

Staff Relations with Students

Greenville Area School District

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Falco A. Muscante, Esq.

Robert T. Sonnenberg, Esq.

Maiello, Brungo & Maiello, LLP

Objectives

- Provide an awareness as to those behaviors which increase an educator's risk of exposure to claims of misconduct, including appropriate use of the internet, email and text messaging
- Enable school district employees to identify and respond to incidents of educator sexual misconduct

Appropriate and Inappropriate Relations with Students

Appropriate Relations

Conduct for legitimate educational reasons including matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the staff member's job duties.

Electronic Communications:

E-mail - All e-mail with students should be through the District's e-mail system and shall be for legitimate educational reasons.

Cell Phones - As a general rule, staff should not contact student cell phones unless directed to do so by the parent/guardian of the student.

Text Messages - As a general rule, shall be sent to the entire class, team, club or organization and not to any student individually.

Inappropriate Relations Include, But Are Not Limited To:

- Engaging in any romantic or sexual relationships with students
- Fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students
- Unless the student is a family relative, socializing with students outside of class time for reasons unrelated to any legitimate educational purpose
- Providing alcohol (regardless of age) or drugs – either prescription or illegal (except for those provided in accordance with District Policy for medication administration) – to students

Characteristics of Inappropriate Relations with Students

Students Most Likely To Become Involved In Inappropriate Relations

- estranged from their parents
- unsure of themselves
- engage in risky behavior
- parents are engaged in risky behavior
- more likely to maintain silence

Inappropriate Relationships Do Not Happen All of A Sudden!

- Often develop over a period of time
- Not always intentional – Can Start Innocently
- Always maintain the appropriate lines in teacher – student relationships
- Be careful of appearances

Grooming of A Student (Intentional)

Process where an abuser:

- selects a student, gives the student attention and rewards, provides the student with support and understanding
- while at the same time slowly increasing the amount of personal closeness through increased communication (text-messaging, telephone calls, MySpace/Facebook), touch and eventually sexual behavior

Grooming of A Student (Intentional)

- Purpose is to:
- Test the child's reaction to such behavior
- Increase the level of familiarity
- Gain approval from parents
- Determine the child's ability to maintain secrecy
- Desensitize the child through progressive sexual behaviors
- Learn information that will discredit the child

Grooming of A Student (Intentional)

Often Difficult to Determine:

- Activity takes place in private
- If the Student doesn't want the relationship, he/she might not report it because:
 - Student does not want to get anyone in trouble
 - Student just wants the conduct to stop
 - Student doesn't think anyone will believe him/her
 - Who will believe a student over a 20-year employee?

Notice of Educator Inappropriate Relations with Students

- Formal complaints
- Informal complaints
- Observed suspicious behaviors
- Rumors and/or anonymous reports

Watch for Red Flags (Yourself)

- Avoid touching students unless for a legitimate educational purpose
- You cannot be personal friends with students and/or confide in them about personal matters
- Avoid communicating with students through non-official means
- Appearances are everything

Watch for Red Flags (Co-Workers)

- Watch for “conduct that is not indicative of a professional teacher/student relationship”
- While not all educator misconduct involves a sexual relationship, inappropriate relationships that could lead to further involvement must not be permitted
- Don’t wait until you have absolute proof (very seldom do you know absolutely)

Watch for Red Flags (Co-Workers)

- Behavior becomes “apparent” after misconduct is revealed
- There will be many “missed opportunities” because:
 - People are not sure about the conduct they observed
 - People don’t want to wrongly accuse someone for fear of a lawsuit
 - People don’t want to become involved

Educator Discipline Act

Educator Discipline Act

Revisions to the Professional Educator Discipline Act (Act) became **effective February 16, 2014**. The Act increases an educator's responsibility to report and expands the instances in which a report to the Pennsylvania Department of Education (PDE) is required.



New Requirements:

The Act requires that Superintendents, IU and Vo-Tech Executive Directors, and chief administrators of charter, cyber-charter or private academic schools report the following to PDE:



- Any educator who was issued a “for cause” notice of intent to dismiss or remove, nonrenewal, removal from eligibility lists, or determination not to reemploy. The report must be filed when the notice is issued, regardless of the basis for the notice.
- Any educator who has been arrested or indicted for or convicted (including a plea of guilty or nolo contendere) of any crime that is graded a misdemeanor or felony. This now includes all misdemeanors and felonies, not just the School Code Section 111 offenses.



- Any educator **alleged** to have committed sexual abuse or exploitation or engaged in sexual misconduct with a child or student.
 - “Sexual misconduct” is defined as any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student regardless of their age that is designed to establish a romantic or sexual relationship with them.



- When there is reasonable cause to suspect that an educator has caused physical injury to a child or student as a result of negligence or malice.
- Any educator who has resigned, retired or otherwise separated from employment after a school has received information of alleged misconduct under the Act. In effect, any resignation/separation in lieu of termination for cause must be reported. The report must be filed regardless of any confidentiality provision in a Separation Agreement.



- Any educator who has been reported under the Child Protective Services Law.
- Any educator named as the perpetrator of an indicated or founded report of child abuse or named as an individual responsible for injury or abuse in an indicated or founded report for a school employee under the Child Protective Services Law.



Educator Responsibilities

Under the Act, any educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct shall:

- file a mandatory report with PDE and
- shall report such misconduct to his or her chief school administrator and immediate supervisor.



- Mandated reports must be filed within fifteen (15) days of the above triggering events.
- Child is defined as an individual who is less than eighteen years of age, while Student is one who is enrolled in a public school including an intermediate unit, area vocational-technical school or a charter or a cyber charter school; a private school, including a nonpublic, non-licensed school, private academic school and accredited school; or a contracted educational provider.

Child Abuse Reporting Requirements for School Districts

Act 126 updated the PA Child Protective Services Law and directly affects all school employees as school districts seek to protect students from child abuse and student abuse. As of December 31, 2014, the new law expands and further defines mandatory reporters, the reporting process, penalties for failure to report, and protections for those who report.

What are the New and Clarified Definitions?

Mandated Reporters:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State, such as a school nurse;
- A school employee as defined by the Act;
- An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity, or service, accepts responsibility for a child, which could include parent volunteers in PTA/PTO organizations, booster groups or chaperones of school field trips or other activities;
- Those who are supervised by mandated reporters;
- An independent contractor; and
- An attorney affiliated with an agency, institution, or organization that is responsible for the care, supervision, guidance or control of children.

Direct contact with children:

- The care, supervision, guidance or control of children or routine interaction with children.

Independent contractor:

- An individual who provides a program, activity or service to an agency, institution, organization, or entity, including a school, that is responsible for the care, supervision, guidance, or control of children. This definition does not include an individual who has no direct contact with children.

School employee:

- An individual who is employed by a school or provides a program, activity, or service sponsored by a school, but excluding individuals who do not have direct contact with children, which could include school recognized or sponsored third party athletic organizations such as “club” sports programs.

Program, activity or service:

- A public or private educational, athletic or other pursuit in which children participate, including but not limited to: a youth camp or program, a recreational camp or program, a sports or athletic program, an outreach program, an enrichment program, and a troop/club or similar organization.

When Should a Mandated Reporter Report Abuse?

The mandated reporter must report when he or she has reasonable cause to suspect that a child is a victim of child abuse based upon the following:

- Coming into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity or service;
- Having direct responsibility for the care, supervision, guidance, or training of the child, or being affiliated with an agency, institution, organization, or school that is directly responsible for the care, supervision, guidance, or training of the child;
- Receiving a specific disclosure from another person that an identifiable child is the victim of child abuse; or
- Receiving a specific disclosure from an individual fourteen (14) years of age or older that s/he has committed child abuse.

The child need not come before the mandated reporter, nor is the mandated reporter required to identify the person responsible for the child abuse, in order for the mandated reporter to make a report.

“Privileged communication” between any professional required to report and the patient or client of that professional **SHALL NOT APPLY TO SITUATIONS OF CHILD ABUSE** and does not constitute grounds for failure to report, **except in TWO limited circumstances:**

- Confidential communications made to a member of the clergy within the scope of that privilege, or
- Confidential communications made to an attorney under attorney-client privilege and attorney-work product rules, such as a direct confession of the child abuse.

The impact to school districts is that guidance counselors, social workers and school psychologists have an absolute legal duty to report suspected abuse, with no exceptions.

What are the Penalties for Failure to Report?

There is a new grading classification that is based on grading of the offense committed against the child. In effect, the amendments to the law increase the penalties for failure to report suspected child abuse.

District's Current Policies Related to Inappropriate Relations

Policy 248 [Pupils] – Unlawful Harassment

Policy 806 [Operations] - Child/Student Abuse

Model Policy

Staff Communications with Students

Hypothetical 1

Mrs. Smith, a mother of a female high school student, reports to the high school principal that a male teacher has been inappropriately tweeting her daughter. Mrs. Smith provides the principal with copies of tweets of the teacher and student where they are on a first name basis and often tweet each other after 10 PM on school nights. In one of the tweets, the teacher asked the female student “What do you do until 3 AM or don’t I want to know?”

Hypothetical 1 (continued)

Were the teacher's communications with the student appropriate?

What action should principal take?

What action should Superintendent take?

Hypothetical 2

Mr. Jones heard Ms. Smith next door, during her class, tell a male student *“I would kick you in the nads, but I don’t know if I would be able to find them.”* Next, Ms. Smith said to all the male students holding rulers, *“stop measuring your things in class.”* Finally, Ms. Smith commented about another male student (holding a ruler) that *“he was measuring himself.”*

Hypothetical 2 (continued)

Were Ms. Smith's communications with the students appropriate?

What action should Mr. Jones take?

What action should Principal take?

What action should Superintendent take?

Hypothetical 3

Mr. White, a staff member, over hears two students talking in the hall about student who Mr. White knows to be 17 years old and Ms. Plum meeting in the park in her car for sex.

Hypothetical 3 (continued)

What action should Mr. White take?

What action should the Principal take?

What action should Superintendent take?

Hypothetical 3 (continued)

After investigation it is determined that Ms. Plum has been texting and phoning the student on her school and personal devices to student's school and personal devices. There are 30 texts a day and many emails per day. Most of the communications have not been romantic or sexual in nature. One email references a meeting in the park but does not reference any romantic or sexual intent.

Hypothetical 3 (continued)

What actions should the Principal and the Superintendent take?

What if all the texts and emails did not result in sexual contact?

Is an admonishment to cease and desist by the Superintendent enough?

What communications between student and educator are permissible?

What communications to avoid?

Maiello Brungo & Maiello

ATTORNEYS AT LAW

Questions and Comments can be directed to:

Falco A. Muscante, Esq.
Robert T. Sonnenberg, Esq.

(Telephone) 412-242-4400 - (Facsimile) 412-242-4377
fam@mbm-law.net

Maiello, Brungo & Maiello, LLP

SouthSide Works
424 South 27th, #210
Pittsburgh, PA 15203