



# OSSBA GUIDANCE FOR MANDATORY REPORTING

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## THE LEGAL OBLIGATION TO REPORT POSSIBLE ABUSE TO AUTHORITIES IS ABSOLUTE.

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In Oklahoma, “every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.” 10A O.S. § 1-2-101. Reports shall be made to the state toll free hotline at 1-800-522-3511. This is a personal obligation, and no school official can in any way prevent any person from making this report.

## SCHOOL BOARD POLICY SHOULD REFLECT THE LAW.

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The policy should require immediate reporting of suspected abuse or neglect to DHS. The policy can't require an employee to first report possible abuse or neglect to a principal or counselor or require that only an administrator or counselor can make the report.

## IT IS NOT APPROPRIATE FOR ADMINISTRATORS, TEACHERS AND COUNSELORS TO LAUNCH A NEGLECT/ABUSE INVESTIGATION.

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Administrators, school counselors and teachers are not trained by law to investigate child abuse. If a school counselor or other school employee “investigates” possible child abuse, that counselor/employee could be allowing someone continued access to a child and/or interfere with the state agency's obligation to investigate child abuse. School board members are to review child abuse reporting policies as soon as possible to ensure that your employees will follow Oklahoma law. The school's first and primary duty is to students.

## AREN'T SURE IF WHAT YOU SAW OR HEARD IS ABUSE OR NEGLECT? MAKE THE CALL.

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In addition to contacting DHS, it would also behoove the school district to ensure that any potentially criminal activity is reported to local law enforcement. Failure to notify law enforcement could result in charges being filed if someone were aware of criminal activity and did not report that activity. This could be construed as obstruction of justice and/or an accessory after the fact to the crime. Whether or not charges would be filed would be at the discretion of the local district attorney.

## CONTACT YOUR SCHOOL ATTORNEY.

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There's a difference between an investigation of potential child abuse or neglect and an employment investigation. The priority is the DHS and/or criminal investigation, and school officials must not interfere. Administrators who become aware of allegations should contact your school district attorney for advice on documentation that might be needed for potential employment action at a future date. The attorney will recommend what steps need to be taken with regard to employment of an accused.

## NOTIFICATION TO STATE DEPARTMENT OF EDUCATION.

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The Oklahoma State Department of Education should also be notified regarding any allegations involving potential criminal behavior by employees. Further, if the Superintendent recommends that an employee be dismissed or not reemployed, and the grounds include actions that could form criminal charges, a copy of the recommendation shall be given to the state Board of Education. 70 O.S. 6-101.25

## ENCOURAGE A CULTURE OF SAFETY.

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Employees can't be disciplined for reporting possible abuse or neglect. 10A O.S. 1-2-101 Encourage employees to put student safety first by emphasizing their obligation to report possible abuse or neglect to the proper authorities outside of the school district. The district may not have any knowledge that an employee has contacted DHS on the statewide toll free hotline to report abuse. The district can include in policy that the employee should notify the school district AFTER DHS has been notified. If an employee does notify the district, that should be documented as well. Employees are encouraged to let an appropriate administrator know if they have contacted DHS about a suspected child abuse/neglect allegation, even if the employee chooses not to divulge details about the call.

## POORLY CONCEIVED RESIGNATION AGREEMENTS PUT CHILDREN AT RISK.

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It's inappropriate and potentially harmful to agree to give a "good reference" to someone who is resigning in lieu of termination or in lieu of an investigation into allegations involving harm to children. This is commonly referred to as "passing the trash" to another school district. It would be well worth the district's time and resources to properly fire someone for misconduct and allow the allegations to be known via due process proceedings, rather than to allow someone to quietly move to the next school where they may possibly engage in that same inappropriate behavior with a child.



## REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT

In accordance with Oklahoma law, ~~teachers are~~ any person is required to report suspected cases of physical abuse or neglect involving students to the statewide toll free hotline of the Department of Human Services. The statewide DHS hotline number is 1-800-522-3511. The board of education fully supports that requirement and has established this policy to facilitate such reporting.

Every teacher, support person, or other employee of this school district shall report any suspected physical, mental, or sexual abuse or neglect of any school student to the Department of Human Services by telephone. The employee shall also inform the building principal who will advise the superintendent that the report was made using Form FFG-E.

The reporting obligations under this section are individual, and no employer, supervisor or administrator of a person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any such person who in good faith provides such child abuse reports or information, testifies, or is about to testify in any proceeding involving child abuse or neglect; provided, that such person did not perpetrate or inflict such abuse or neglect. Any such employer, supervisor, or administrator who discharges, discriminates, or retaliates against such person shall be liable for damages, costs, and attorney fees. Any person who knowingly and willfully fails to promptly report any incident of child abuse may be reported ~~by the Department of Human Services~~ to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor. Any person who knowingly and willfully makes a false report, or makes a report that the person knows lacks factual foundation may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

Any person participating in good faith and exercising due care in the making of a report or any person who, in good faith and exercising due care, allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity from any liability with respect to participation in any judicial proceeding resulting from such report.

The school district shall post, in a clearly visible location in a public area of the school that is readily accessible to all students, a sign in English and Spanish that contains the toll-free number operated by the Department of Human Services.

REFERENCE: ~~10 O.S. §7101, et seq.~~  
~~21 O.S. 1981, §846, 847~~  
10A O.S. § 1-2-101  
10A O.S. § 1-2-104  
63 O.S. §1-120 (G)  
70 O.S. §1210.162  
Atty. Gen. Op. No. 78-202 (Dec. 28, 1978)