

**APPENDIX 6**

**New Jersey Administrative Code 6:29-9.1 et seq.  
(The Reporting of Allegations of Child Abuse and Neglect)**

subchapter shall be reviewed and approved by the county superintendent. These policies and procedures shall not be limited to the following, but shall:

1. Include provisions requiring school personnel, compensated and uncompensated (volunteer), to immediately report to the DYFS incidents of child abuse and neglect. The person reporting the alleged child abuse and neglect shall inform the school principal or his or her designee of the report after the DYFS referral has been made. However, notice to the principal or his or her designee need not be given when the person believes that such notice would be likely to endanger the referrer or child(ren) involved or when the person believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his or her employment.

i. School personnel having reasonable cause to believe that a child has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.9 shall immediately report to the DYFS (see N.J.S.A. 9:6-8.10). When referring cases to the DYFS, the school referrer shall provide, when possible, the following information:

- (1) The name of the child;
- (2) The age and grade of the child;
- (3) The name and address of the child's parent or guardian or other person having custody and control (for example, foster parent);
- (4) A description of the child's condition, including any available information concerning current or previous injuries, abuse, or maltreatment and including any evidence of previous injuries;
- (5) The nature and possible extent of the child's injuries, abuse, or maltreatment; and
- (6) Any other pertinent information that the referrer believes may be relevant with respect to the child abuse and/or to the identity of the alleged perpetrator;

2. Include a statement indicating the importance of early identification of child abuse or neglect;

3. Provide assurances that no school personnel will be discharged from employment or in any manner discriminated against with respect to compensation, hire, tenure or terms, conditions or privileges of employment as a result of making in good faith a report or causing to be reported an allegation of child abuse (N.J.S.A. 9:6-8.13);

4. Require procedures for the following:

i. District cooperation with the DYFS in investigations of child abuse or neglect that has occurred at any time outside or within the confines of the school or during a school-related function;

ii. District action as defined in N.J.S.A. 9:6-3.1 in response to the findings at each stage of the investigation process as it affects the child(ren) and the school personnel;

## SUBCHAPTER 9. THE REPORTING OF ALLEGATIONS OF CHILD ABUSE AND NEGLECT

### 6:29-9.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for public school personnel to report allegations of child abuse and neglect to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations.

Amended by R.1994 d.237, effective May 16, 1994.  
See: 26 N.J.R. 537(a), 26 N.J.R. 2019(a).

### 6:29-9.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the reporting and the cooperation with the Division of Youth and Family Services (DYFS) in investigations of child abuse and neglect. District policies and procedures developed pursuant to this

- iii. Release of the child(ren) from the school; and
  - iv. Transfer of the child(ren) between schools;
5. Provide for the establishment of a liaison to the DYFS from the district board of education.
- i. The function of the liaison is to:
    - (1) Facilitate communication and cooperation between the district and the DYFS; and
    - (2) Act as the primary contact person between the schools and the DYFS with regard to general information sharing and the development of mutual training and other cooperative efforts;
6. Include provisions for the annual delivery of information and in-service training programs to school personnel concerning child abuse or neglect, instructional methods and techniques relative to issues of child abuse or neglect in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq.;
- i. All new school district employees, both paid and voluntary, shall receive the required information and training as part of their orientation; and
7. Detail the responsibilities of the district board of education as follows:
- i. Permit the DYFS investigator to interview the child(ren) in the presence of the school principal or his or her designee. If the child(ren) is intimidated by the presence of that school representative, the child(ren) shall name a staff member, whom he or she feels will be supportive, who will be allowed to accompany the child during the interview. The purpose of including a school representative is to provide comfort and support to the child, not to participate in the investigation;
  - ii. Cooperate with the DYFS in scheduling interviews with any school personnel who may have information relevant to the investigation;
  - iii. Release, in accordance with N.J.S.A. 18A:36-19 and N.J.A.C. 6:3-6, all pupil records of the child(ren) under investigation that are deemed to be relevant to the assessment or treatment of child abuse (see N.J.S.A. 9:6-8.40);
  - iv. Maintain, secure, and release all confidential information about child abuse or neglect cases in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:6-8.10a, and N.J.A.C. 6:3-6;
    - (1) Information regarding allegations of child abuse or neglect reported to, investigated and reported upon by DYFS about a school employee shall be considered confidential and may be disclosed only as required in order to cooperate with DYFS investigations pursuant to N.J.A.C. 6:29-9.2(a)4 or by virtue of a court order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the district chief school administrator or his or her designee.

v. Permit the DYFS to physically remove pupils from school during the course of a school day when it is necessary to protect the child or take the child to a service provider. Such removal shall take place once the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through 8.30;

vi. Cooperate with the DYFS when it is necessary to remove the child(ren) from his or her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he or she is enrolled;

vii. Provide due process rights to school personnel who have been reassigned or suspended in accordance with N.J.S.A. 18A:6-10 et seq., 18A:25-1, 18A:25-6, and N.J.S.A. 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (see N.J.S.A. 18A:6-10 et seq. and N.J.S.A. 9:6-3.1); and

viii. Remove from the employee's personnel records all references to a report to the DYFS and/or the official notice from the DYFS of child abuse or neglect regarding a school district employee, immediately following the receipt of an official notice from the DYFS that the allegation was unfounded. Such DYFS report regarding a school employee shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege related thereto.

Amended by R.1994 d.237, effective May 16, 1994.  
See: 26 N.J.R. 538(a), 26 N.J.R. 2019(b).