

***Responding to Allegations of Child Abuse in Schools:
Do's and Don'ts for Superintendents
and Board of Education***



Disclaimer

- This presentation is intended to give general information and training regarding child abuse reporting. The presenters are not giving specific legal advice. If you have specific legal questions, you should consult with an attorney.



Presenters

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- Dr. Joseph Macary
 - Superintendent Vernon Public Schools
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Outline

- Quiz
- DCF Careline
- Legal Standards
- Suggestions for response
- Common pitfalls
- Human Resources/Hiring
- Policy Considerations
- Questions

2016 New Haven Register study

- 58 teachers arrested for inappropriate or sexual contact with students between 2005 and early 2016
- 41 male teachers, 17 female teachers
- Slightly more than half of the victims were female
- Victims often don't want to get their "cool teacher" in trouble
- Fear retaliation by peers and other teachers

In the News....

- Waterbury (July 2018)
- Hartford (August 2018)
- Montville (August 2018)
- Canton (August 2018)
- Manchester (September 2018)
- Berlin (September 2018)
- Norwich (September 2018)
- Suffield (November 2018)



Careline.

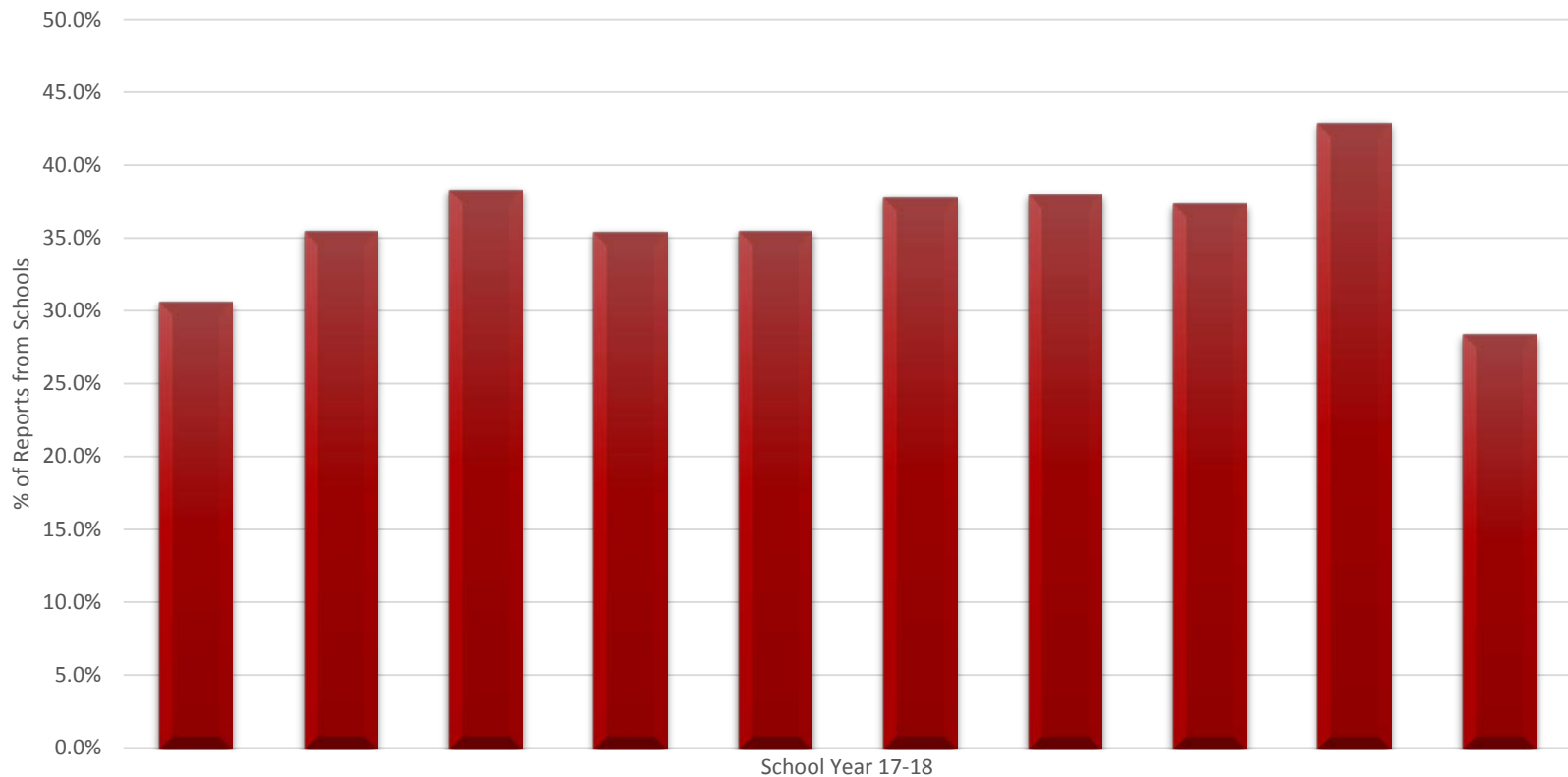
An overview of operations, practice, and progress.

Careline Operations

- 24/7 365 coverage for entire state
- Receives about 100,000 calls a year
- Generates around 55,000 reports of child abuse and/or neglect a year
- Acceptance rate of referrals historically around 58%
- All calls are recorded and documented
- Average call volume on a school day- 320ish.

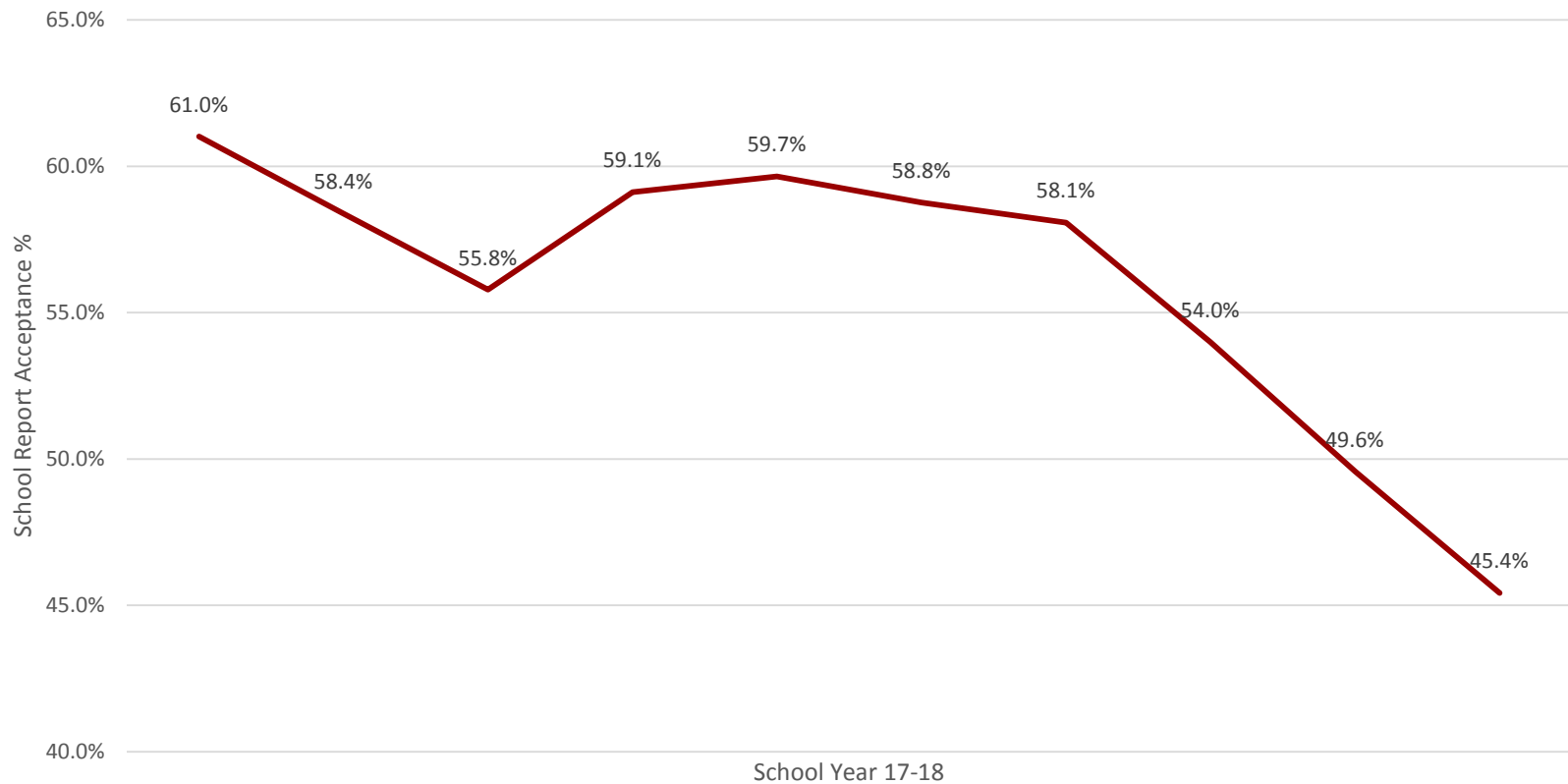
School Specific Data

Percentage of Reports Made by School Personnel



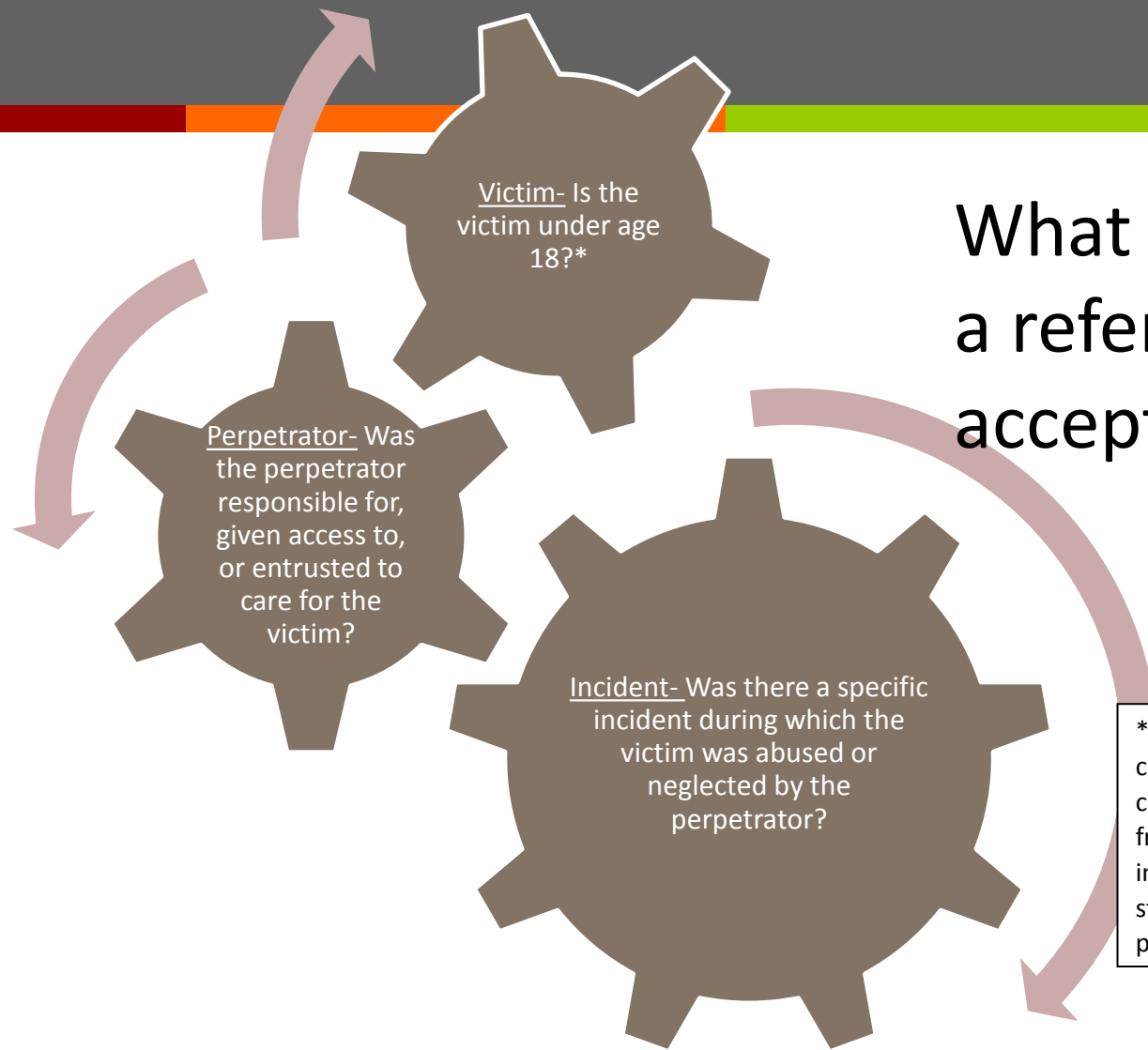
School Specific Data

Acceptance Rate of Reports Made by School Personnel



Careline's Phone System

- New system implemented in 7/18
- Calls are placed in a “queue” with response from screener based on time of receipt
- Hospital and Police calls are prioritized given their potential need for immediate response
- Call back feature is available at certain times of the day
- Average call duration is about 12.5 minutes
- Wait times fluctuate based on time of day and time of year
- Extensive quality assurance measures
- Assessing and addressing disproportionality with data collection



What is needed for a referral to be accepted?

*Age limitations are not considered for children currently receiving services from DCF or if allegations involve sexual abuse of a student by school personnel.

Educational Neglect



Educational Neglect occurs when a child 5 years of age and older and under 18 years of age has excessive absences from school *through the intent or neglect of the parent or caregiver.*

NOTE: *Excessive absenteeism or school avoidance may be symptoms of other physical, emotional, or medical needs.*

Educational Neglect

Exceptions & Special Considerations

- A child age 5 or 6 is not required to attend school. Educational neglect only occurs if the child is enrolled at 5 or 6 and does not attend school or receive home instruction.
- For children older than 12, excessive absences through the *child's* intent, despite the parents' or caregivers efforts, is **truancy**. Truancy is handled through the school district.
- A parent or person having control of a child 17 years of age may consent to the child's withdrawal from school by personally appearing and signing a withdrawal form.

Upon acceptance

- Structured Decision Making- determines acceptance criteria and response time.
 - Same Day
 - 24 hour
 - 72 hour or Family Assessment Response
- When is a child asked to be held at school?

School Employee Investigations

- Non-Accepted referrals forwarded to Superintendent per statute
- Accepted referrals forwarded to Regional Office for investigation
- Investigation practice timeframes regarding visitation and completion
- Upon completion, decision for:
 - Substantiation per DCF Operational Definitions
 - Placement on Central Registry
- Notification of investigation results to all involved parties

Careline Enhancements

- Emailing of Mandated Reporter Letters
- Emailing on Non-Accept School Reports to Superintendents
- E-Faxing
- Online Reporting Pilot
- Streamlining of documentation

Mandated Reporter Statute

- 17a-101a:
 - Reasonable cause to suspect
 - Child under 18 years old (exception if alleged perpetrator is school employee and victim is student)
 - Abused or neglected
 - Non-accidental physical injury
 - Imminent risk of serious harm

Failure to Report

- DCF Policy-31-8-17
 - Investigation
 - Analysis by Legal Division
 - Factors to consider
 - Referral to Chief State's Attorney
 - Require training
 - Maintain database
 - Trend review

School District Policies

- Each district should have their own policy on how to handle failure to report
- DCF's investigation and response to failure to report is not meant to be the exclusive, dispositive way to handle failure to report
- Human resources at the district level may deviate from a response that DCF takes (i.e. even if DCF does not refer to Chief State's Attorney's office, that does not preclude district from taking disciplinary measures against employee who may have violated a school policy)

Criminal Ramifications for Failure to Report

- Failure to make a timely report = Class A misdemeanor or Class E felony
- Interfering with making of report = Class D felony

DO

- Report sexual misconduct including, but not limited to:
 - Intentional touching of intimate parts of child
 - Rape or intercourse with child
 - Touching or displaying one's intimate parts to child.
 - Viewing, posing, or photographing a child partially or fully unclothed which displays intimate parts.
 - Displaying or distributing pornography to child.
 - Instances where child is encouraged, enticed, invited, solicited or asked about sexual situations or information to satisfy adult's sexual desire.

DO

- Report boundary violations
- Report staff's contact with a student outside of school
- Report a teacher's preoccupation with a particular student
- Report a teacher's "touchy-feely" behavior with a student(s)
- Have systems in place to detect and intervene when concerning patterns of behavior exist
- Coordinate with law enforcement and DCF to strategize a game plan once a decision is made to contact DCF or the police

Don't

- Delay making report
- Conduct an internal investigation first
- Talk to witnesses
- Try to “confirm” the report
- Interview the child
- Notify the offender you are making report

- Remember, sexual relationship between ANY School District Employee and ANY student at ANY time may be criminally prosecuted. Any instance MUST be promptly reported as child abuse/neglect.

Internal Investigation

- Best Practices: School District Investigations should be conducted by administrators.
- Follow Human Resources Protocol for these investigations based on district policy.
- Coordination with Police/DCF to ensure no interference/compromising of investigation.
- Investigators should work in collaboration and not rely on only one agency.

Managing Communication

- School Community
 - Students
 - Parents/Public
 - Staff
- Board
- Media
- What can you disclose?
- Perception vs reality

Prevention

Risk management

- Goal is to prevent or mitigate abuse
- Education on the dynamics of child abuse
- Education on grooming behavior
- Recognition of red flags
- At a minimum, notify administration of boundary violations
- Progressive discipline (making a record)
- Consultation with the “Response Team” for difficult cases
- When in doubt, make the call

Hiring

- Background checks
- Patterns of behavior
- Question forms/affidavits upon hire
- Reference checks
- What does a background check really tell you?

District Policy Considerations

- Policy for reporting child abuse
- Double notification for staff conduct violations.
- Title IX Coordinators role
- District Protocols and Annual Review
 - Housing of 136 forms

Questions?