



GOVERNOR'S OFFICE of PROGRAMS and PLANNING

April 20, 2017

Dear District Superintendents:

It has been brought to the attention of the Office of the Governor that misinformation surrounding the legal obligation of **all** school personnel (not just principals/administrators) as mandatory reporters of abuse and neglect has been widely distributed in the state and erroneously incorporated into school system policies. We are therefore contacting you to clarify the legal obligation of all mandatory reporters to *directly* report suspected child abuse/neglect to the Department of Children and Family Services (DCFS) and/or local law enforcement agencies.

A review of districts' Child Abuse policy reveals the following statement under PROCEDURE FOR REPORTING CHILD ABUSE/NEGLECT:

"1. The *mandatory reporter* having the information shall contact the principal or designee immediately. The principal or other supervising employee shall immediately:

A. When the suspected abuser is believed to be a parent or caretaker, make the report to the Department of Children and Family Services through the designated state child protection reporting hotline telephone number.

B. When the abuse or neglect is believed to be perpetrated by someone other than a parent or caretaker, and a parent or caretaker is not believed to have any responsibility for the abuse or neglect, make the report to a local or state law enforcement agency." And,

"3. The principal, assistant principal, or other supervisory employee to whom the initial reporter gave the report shall have the primary responsibility of reporting the information to the appropriate agency as herein provided."



## GOVERNOR'S OFFICE of PROGRAMS and PLANNING

**Please be aware that such language is in direct conflict with the legal requirements for abuse/neglect reporting by mandatory reporters which are delineated in the Children's Code.** The Children's Code defines "mandatory reporter" as any of the following individuals:

"Teaching or child care provider" is any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, bus driver, coach . . . or any individual who provides such services to a child in a voluntary or professional capacity." (CHC 603)

Article 609 of the Children's Code clearly mandates that **the "mandatory reporter** who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death **shall report** in accordance with Article 610." School staff with firsthand knowledge of suspected abuse/neglect must **themselves** immediately report to DCFS and/or law enforcement; school staff should not be made to report first to their principal, assistant principal, or other supervisory employee. In addition to not satisfying the legal requirements for reporting, such "second-hand" reporting by administrators cannot be accepted by DCFS, it violates the mandatory reporters' protection of confidentiality in reporting to DCFS and/or law enforcement, and it does not relieve school staff from their legal obligation to directly report.

Failure of mandatory reporters to **directly** report to DCFS and/or law enforcement can result in fines and imprisonment: Louisiana Criminal Code (R.S. 14:403) states that any person required to make a report of child abuse who knowingly and willingly fails to do so will be guilty of a misdemeanor and upon conviction will be imprisoned up to six months, fined up to \$500, or both. Any person who is required to report the sexual abuse of a child, or the abuse or neglect of a child which results in the serious bodily injury, neurological impairment, or death of the child, and knowingly and willfully fails to so report will be imprisoned up to three years, fined up to \$3,000, or both. In addition, any school employee who "knowingly and willfully obstructs the procedures for receiving and investigating reports of child abuse or neglect or sexual abuse," "shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both."

To assist school districts in their legal requirement to provide training on the statutory requirements and responsibility of reporting to all mandatory reporters (Children's Code Article 609), the Department of Children & Family Services provides free on-line training which can be found at [www.dcfs.la.gov/MandatedReporterTraining](http://www.dcfs.la.gov/MandatedReporterTraining) .



GOVERNOR'S OFFICE of PROGRAMS and PLANNING

We hope that knowledge of these statutes, and correction of district policies and procedures, will both facilitate the protection of our most vulnerable children, and safeguard our school employees and their districts from serious consequences for noncompliance with the law.

In a related matter, Superintendent White's December 6 Newsletter highlighted the new ESSA provisions that stress the need to provide educational stability for children in foster care, with particular emphasis on collaboration between state education agencies, local school systems, and child welfare agencies. As a response to a request for improved communication and collaboration between the Department of Children and Family Services and local school districts, DCFS in May 2015 created new policy concerning sharing of information on students in foster care. You will find this policy attached, along with Form DCFS CW School 1, Revised 05/15. Please share with your Principals that they should be receiving this form from DCFS whenever a child in foster care enters their school. This information is to be additionally shared with Special Education Directors/Supervisors when the children in question are identified as or suspected to be students with disabilities.

Thank you in advance for your attention to these matters as we work together to improve the lives of Louisiana's children.

Sincerely,

*Dr. Dana R. Hunter*

Dr. Dana R. Hunter  
Executive Director, Children's Cabinet  
(225) 219-4999 office  
Dana.hunter@la.gov

Enclosures

cc: Superintendent John White  
Marketa Garner Walters, Secretary, DCFS