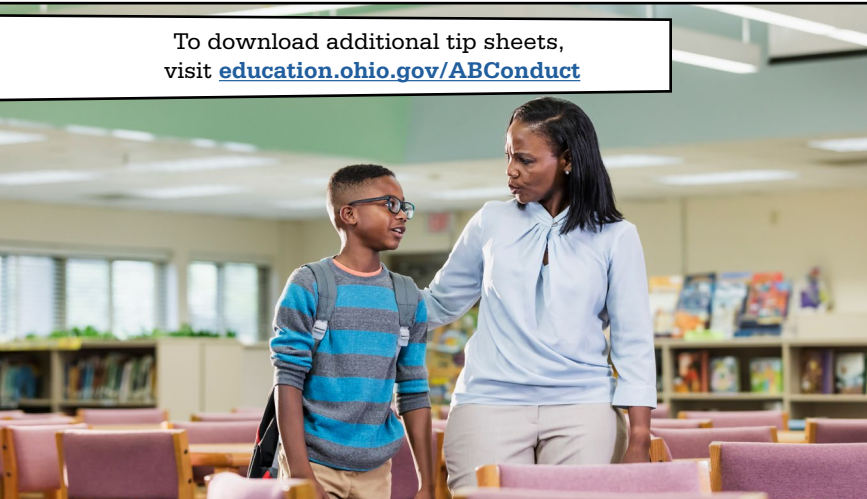


# #ABCConduct

To download additional tip sheets, visit [education.ohio.gov/ABCConduct](https://education.ohio.gov/ABCConduct)



Educators have a visible place in their communities. The choices they make, even when well-intended, can affect their jobs, families, schools and profession. The Ohio Department of Education, Ohio Education Association and Ohio Federation of Teachers, supported by BASA, OASSA and OAESA offer this series of tip sheets on how to recognize situations that can get good educators in trouble. #ABCConduct Tip Sheets are designed to help educators identify and mitigate risks that occur in everyday situations. These tip sheets provide guidance for best practices and are not intended to be used in disciplinary actions.

Ohio educators are mandatory reporters and must serve as champions against child abuse and be familiar with student behaviors that suggest abuse and/or neglect. Educators fail to honor this obligation when they do not immediately report abuse and/or neglect to a children services agency or an officer of the peace where there is reasonable cause to suspect that a child under the age of 18 or person with a developmental or physical disability under the age of 21 has suffered or faces the threat of suffering abuse or neglect.

## Mr. Scott's Poor Policy

Superintendent Mike Scott and the local board of education were crafting a new district policy on mandatory reporting in the interest of protecting students and educators. He wanted to provide his employees with concise information regarding their reporting requirements to children services agencies. Mr. Scott reviewed Ohio Revised Code 2151.421 and got to work.

Mr. Scott's policy required employees to report instances of abuse or neglect to a direct supervisor who would make a final determination whether a report should be filed with children services. Once a supervisor made the determination, the supervisor was required to report the incident to the children services agency in the same county where the child resides.

The new policy requires the supervisor to use common standards to determine if a report should be made. According to policy, the supervisor must determine if the reporting employee had actual knowledge of the alleged harm, if the harm was physical in nature and if the harm was perpetrated by an adult against the minor.

The district was a close-knit community, and Mr. Scott was concerned that inaccurate reports could be damaging. Mr. Scott wanted to be confident in all reports originating from the district to avoid damaging anyone's reputation. In an effort to ensure accuracy, he required an independent factual investigation prior to each report.

## Where did Mike Scott go wrong?

Mr. Scott's policy erred in shifting responsibility to report abuse or neglect to a supervisor. A mandatory reporter may not delegate or surrender personal responsibility to report allegations. Once reported, it is the responsibility of a children services agency to investigate — not a district superintendent, supervisor or even the mandatory reporter.

Mr. Scott's policy continued to be improper because the standards for triggering reporting were inaccurate; there is never a requirement to have actual knowledge of abuse or neglect, only a reasonable cause to suspect. The policy also fails in that it only considered physical harm. The mandatory reporter has a duty to report suspicion of an individual having suffered or having been threatened with a physical or mental wound, injury, disability or condition that reasonably indicates abuse or neglect. Finally, Mr. Scott improperly limited the harm to that which was caused only by an adult. Abuse and neglect are not limited to stemming from adults only and can include peer bullying and self-harm.

The district policy requiring an independent investigation prior to issuing a reporting delays mandatory reporting, which is required immediately.





# DO's & DON'Ts

— with —

## Crystal Clear



- DO** report the incident in the county where the child resides, not the location of the school or where the abuse or neglect occurred.
- DO** report self-harm and emotional abuse.
- DO** consider reporting to law enforcement as an option.
- DO** request acknowledgment of your report from your children services agency and/or create your own real-time documentation.

- DON'T** fail to make an additional report if new instances of abuse or neglect arise.
- DON'T** delegate your duty to report.
- DON'T** delay reporting suspected abuse or neglect for any reason.
- DON'T** assume a colleague's referral fulfills your responsibility to report.

## Make Professional Choices

(Professional v. Unprofessional)

**A teacher asked a colleague to contact children services on her behalf. The colleague failed to report.**

**Unprofessional:** All school employees have a mandatory duty to report, and the responsibility may not be delegated or surrendered.

**A superintendent did not report physical abuse because the perpetrator left the household and the superintendent believed there was no threat of continued abuse.**

**Unprofessional:** There is a duty to report abuse or neglect regardless of whether the threat is ongoing.

**A paraprofessional reported an incident of known abuse to a local police officer.**

**Professional:** Reports can be made to the police or children services agency in the county where the child resides.

**A teacher decided not to report when the student requested the information not be shared.**

**Unprofessional:** The student's desire for secrecy does not displace the educator's mandatory duty to report.

**A school counselor made a report based on reasonable cause to suspect that a colleague emotionally abused a student, which ultimately was unsubstantiated.**

**Professional:** The duty to report is triggered by a reasonable cause to suspect, or knowledge, of an incident.

**A school treasurer decided to report a known incident of neglect perpetrated against 20-year-old student with a developmental disability.**

**Professional:** The age range for mandatory reporting is extended to 21 years for those with developmental or physical disabilities.