Va. Code § 63.2-1511(C), if, after an investigation, ACDSS 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. CPS Worker will provide both verbal and written notification of the findings to the site administrator and the school division's superintendent pursuant to 22 VAC 40-730-110. The written notification must include:
   a) the identity of the alleged abuser or neglector and victim;
   b) the type of abuse or neglect and the disposition; and
   c) a summary of the investigation and how the disposition is supported.
   Note: Pursuant to Va. Code § 63.2-1505(B)(7), notification of a founded disposition is required if the alleged abuser or neglector 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.
8. In addition to notifying the school division of the founded complaint, pursuant to Va. Code § 63.2-1503(P), ACDSS shall:
   1. 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 ACDSS knows the person holds a license issued by to the Board of Education; and
   2. notify the Superintendent of Public Instruction without delay if the founded complaint of child abuse or neglect is dismissed following an appeal pursuant to Va. Code § 63.2-1526.

C. Responsibilities of ACPD

In addition to the above-mentioned investigative responsibilities and obligations of ACPD, which apply to all child abuse and neglect (*see supra* Part III.C–D), ACPD will coordinate and cooperate with ACPS in all investigations of suspected abuse and neglect involving a school employee in the course of their employment.

V. TRAINING

A. Responsibilities of ACPS

1. ACPS will provide information to its personnel regarding the child abuse and neglect requirements of Va. Code § 63.2-1509 and local procedures for reporting suspected incidences of child abuse or neglect. ACPS will maintain logs to confirm all

employees of the School Board have taken the training each year and will share data and statistics concerning completion rates with ACDSS and ACPD upon request.

2. ACPS will allow ACDSS to provide an in-person mandatory reporter training to ACPS staff at the Annual Leadership Conference each school year.

B. Responsibilities of ACDSS

ACDSS will provide an in-person mandatory reporter training to ACPS staff at the Annual Leadership Conference each school year. The training will include:

1. information about how to recognize and report suspected child abuse and neglect;
2. information about the role and function of ACDSS in responding to reports of suspected child abuse and neglect; and
3. information about the role and function of ACDSS in responding to reports of suspected child abuse and neglect by employees of the school division.

VI. INFORMATION AND CONFIDENTIALITY

A. Information shall be shared among ACPS, ACDSS, and ACPD that is accurate, complete, timely, and pertinent so as to ensure fairness in determination of the disposition of the complaint.
B. All information, including electronic 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 laws and regulations.
C. Va. Code § 63.2-1516(1)(B) specifies that if the case is a joint investigation between ACDSS and ACPD, no information in the possession of the ACDSS shall "be released by the local department except as authorized by the investigating ACPD Detective or his supervisor or the local attorney for the Commonwealth."
D. The Federal Education Rights and Privacy Act prohibits the sharing of student information without explicit parental consent unless CPS Worker has a court order or subpoena to review the record. However, in an emergency or health/safety situation, the school could provide access to the record, including video footage. It is the responsibility of the school division to determine what constitutes an emergency.
E. Va. Code § 63.2-1509(C) limits liability for any person who makes a report or provides records or information pursuant to Va. Code § 63.2-1509(A) or who testifies in any judicial proceeding arising from such report, records, or information, unless such person acted in bad faith or with malicious purpose.
F. If ACDSS, ACPD, or ACPS intends to issue a press release or public communication concerning a case involving an ACPS staff member the County's Office of Communication and Public Engagement (CAPE) and the chief communications officer of ACPS will give each other notice as far in advance as reasonably practicable.

VII. EXECUTION

A. This Agreement shall be reviewed every three years to determine any needed changes or updates and/or procedural mandates. Unforeseen occurrences impacting this Agreement will be address on a case-by-case basis.

B. This Agreement shall become effective immediately upon signature of all parties. Signature of all 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.

C. The signatory represents and warrants that they have the authority to bind the party on whose behalf they are executing this Agreement. Original signatures are not required, and electronic or facsimile signatures shall be deemed valid and binding.

D. Any party may withdraw from the Agreement at any time with proper written notice. Any notice of withdrawal from this Agreement must be made in writing and delivered to the offices of the other signatories of the Agreement.

[SIGNATURE PAGE TO FOLLOW]

Dr. Chandra Hayes

10/29/24
Date

Superintendent

Albemarle County Public Schools

Jeffrey B. Richardson

10/22/26
Date

County Executive

Albemarle County

Seen and agreed:

Mary Stebbins

10/22/2026
Date

Director of Social Services

Albemarle County Department of Social Services

Randy Jamerson

10 · 22 · 2026
Date

Chief of Police

Albemarle County Police Department

Approved as to form:

County Attorney