

Reporting of Incidents to the Justice Center - NYSED Quick Reference Guide

Below is a list of incidents that mandated reporters must report to the New York State Justice Center for the Protection of People with Special Needs (Justice Center) if they have reasonable cause to suspect that a reportable incident occurred, either by directly witnessing an incident or by being told about it. Please share a copy with all mandated reporters at NYSED-approved schools subject to the powers and duties of the Justice Center (including the New York State School for the Blind, New York State School for the Deaf, State-supported schools which have a residential component, special act school districts, or approved in-State residential schools, with respect to their day and residential components).

Abuse and Neglect	Physical Abuse	Intentional or reckless contact that causes physical injury or impairment of the physical, mental, or emotional condition of a student or the likelihood of such injury or impairment.
	Sexual Abuse	Any sexual contact or sexual conduct between a student and staff.
	Psychological Abuse	Any conduct including but not limited to intimidation, threats, the display of a weapon or other object that could reasonably be perceived by a student as a means for infliction of pain or injury, in a manner that constitutes a threat of physical pain or injury, taunts, derogatory comments or ridicule.
	Deliberate Inappropriate Use of Restraint	The use of a restraint when the technique that is used, the amount of force that is used or the situation in which the restraint is used is deliberately inconsistent with a student's individual treatment plan or behavioral intervention plan.
	Use of Aversive Interventions	Means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing student behaviors.
	Obstruction	Conduct by a custodian that impedes the discovery, reporting or investigation of the treatment of a student.
	Unlawful use/administration of a controlled substance	Any illegal administration, use, or distribution by a staff of a controlled substance while in the workplace or on duty.
	Neglect	Any action, inaction or lack of attention that breaches a custodian's duty and that results in or is likely to result in physical injury or serious or protracted impairment of the physical, mental, or emotional condition of a student. <ul style="list-style-type: none"> - lack of proper supervision that results in physical, sexual, or psychological abuse to any student involved with and without injuries - failure to provide adequate food, clothing, shelter, medical, dental, optometric or surgical treatment - failure to provide access to educational instruction



Significant Incident	Assault/Fight – with intent	An intentional and reckless physical interaction or fight between students, which result in injury or harm* to any student involved.
	Assault/Fight without intent	A physical interaction between students who demonstrate challenging behavior, without an intent to cause harm, that results in injury beyond first aide.
	Unauthorized Seclusion	The placement of a student in a room or area from which he or she cannot, or perceives that he or she cannot, leave at will, or the placement of the child unsupervised or unobserved in a room from which the student cannot exist without assistance.
	Inappropriate use of restraint	Use of a restraint when the technique that is used, the amount of force that is used or the situation in which the restraint is used is inconsistent with a student’s individual treatment plan or behavioral intervention plan. ¹
	Unauthorized use of timeout	The use of a procedure in which a student is removed from regular programming and isolated in a room or area for the convenience of a custodian, or as a substitute for programming but shall not include the use of timeout to protect the health or safety of the individual or other persons or the use of timeout used in conjunction with a student's IEP or behavioral intervention plan.
	Crime	An event which is or appears to be a crime under New York State or Federal law which 1) involves a student as a victim, or 2) which affects or has the potential to affect the health or safety of one or more students of the program or 3) has the potential to have a significant adverse impact on the property or operation of the school.
	Financial Exploitation	The use, appropriation, or misappropriation by a custodian of a student’s resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the student of those resources.
	Injury of Unknown Origin	Any suspicious injury to a student for which a cause cannot be immediately determined.
	Missing student/AWOL	Any student who has not been accounted for when expected to present in school. ²
	Suicide attempt	An act committed by a student to cause his or her own death.

¹ All restraints that result in injury are reportable.

² AWOL – any unauthorized absence of a student that requires the school to alert law enforcement, parent/guardian, placing entity.



	Sexual contact between students	Any sexual contact including but not limited to vaginal sex, oral sex, anal sex, manual sex, groping of breasts, buttocks, and genitalia.
	Medication Error	An error in prescribing, dispensing, or administering a drug which results in adverse effect. ³
	Self-Injurious Behavior (SIB)	Self-inflicted injury not intended to result in death that results in injury or harm. ⁴
	Verbal aggression by students	A sustained, repetitive action or pattern by a student or students of ridiculing, bullying, demeaning, making derogatory remarks, verbally harassing, or threatening to inflict physical or emotional harm on another student or students, which causes injury or harm*.

³ Adverse effect shall mean the unanticipated and undesirable side effect from administration of a medication which unfavorably affects the wellbeing of a student.

⁴ Self-Injurious Behavior (SIB) should be evaluated on a case-by-case basis. Professional judgement should be used to determine if incidents of SIB should be reported. Staff should follow agency reporting rules and procedures.

- a. SIB may be considered a significant incident and should be reported to the Justice Center if:
 - The SIB is a new behavior that has not been documented or treated previously.
 - The SIB is more significant than previously documented or the SIB results in significant injury to the individual.
 - The SIB is an ongoing behavior that has not been documented or treated by staff at the facility or medical staff.
- b. SIB may not be considered a significant incident (and reportable to the Justice Center) if:
 - The SIB is well documented and attributed to the person’s disability.
 - Is being evaluated and treated at the facility through a treatment plan or Behavioral Intervention Plan (BIP)

* **Injury or Harm:** physical injury refers to harm or damage to a student’s body and can range from minor cuts and bruises to more serious injuries like broken bones or internal damage; psychological harm evidenced by negative changes in affect, behavior, cognition, or which necessitate a significant change in psychotropic or therapeutic intervention; or a risk for life threatening physical injury or for psychiatric emergency or trauma.