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SCHOOL, CONTACT A MEMBER  
OF VENABLE'S INDEPENDENT  
SCHOOL LAW PRACTICE  
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Caryn Pass

[cpass@Venable.com](mailto:cpass@Venable.com)  
202.344.8039

Grace Lee

[glee@Venable.com](mailto:glee@Venable.com)  
202.344.8043

Heather Broadwater

[hbroadwater@Venable.com](mailto:hbroadwater@Venable.com)  
202.344.8042

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CREATE A SAFE ENVIRONMENT  
CONSISTENT WITH A SCHOOL'S  
CULTURE AND MISSION.

## Ensuring the Safety of All Children: A New Era in Child Abuse Reporting

By Grace Lee, Caryn Pass and Heather Broadwater

In the wake of highly publicized accusations of sexual abuse of students by school employees, and the firestorm of questions and skepticism regarding how school officials responded, independent schools across the country are closely examining their policies and procedures for detecting, reporting and responding to concerns of child abuse. While states have mandatory child abuse reporting laws, most school officials would agree that following the minimum state requirements may simply not be enough. In this new era of child abuse reporting, independent schools must be more vigilant than ever to ensure that they have followed appropriate steps to best protect their students and their schools.

### Reporting Policy

Independent schools should include a clear policy in their faculty and staff handbooks that communicates standards and obligations for employees to report suspected child abuse and/or neglect of a student. The policy should reflect the state's requirements regarding mandatory reporting of child abuse and neglect, and include clear guidance for a faculty or staff member who has reason to suspect child abuse or neglect of a student. The policy should specify that employees must report concerns of abuse or neglect by a child's parent or other adult – including an employee or representative of the school. Most importantly, the policy should identify one or two designated school officials who serve as central points of contact for reports to be received within the school. Officials designated to receive concerns of abuse or neglect should be trained and prepared to assist an employee in making a report to the appropriate state agency or law enforcement. In addition, designated officials should follow any internal procedures established by the school. By collecting concerns and reports to a central point of contact, the school is in a better position to collect and piece together information from various sources that might provide context or relevance to an incident that, on its own, would seem innocuous. The point of contact may also have additional information or insight into a particular family or situation, which helps the school determine a strategy to act in the best interest of the student.

Many states impose individual reporting obligations for any employee of the school, which means that an employee is required to report suspected abuse or neglect directly to the state agency. Employees should be reminded that reporting an incident or concern internally does not alleviate the individual reporting obligation. For example, if an employee cannot make contact with the designated point of contact within a reasonable amount of time, or if the employee chooses to make a report directly to the agency or law enforcement, the policy should allow for the employee to make such direct reports.

### **Internal Reporting Procedures**

In addition to a published reporting policy, independent schools should create internal guidelines for detecting, reporting and responding to allegations of abuse or neglect. As part of the internal reporting procedure, any employee who receives a report of suspected abuse or neglect should immediately notify the Head of School or the school administrator who has been designated to receive such concerns. The administrator should then work together with the employee to report the information to the state agency and/or law enforcement. Before a report is made, the school should consider whether the student is in imminent danger, or will likely be in imminent danger, once the student's parents and/or the accused are informed that a report has been made. If a student would be in imminent danger, the school should determine a strategy to best protect the student, which may include keeping the student at school or seeking assistance from law enforcement. Thoughtful consideration should be given to determine whether the school should notify the parents, or the accused, of the report, and the timing of any call or meeting with the parents. When a report is made, the school should obtain the name and title of the individual receiving the report. Even if an oral report meets requirements under state law, the school should submit a written report. A copy of the report and any notes should be maintained by the school in a separate, confidential, permanent school file.

If the alleged conduct involves an employee or representative of the school, the school should conduct its own internal investigation and take any necessary disciplinary actions including possible termination of employment. The school should carefully consider legal risks and reputational harm that may result from its response to an allegation of misconduct by an employee or representative of the school.

### **Training**

All faculty and staff of the school should receive training to ensure that they understand the school's policy and procedures on reporting suspected abuse or neglect. Employees should also be trained on maintaining appropriate boundaries with students while on and off school grounds. Such training should encourage employees to detect and come forward with any concerns of suspicious behavior.

*Caryn Pass, Grace Lee and Heather Broadwater are lawyers in the Independent School Law Practice at Venable LLP. They represent independent schools nationwide on a wide range of legal issues.*