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Child Abuse Reporting

Wayne Local School District

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Agenda

- ▶ Definition of Child Abuse
- ▶ School Employee's Mandatory Duty to Report
- ▶ Licensure Code of Professional Conduct

Definition of Child Abuse

- ▶ **ORC 2151.031**
 - Victim of “sexual activity” as defined by law (offender does not need to be convicted of a sex crime)
 - Is considered “endangered” as defined by Ohio law
 - Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it.
 - **Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.**
 - Note: A child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this division if the measure is not prohibited under section [2919.22](#) of the Revised Code.

Definition of Child Abuse

- ▶ ORC 2919.22: “Endangered Child”
 - No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support.

Definition of Child Abuse

- ▶ ORC 2919.22 “Endangered Child”
 - No person shall do any of the following to a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age:
 - Abuse the child;
 - Torture or cruelly abuse the child;
 - Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline, or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child;
 - Repeatedly administer unwarranted disciplinary measures to the child, when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development;
 - Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter;

Definition of Child Abuse

- ▶ ORC 2919.22 “Endangered Child” –
Consequences
 - Criminal child endangerment can be misdemeanor to fourth degree felony
 - Often results in prison time, 200 + hours of community service, etc.
 - Sexual offenses can result in designation as “child sex offender/predator”



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School Employee's Mandatory Duty to Report

Mandatory Reporting

- ▶ Who must report? – R.C. 2151.421(A)(1)(b)
 - Licensed school psychologist
 - Speech pathologist or audiologist
 - Teacher
 - School employee
 - School authority
 - Person engaged in social work or the practice of professional counseling

- ▶ In general, anyone working at the school has a **mandatory duty to report.**

Mandatory Reporting

- ▶ When must school officials report? – R.C. 2151.421(A)(1)(a)
 - School officials must immediately report any known or suspected abuse of a child.
 - This applies to typical children under 18, or children with disabilities under 21.
 - As to suspected abuse, the suspicion should be based on facts that would cause a reasonable person in a similar position to suspect abuse.
 - Abuse includes mental and physical abuse.
 - Must report if the official either believes that abuse has occurred, or is highly likely to occur.

Mandatory Reporting

- ▶ To whom should someone report the abuse? – R.C. 2151.421(A)(1)(a)
 - Two choices:
 - Child Protective Services
 - The Police – any municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred
 - Notice: The choices do not include reporting the abuse to your supervisor, principal, or the school counselor. You have a statutory obligation to report the abuse to one of the above two entities!

Mandatory Reporting

- ▶ How to report? – R.C. 2151.421(C)
 - Any report made must be made either by telephone or in person.
 - If the receiving officer or agent of child services requests such, then the person reporting the abuse shall also file a written report, which will contain:
 - The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;
 - The child's age and the nature and extent of the child's injuries, abuse, or neglect; and
 - Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect.

Scenario

- ▶ Before school, you see a parent grab her child roughly and pull her from the car. As the child starts to walk toward the school building, the parent shoves the student and she almost loses her balance. Is this child abuse?



Scenario

- ▶ You have reason to believe that a student is being abused, because he always has new bruises. You tell the guidance counselor about the abuse. Have you fulfilled your obligation?



Scenario

- ▶ You are friends with a student on Facebook and you see a comment on her wall that alludes to the fact that she is being abused.
 - What is your obligation?
 - Must you report?

Scenario

- ▶ The principal receives an anonymous letter stating that a student is being abused by the student's parent.
- ▶ What is the principal's obligation?
 - Conduct an investigation?
 - Report the abuse?

- ▶ A student in your class who is known to exaggerate and tell stories tells you that, as punishment, his mother often locks him in a small closet and doesn't give him food or water for hours on end. What is your obligation?

- ▶ Several parents complain that a well-liked teacher inappropriately touched their children. The principal investigates and cannot determine whether anything occurred. She contacts the Director of Human Resources and they decide to give the teacher a written reprimand. They do not contact Children Services. Issues?

- ▶ A student at the elementary school is considered a “brittle diabetic.” You find out after several conversations with Mom that the student does not regularly receive her medication at home. As a result, she has had several medical emergencies at school. What should you do?

- ▶ You find out that a senior in high school has started dating her soccer coach. The coach does not work in the district in any other capacity.
 - Do you report?
 - What if the student is eighteen?

Keep This In Mind

- ▶ Myth #1: It's only abuse if it's violent.
 - Physical abuse is just one type of child abuse. Neglect and emotional abuse can be just as damaging, and since they are subtle, others are less likely to intervene.
- ▶ Myth #2: Only bad people abuse their children.
 - While it's easy to say that only "bad people" abuse their children, it's not always that simple. Not all abusers are intentionally harming their children. Many have been victims of abuse themselves, and don't know any other way to parent. Others may be struggling with mental health issues or substance abuse problems.

Keep This In Mind

- ▶ **Myth #3: Child abuse doesn't happen in "good" families.**
 - Child abuse doesn't only happen in poor families or bad neighborhoods. It crosses all racial, economic, and cultural lines. Sometimes, families who seem to have it all from the outside are hiding a different story behind closed doors.
- ▶ **Myth #4: Most child abusers are strangers.**
 - While abuse by strangers does happen, most abusers are family members or others close to the family.

*Information from HelpGuide.org "Child Abuse and Neglect: Recognizing and Preventing Child Abuse"

Keep this in Mind

- ▶ Myth #5: School employees do not abuse students.
 - Sometimes the abuse occurs at work rather than at home.
 - It is particularly difficult to report a colleague who is possibly abusing students, but you still have a duty to report!

General Advice

- ▶ Don't ignore obvious signs of child abuse and neglect.
- ▶ If you suspect child abuse or neglect, report it to the correct authorities – not your supervisor, the guidance counselor, the superintendent, etc.
- ▶ **WHEN IN DOUBT, REPORT!** It is not your job to determine whether abuse is occurring, but only to report the possibility to the proper authorities!
- ▶ Document any incidents where you reported.



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Licensure and Rules of Professional Conduct



Licensure Code of Professional Conduct

- Mandated by HB 190—adopted by State Board on March 11, 2008
 - Defines “conduct unbecoming”
- Applies to any licensed school employee (e.g. teachers, administrators, coaches, nurses, etc.)
- The state may suspend or permanently revoke an educator license for those who violate the rules.
- This is separate from other laws regarding certain criminal acts that can result in an employee becoming ineligible for employment in the schools and from more general ethics laws





Licensure Code of Professional Conduct

- Rules Overview
 - Educators shall behave as professionals.
 - Educators shall maintain professional relationships with students.
 - Educators shall accurately report information required by local board, ODE, or federal agencies.
 - Educators shall follow federal, state, and local laws.
 - Educators shall comply with laws regarding confidential information (e.g. IEPs, FERPA, etc.).
 - Educators shall not use, possess, or distribute illegal or unauthorized drugs or use alcohol during school events involving students.
 - Educators shall not accept unofficial compensation for personal gain or be influenced by gifts, gratuities, etc.
 - Educators shall fulfill all the terms of their contracts.
- www.ode.state.oh.us (under “Teaching” tab, “Educator Conduct” option)





Licensure Code of Professional Conduct

- ▶ Mandatory reporting requirements
- ▶ When a report is received, state investigates
- ▶ If ODE determines adequate action was taken by the district it may not investigate

Professional Behavior

- ▶ **Conduct unbecoming** to the profession includes, but is not limited to, the following actions:
 - Failing to adhere to the *Licensure Code of Professional Conduct for Ohio Educators*.
 - **Committing any violation of state or federal laws, statutes, or rules, although the conduct may not have resulted in a criminal charge, indictment, prosecution or conviction. (This does not include traffic violations.)**



Professional Relationships with Students

- ▶ **Conduct unbecoming** includes, but is not limited to, the following actions:
 - Committing any act of sexual abuse of a student or minor or engaging in inappropriate sexual conduct with a student or minor.
 - Committing an act of cruelty to children or an act of child endangerment (e.g., physical abuse, mental injury, or emotional abuse).
 - Soliciting, encouraging, engaging or consummating an inappropriate relationship with a student or minor.
 - Disparaging a student on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, academic or athletic performance, disability or English language proficiency.





Professional Relationships with Students

- Using inappropriate language, gestures or signs at any school-related activity.
- Provoking an altercation between students, or provoking or engaging in a physical altercation with students, that is not for the purpose of ensuring the health, safety, and welfare of students.
- Failing to provide **appropriate supervision** of students, within the scope of the educator's official capacity, which risks the health, safety, and welfare of students or others in the school community.
- Knowingly contributing to or knowingly failing to intervene in the harassment, intimidation or bullying of a student.
- Using technology to promote inappropriate communications with students.





Sexual Relationships with Students

- ▶ While sexual relationships are not the only type of inappropriate relationship school employees have with students, it is what we hear about the most.
- ▶ Keep this in mind: It is sexual battery for any teacher, administrator, coach, or other person in authority employed by a school to have sexual relations with a student who is enrolled in or attends that school. – R.C. 2907.03
 - There is no age limit. So, **even if a student is 18, it is still illegal.**
- ▶ Sexual battery is a third degree felony and if the student is less than 13 years of age, the charge will be a second degree felony.

Accurate Reporting

- ▶ **Conduct unbecoming** includes, but is not limited to, the following actions:
 - Intentionally failing to report to superintendent or designee conduct that substantially impairs an educator's ability to function professionally in his or her position or any conduct that is detrimental to the health, safety, and welfare of students.
 - Intentionally failing to make a mandated report of any violation of state or federal law.



Consequences for Violating Professional Code

- ▶ Again, state can suspend or permanently revoke a license.
- ▶ Note also that licensed employees have a mandatory duty to report violations – often the superintendent will submit a report on behalf of the district for this.

- ▶ Ohio Department of Job and Family Services – <https://jfs.ohio.gov/ocf/childprotectiveservices.stm>
- ▶ Warren County Children Services:
 - CALL 513.695.1546
 - Visit their website for additional resources: http://www.co.warren.oh.us/childrenservices/abuse_neglect/suspect_abuse_neglect.htm



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Questions?

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