



LESSONS LEARNED

Reasonable Suspicion and Child Abuse Reporting

The Lawsuit:

An ASCIP member was sued by a student who engaged in a sexual relationship with a teacher.

The Allegations:

The lawsuit alleged that the District was negligent and that the District's employee breached her mandatory duty to report child abuse. Another teacher saw and reported the teacher alone with the student behind locked doors at least twice prior to the teacher being reported for reasonably suspicious behavior.

The Award:

The case went to trial, and the jury awarded the student \$8,000,000.

Although this lawsuit pertains to a mandated reporter, let us not forget that we all have a responsibility to protect children from suspected abuse and to report suspicious behavior. This responsibility lies with everyone and not solely with mandated reporters.

This lawsuit reinforces the importance of reporting inappropriate behavior immediately upon observation and/or notification. When teacher-on-student behaviors are observed that appear to be harmful, the employee or other mandated reporter observing such behavior should make a report in compliance with the **Child Abuse and Neglect Reporting Act (CANRA)**. Additionally, facts upon which reasonable suspicion may arise do not have to be witnessed by the mandated reporter, but can be learned from other sources and should be reported as well.

ASCIP recommends reminding staff of simple measures to implement to seek to avoid misperception of their behavior that if perceived negatively could be detrimental to their careers. The chart on the following page outlines a continuum of behaviors from appropriate - to inappropriate - to harmful, for your reference.

For more information about child abuse prevention and mandated reporting and to download sample forms, see ASCIP's [Child Abuse Prevention Guidelines](http://ascip.org/risk-services/guidelines-best-practices/) which are available at <http://ascip.org/risk-services/guidelines-best-practices/>.

The California Constitution, Article I, Section 28(c) provides that all public school students *"have the inalienable right to attend campuses which are safe, secure, and peaceful."* It is imperative to know that a mandated reporter should reasonably suspect child abuse or neglect whenever *"it is objectively reasonable ... to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect."* (Penal Code § 11166(a)).

Contact your ASCIP Risk Services Consultant for more information at (562) 404-8029

Sample Teacher-on-Student Behavioral Continuum¹

Appropriate	Inappropriate	Harmful
Tells occasional, age-appropriate jokes to students	Tells risqué jokes to students	Tells sexually explicit jokes and stories to students
Meets with students alone only while doors are open and during school hours	Meets with students alone only while doors are open and after school hours	Meets with students alone with doors closed and locked
Pats students on upper back, high fives, or shakes hands to congratulate students	Hugs students as congratulations	Kisses students or hugs students alone
Eats lunch occasionally with entire class as a reward	Eats lunch occasionally with a student alone or to a small group as a reward	Eats lunch regularly with a student alone or a small group of students
Provides before- or after-school help to all students in a group setting only, on-site, with principal's permission	Provides before- or after-school help to all students in a group setting off-site	Provides before- or after-school help to a student alone or to a small student group
Sends emails or texts to entire class to inform about assignments, deadlines, etc.	Sends emails or texts to a student alone or a small group to inform about assignments, deadlines, etc. exclusively	Exchanges emails/texts/social media with a student alone or with a small student group about non-classroom activities
Observes boundaries with students with respect to restroom and locker room use	Uses same restroom as students	Watches students in restroom or while showering or dressing in locker room
Treats all students respectfully and uniformly	Exhibits indifference to students	Consistently favors and/or praises a specific student

¹ This document is meant as a guide and not to include every scenario that could arise. If reasonable suspicion, then report.