

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 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 residential schools, with

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	Deliberate or 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.
	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 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

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	Sexual contact between students	Any sexual contact including but not limited to vaginal sex, oral sex, anal sex, manual sexgroping 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~~ 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