

## **CHILD ABUSE AND NEGLECT REPORTING**

### Reporting Requirement

Every employee of the Albemarle County School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must 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

The School Board posts in each school a notice that

- any teacher or other 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 his designee; and
- 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. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

### Complaints of Abuse and Neglect against School Personnel

The School Board and the local department of social services 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.

Adopted:

## 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 72 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 his parent or other person responsible for his 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 his 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 his 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

marriage and who the parent or other person responsible for his 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.

C. 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 his or her 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 himself.
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 ~~or controlled substances or paraphernalia~~ that are upon the person of the student or within his control.
- 5.6. The use of reasonable and necessary force to obtain possession of controlled substances or paraphernalia that are upon the person of the student, within his 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.

## **II. Reporting Procedures**

- A. Any teacher or other person employed by the Albemarle County Public Schools 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 notify the principal of the school in which the child is enrolled (or the principal's designee) as soon as practicable, but no later than 24 hours afterwards to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuses or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must 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. The principal/designee, in consultation with appropriate division staff, shall report the matter to the Department of Social Services.
- C. If an employee of the Department of Social Services is suspected of abusing or neglecting a child, the principal, in consultation with appropriate division staff, shall make the report to the Juvenile and Domestic Relations Court.
- D. The Department of Social Services 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 his 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 or the principal's designee.
- E. In cases referred by the school, if the child is frightened or upset, a school staff member trusted by the child may sit in on at least the initial portion of the interview with the consent of the child protective services worker or officer.
- F. If a report of abuse or neglect is unfounded, the Department of Social Services 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.
- G. The school division shall maintain and follow the interagency agreement with the Albemarle County Department of Social Services 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 a division employee is reported to have engaged in sexual abuse of a student or in other forms of child abuse and neglect.
- H. School division staff shall also follow the child interview protocols set forth on pages 6-7, Section 3.1.2, of the Joint Protocol for the Albemarle County Public Schools and the Albemarle County Police Department Regarding the School Resource Officer Program. This joint protocol is attached to the end of this regulation.

### **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 his 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 account of such reports unless such person has acted in bad faith or with malicious purpose.
- (iii) the phone number for the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

#### **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 72 hours of his 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 \$100 or more 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.

## RESPONSE TO REPORTS OF ABUSE AND NEGLECT OF CHILDREN

### AN AGREEMENT BETWEEN THE ALBEMARLE 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 administrators, 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](mailto: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 45<sup>th</sup> 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 60<sup>th</sup> 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 60<sup>th</sup> 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 from 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 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 45<sup>th</sup> 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.

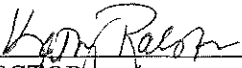
#### SECTION IV – CONFIDENTIALITY

- 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.

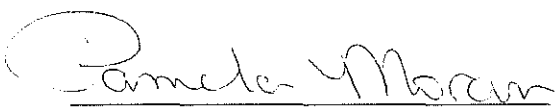
#### SECTION V-TRAINING

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

  
\_\_\_\_\_  
DIRECTOR  
Albemarle Department of Social Services

11/28/2012  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
SUPERINTENDENT  
Albemarle County Public Schools

11/17/12  
\_\_\_\_\_  
Date



**JOINT PROTOCOL FOR  
THE ALBEMARLE COUNTY PUBLIC SCHOOLS  
AND THE ALBEMARLE COUNTY POLICE DEPARTMENT  
REGARDING  
THE SCHOOL RESOURCE OFFICER PROGRAM**

**I. PURPOSE**

**1.1. Mission.** This Joint Protocol was developed by the Albemarle County Public Schools (the "School Division") and Albemarle County Police Department ("Police") for the purpose of strengthening their partnership and establishing joint procedures on matters relating to the School Resource Officer ("SRO") program and criminal investigations. The School Division and Police are committed to the goal of enhancing the safety, well-being and education of students attending Albemarle County Public Schools. To that end, the parties agree to strive to build a partnership based on trust, cooperation and understanding.

**1.2. Scope of SRO Program.** The SRO Program is designed to provide law enforcement services to Albemarle County high school and middle schools. These services shall take the form of:

1. Promoting safety within the school building(s), grounds and surrounding roadways;
2. Providing guidance, counseling and role modeling to students;
3. Engaging in educational programs that help promote an understanding of the law and how it applies to the well-being of the school, students and community;
4. Taking enforcement action when it becomes necessary to ensure the safety and well-being of students, staff and visitors;
5. Preventing and intervening to stop acts of violence toward students, staff and visitors; and
6. Reporting and investigating criminal activity within the school.

**1.3. Services of SROs.** The School Resource Officer shall work with the principal and school staff to provide effective police services within the school. Officers will meet with the principal at least once each year prior to the commencement of the school year and work out an acceptable work plan. SROs will:



1. Patrol the building(s) and grounds of the school. Officers shall not be assigned solely to monitoring halls, grounds, restrooms and cafeterias, however, as patrolling is only one part of the SRO's duties.
2. Provide guidance, information and referral to students when necessary.
3. Provide and participate in educational activities within the school as feasible. Topical areas might include: Virginia laws; mediation and conflict resolution; drug avoidance and awareness; safe driving and laws pertaining to motor vehicle safety; laws relating to alcoholic beverages; personal safety and self defense; good citizenship; the police, the citizenry and the U. S. Constitution; Search & Seizure; and any other educational or athletic support as feasible.
4. Officers shall not enforce civil laws, except when related to the care and handling of mentally or emotionally disturbed students under emergency custody situations. Officers will not serve subpoenas at school unless necessary, in which case they will serve the principal's office in accordance with School Board Policy KNAJ.

## **II. COMMUNICATION**

**2.1. General.** An atmosphere of open and honest communication between the Schools and the School Resource Officers is critical to the success of this partnership. School staff and SROs shall work to promote a positive and productive relationship. Problems arising between the school and police personnel shall be handled in a calm, courteous and professional manner. SROs shall strive to develop positive relationships between students, parents, visitors and school officials.

**2.2. Resolution of Concerns.** Issues concerning school policy shall be directed to the principal of the school from where the matter originated. Matters falling within the responsibility of the police needing guidance for resolution shall be directed to the School Resource Officer or his or her supervisor.

In the event of a criminal investigation regarding any student, school employee or volunteer, the SRO Commander (lieutenant) and the Superintendent's Designee for student behavior management will serve as the official liasons between the School Division and Police Department. Any concerns or questions about the interaction between the agencies during a pending investigation should be directed to the liasons for immediate discussion and resolution.

**2.3. Routine Communications.** SROs and School Officials shall inform each other about any matter coming to their attention that:



1. Threatens the safety of the student(s), staff or the police;
2. Concerns any criminal activity within the school or affecting the school;
3. Involves any act of violence within or around the school involving students, staff or police;
4. May constitute a sexual assault; or
5. Involves physically unsafe or environmental concerns.

School staff will call the ECC at 911 when they are unable to locate an SRO for everyday problems occurring within their school that need a police response. School personnel shall request that the ECC have an officer respond to the school.

**2.4. Media Releases.** Matters that are deemed newsworthy will be released only after the school principal, Superintendent's office and the Police via appropriate channels have been notified and had an opportunity to review and comment on the content of the materials to be released. Names of students under the age of 18 as well as victims' names, address, etc. shall not be released. Only the necessary information needed to make the release shall be provided.

## **2.5. SCHOOL STAFF REPORTING TO POLICE**

**2.5.1. Mandatory Reporting of Potential Crimes.** Principals or their designees shall immediately report to the SRO any act that may constitute a criminal offense falling within the categories below in accordance with Virginia Code §22.1-279.3:1(D):

1. the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
2. any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
3. any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
4. the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property (this includes other weapons, such as a knife with a blade of 3 inches or more);





5. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
6. any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or

The principal *may* report any assault to the SRO, regardless of whether it causes any bodily injury.

(Virginia Code provisions may be searched on the General Assembly's website at the following URL: <http://leg1.state.va.us/000/src.htm>. Type just the numerical citation, i.e. "18.2-433.1," to pull up the statute.)

**2.5.2 Procedure for School Staff Reporting.** If the SRO or the SRO Unit Supervisor cannot be located, the reporting school official should call the Emergency Communication Center (911) to report the incident and have a police officer respond, and report the incident to the Superintendent or her designee.

School staff shall exercise their best judgment to determine whether an incident is a potentially criminal offense requiring a report to the SRO. If an act *reasonably could be* a criminal offense, staff will report the act to the SRO and allow the SRO to exercise his law-enforcement judgment regarding the act.

In the event of any questions concerning whether the act must be reported to the SRO, school staff shall contact the Superintendent's Designee responsible for student behavior management or, if he or she cannot be reached, the School Board Attorney. School staff shall also follow, whenever possible, the guidance concerning interviews and investigations in Section 3.1.2 below in order to minimize impairment of a subsequent criminal investigation or prosecution.

**2.5.3. Reporting Child Abuse or Neglect.** School staff shall report any potential child abuse or neglect that is mandated by Virginia Code §63.2-1509 to the Department of Social Services, Child Protective Services unit ("CPS"). See *Section 3.1.2*. Police shall coordinate with CPS, as needed, to investigate any criminal matter arising from such incidents.

## **2.6. SRO REPORTING TO SCHOOL STAFF**

**2.6.1. Mandatory Reporting of Criminal Offenses.** SROs shall, in accordance with Va. Code §22.1-279.3:1(B), immediately report to the principal offenses, wherever



committed, by students enrolled at the school if the offense would be:

1. a felony if committed by an adult;
2. a violation of the Drug Control Act, Va. Code §§ 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity; or
3. an adult misdemeanor involving any incidents listed in Section 2.5.1 (pp. 3-4) as an offense for mandatory or optional reporting.

**2.6.2. Additional Reporting of Criminal Offenses.** In accordance with Va. Code §16.1-301(B), SROs may, for the protection of the juvenile, his fellow students and school personnel, report to the school principal that a juvenile is a suspect in or has been charged with:

1. a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1;
2. a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or
3. a violation of law involving any weapon as described in subsection A of § 18.2-308.

If the SRO has disclosed to a principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, he shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made.

**2.6.3. Serving as a Resource on Criminal Charges & Cases.** While SROs are not permitted by law to share certain information concerning criminal investigations and prosecutions with school staff, SROs shall assist school staff on inquiries for charge or case information concerning students enrolled in their school in the following manner:

1. Referring the staff member to another appropriate entity if one exists, such as the clerk of court, intake office, detention center or the Commonwealth's Attorney.
2. Directing the staff member to the appropriate Virginia Code section(s) for the applicable charges.
3. Answering questions about the criminal investigative and/or prosecutive process.



At no time shall SROs divulge any information that is prohibited from disclosure by Virginia Code §16.1-301 or by any other law.

**2.6.4. Gang Activity and Participation.** Given the increasing concerns presented by gang related activity in the schools, school staff and SROs will cooperate to the fullest extent possible to promote a school environment free of visible gang activity, recruitment and participation. School staff shall adhere to School Board Policy JFCE – Gang Activity or Association.

In addition, school staff shall engage in ongoing and open communications with SROs about their observations of gang signs, graffiti or vandalism and any acts of gang initiation, hazing, recruitment or violence. SROs shall attempt, whenever appropriate and not contrary to the interests of public safety, to utilize educational and restorative justice interventions to aid students who may be gang members.

### **III. PROCEDURES IN CRIMINAL INVESTIGATIONS & CHARGES**

#### **3.1 INTERVIEWS OF STUDENTS**

**3.1.1. Interviews by Police.** School Resource Officers shall make reasonable attempts to contact parents whenever they intend to interview a student about their involvement in a criminal matter. If a parent cannot be located or refuses to come to the school, a school official shall be asked to sit in on the interview. Officers will adhere to Police policies concerning the conduct of interviews, including policy 4-17. During an emergency situation, or if required by investigative needs, officers are not required to contact or have a parent or school official present for the interview before proceeding. Once a situation has been normalized, every effort should be made to comply with the school's policy concerning the questioning of students.

If an officer must interview a person of the opposite sex, then another adult (preferably of the same sex as the person being interviewed) must be present. The only exception to this would be where an officer is dealing with a life-threatening situation. If a student requests legal counsel during an interview, then all questioning must cease. It is important to note that school officials are not held to the same standard as a police officer in questioning. Although school officials may conduct interviews with Police present, they must never act as agents of the Police in obtaining information for a criminal case.

**3.1.2. School Staff Interviews in Potential Child Abuse or Neglect, and Sexual Crime Circumstances.** During the course of casual conversations or disciplinary meetings with students, school staff may learn that a student has been the victim of child abuse or neglect, rape, sexual assaults or sexual abuse. The role of school staff is not to investigate



the report, but to learn whether a crime may have occurred and refer the matter to CPS/Police. Upon learning this information, staff should:

1. Refrain from asking any questions unless they are necessary to understand what the student is saying. Any questions should be neutral and non-suggestive, such as: "what do you mean by that?" or "can you explain that to me?"
2. Separate students if more than one student is in the room. Interviews should not be conducted with multiple students at the same time.
3. Refrain from making judgmental statements. It is appropriate to respond to the student's statements with comments to provide emotional support, such as "thank you for sharing that with me," or "I'll make sure I let the proper people know so that we can help you."
4. Do not ask students to give a written statement.
5. Terminate the conversation as soon as possible under the circumstances.
6. Immediately after the conversation, write down everything that can be recalled about the conversation, including staff questions/comments and the student's statements.

*See Section 2.4.3.*

**3.1.3. School Staff Interviews of Students in Other Potentially Criminal Circumstances.** If school staff receive information during the course of their interview that a crime has been committed, they shall take the following steps:

1. Call the SRO prior to continuing the interview.
2. If the SRO or another officer cannot arrive within a reasonable period of time, and the crime(s) involved is not a serious, violent crime and does not pose an immediate safety threat, conclude the interview prior to an officer's arrival and handle any contraband or evidence in accordance with Search procedures of Section 3.2.
3. If the crime(s) involved is a serious, violent crime or poses an immediate safety threat, staff should not continue the interview until an officer arrives. "Serious, violent crime" includes, for example, homicide, rape, shooting or stabbing a person, and burning an occupied building.
4. Immediately after the interview, document what was said.



### 3.2. SEARCHES

**3.2.1. Searches of Students by Police.** Police searches of people, personal belongings, lockers and cars will be based on probable cause. Searches of students shall take place only when incidental to a custodial situation (arrest or investigative detention), an administrative search by the school official, or during an emergency situation. Police officers shall not use school officials as their agents to conduct searches. Searches of lockers, vehicles and parking lots by the Police and K-9 dogs require prior approval from the Superintendent and the Chief of Police. Police shall give reasonable notice to the principal before a search is conducted at his school whenever possible. Searches will be conducted so as to cause minimal interference with the life of the school.

**3.2.2. Searches by School Staff.** School officials may search based on reasonable suspicion. Searches of students, personal belongings, lockers and cars will be conducted in accordance with applicable School Board policies and regulations.

When school staff are faced with conducting a search for objects that could endanger staff or students, such as firearms and explosive devices, staff will take the following actions unless safety concerns require a different, emergency response:

1. Secure the general area in which the dangerous object is located.
2. Immediately contact your SRO or call 911, if the SRO is not on-site or available.
3. Refrain from conducting any search until Police arrive on scene.

In other, non-emergency situations when school staff recover contraband that may become evidence in a criminal case, such as marijuana or alcohol, staff shall take the following actions:

1. When needed, use the precautionary supplies provided in Division-issued kits for staff safety.
2. Place the contraband in a container if possible, such as a clear plastic bag or box, and keep it in a secure location, such as a locked file cabinet.
3. Contact your SRO so that he or she may take custody of the contraband.
4. If possible, stay in the same room or area as the contraband until the SRO arrives. This increases the chance that a criminal charge will not be dismissed based on failure to maintain custody and control over the contraband.



**3.3. Custody and Detention of Students.** The taking of a student into custody by the police on school grounds can be a traumatic experience. Officers and school officials shall attempt to take a student into custody with minimum embarrassment when at all possible. Care should be taken to have a student discreetly leave a classroom for police matters. When a child is to be taken into custody, a parent(s) or guardian will be notified if at all possible. When possible, the student should be asked to report to the office without revealing the nature of the visit, so as not to embarrass them. In matters where the student must be detained and transported to a juvenile court or intake office, the student should be handcuffed in accordance with the Police Department's policy on this matter. Again, care shall be taken not to purposely humiliate or embarrass the student. Students taken into custody shall be searched to ensure that they are not carrying any weapons or illegal substance. School officials shall not interfere with a lawful custody procedure.

Should a parent or school officials have a complaint or concern about a student being taken into custody, a police report will be prepared and the SRO Unit Supervisor will be notified. Should the school official or Principal not be aware of the matter, the SRO shall inform them as soon as possible.

**3.4. Criminal Enforcement and Alternate Resolution.** Officers shall take appropriate enforcement action when violations of criminal law take place on the school property. Discretion may be used when deciding whether a charge is to be placed or to use an alternative method of addressing the matter. The SRO may consult with the school principal and the SRO Unit Supervisor prior to taking any action. Ideally, the action taken should be mutually agreed upon. The final decision, whether to place a charge or not rests with the SRO, the SRO Unit Supervisor and Commonwealth's Attorney. Alternative resolutions should be based on the student's past history, severity of the offense, and the response and actions of the student. It is important that parents or guardians are included in the decision when considering alternative methods rather than making formal charges. The following alternatives may be suggested by the SRO:

1. A warning.
2. Counseling.
3. Having the student complete a written assignment or study concerning the situation they were involved in and what they would do to avoid a similar mistake. This will only become an option, when the parents, school and officer agree to this. This will only be done for minor incidents.
4. An intake counseling session through the Juvenile Court.
5. Officer, student, school and family counseling session.
6. Mediation.



#### **IV. CRISIS MANAGEMENT**

**4.1. General Procedure.** In the event of a crisis at school such as a fire, natural disaster, or act of extreme violence, school staff shall not wait to locate an SRO, but will phone "911" to the Emergency Communications Center (ECC) and inform them of the nature of the incident. The school will request a response from the on-duty Patrol Division even though an SRO may be involved in responding to the crisis.

Some examples for which the school shall phone the ECC (911) *immediately* are:

1. A shooting or stabbing incident;
2. Any extreme act of violence;
3. When an SRO is in danger of harm or has been injured;
4. A bomb threat and no SRO is available to assist;
5. A natural disaster of any type; and
6. The death of a student, teacher, visitor or SRO on school property.

School officials should consult their Crisis Manuals for additional information that is specific to the necessary steps to take within their school during a specific crisis.

**4.2. SRO Reporting.** The SRO shall report via channels on the standard Incident Report Form a detailed account of any crisis occurring within their assigned school. If the SRO is not available, then the responding officer shall be responsible for this report. The SRO Unit Supervisor shall inform via channels the Community Policing Division Commander, Operations Bureau Commander and the School Superintendent's office of the nature of any such crisis.

#### **V. ADMINISTRATION OF THE PROGRAM**

**5.1. Supervision and Control.** The SRO is an employee of the Albemarle County Police Department. As an employee of the Police Department, the SRO reports directly to the School Resource Officer Unit Supervisor and to other supervisory members directly in his or her chain of command. The SRO is assigned to particular schools but is not an employee of that school. SROs and School Officials will attempt to work in harmony on all matters. They will make every effort to develop a mutually acceptable work plan that satisfies the needs of the school and the objectives of the police presence within the school. The work plan must take into account, among other things:

1. Absences due to case development and court appearances;



2. Annual or emergency leave;
3. Taking of compensatory leave for additional hours previously worked;
4. Training need;
5. Police Department, Division or SRO Unit meetings;
6. Special Operations approved by the Chief of Police or his/her designee;
7. Temporary reassignment of personnel to meet the needs of the Police Department;
8. When or when not to make an arrest for a criminal violation of the law; and
9. Matters pertaining to internal investigations or disciplinary action.

The SRO will work with the school towards having some flexibility when possible. The school principal and staff are encouraged to provide input and feedback on how to handle less serious matters.

**5.2. Absences from School.** The Police Department will make every effort to maximize the SRO's presence in the assigned school(s). However, absences may be required due to the following reasons, among others:

1. The SRO is is entitled to take annual leave when approved by the SRO Unit Supervisor. School officials shall work with the SRO Commander regarding any concerns with the SRO Unit Supervisor's responsibilities to manage leave and compensatory time balances. The SRO Unit Supervisor shall attempt when possible to be flexible with the taking of compensatory leave balance. However, efforts to eliminate compensatory leave balances must be attempted during the officer's current pay cycle.
2. SROs must be allowed to do case preparation and make court appearances as required.
3. The SRO will be required to leave the school to assist with a crisis situation or a serious matter elsewhere.
4. The SRO Unit Supervisor will attempt to schedule the bulk of an officer's yearly training during the summer vacation. Attendance at some training may be necessary during the school year. Firearms training must be attended by the SROs along with other officers throughout the course of the year.





5. The SRO must be able to attend work-related meetings as scheduled. When possible, the SRO Unit Supervisor or another SRO will check in on the school from which the SRO is absent.

If an SRO is absent from school and police services are needed, then school personnel should contact the Emergency Communication Center (911), describe the problem, and request a police response.

**5.3. Review and Revision of Joint Protocol.** This Joint Protocol on the School Resource Officer program is a revision of previous agreements in terms of expected performance. This Joint Protocol does not cover or revise previous agreement on shared expenses between the Schools and the Police. These shall carry on as previously agreed to unless otherwise revised. This document is subject to review and revision on an ongoing basis and may be added to or revised at any time based on the mutual agreement of the Chief of Police and the Superintendent.

Agreed to this day:

Date June 10, 2008

Pamela Moran

Dr. Pamela R. Moran  
Superintendent of Schools  
Albemarle County, Virginia

Date June 10, 2008

John F. Miller

John F. Miller  
Chief of Police  
Albemarle County, Virginia