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Authors:



Julie C. Fay
(860) 251-5009
jfay@goodwin.com



Laura A. Fisher
(860) 251-5613
lfisher@goodwin.com

Mandated Reporting and Professional Boundaries: Important Training for Faculty and Staff

Now more than ever it is critical for independent schools to ensure that all faculty and staff are appropriately trained regarding their legal obligation to report suspicions of abuse and neglect of any student to appropriate authorities. As you start to think about professional development and training opportunities for next year, consider dedicating time to review with your faculty and staff the specifics requirements of Connecticut's mandated reporting law and your school's policy and expectations in this area. Beyond mandated reporting obligations, it is equally important to engage faculty and staff in constructive dialogue about your overall school culture and the impact that even small boundary violations can have on eroding trust and fostering environments that could compromise the health and safety of students.

Mandated Reporters in Connecticut

Connecticut law provides that all school employees, including those at independent schools, are mandated reporters of suspected child abuse and neglect. The term "school employee" is exceptionally broad, including not only teachers and administrators, but also anyone who "in the performance of his or her duties, has regular contact with students and who provides services to students on or behalf of students enrolled in ... a private elementary, middle, or high school pursuant to a contract." Conn. Gen. Stat. §53a-65(13). For practical purposes, anyone working at an independent school should be fully aware of their legal obligations as well as the best practices for reporting.

Reporting: What and When?

It is of utmost importance that independent school employees understand and appreciate what triggers their obligation to report, the mechanics of reporting, and how to coordinate with the Department of Children and Families (DCF) and/or law enforcement in the conduct of any resulting investigations. In Connecticut, mandated reporters must report (or cause a report to be made) when, in the ordinary course of employment, they have reasonable cause to suspect or believe that a child under the age of eighteen has been abused, neglected, or is placed in imminent risk of serious harm. Such suspected abuse, neglect, or harm could arise in the context of student and adult interactions as well as in the context of peer interactions. The level of suspicion necessary to trigger the requirement of reporting is a low threshold by design; it does not require certainty or probable cause. Conn. Gen. Stat. § 17a-101a. The reporting requirements are strict, both with regard to the timeline for reporting and with regard to the information to be reported. Any reports must be made orally to DCF or to law enforcement within 12 hours of suspecting abuse or neglect, and a written report to DCF



must be submitted within 48 hours of the oral report. Additional requirements also mandate notification of the head of school. As specific as the law is, however, questions frequently arise on such issues as disclosing information to parents, handling misconduct that happens off campus, and sexual activity involving other minors. Training of employees as to both the procedural and substantive requirements of the mandated reporting laws helps to provide each member of your school community with the necessary tools to effectively handle these serious matters in a professional and legally compliant manner.

The Importance of Faculty and Staff Trainings

Currently, Connecticut law explicitly requires public school employees to complete initial and periodic refresher trainings on the topic of mandatory reporting. The legal requirement for initial and periodic refresher trainings for public school employees was added to the statutory scheme in 2011 and while it does not expressly extend to employees at non-public schools, these training requirements represent best practice. For this reason, we strongly recommend that independent schools follow the training required of their public school counterparts and educate all new faculty and staff in this area and provide periodic refresher trainings for returning employees. Revisiting the topic of mandated reporting also provides employees who are familiar with the basics further opportunity for more in-depth discussion about particular factual scenarios involving more subtle boundary issues such as confidentiality, being alone with students, and use of social media. In short, training is generally helpful and never harmful.

Other Benefits and Best Practices

Beyond promoting the health, safety, and wellbeing of students, mandated reporter training may be required for ongoing accreditation and/or by your insurer even if not explicitly required by law. In addition to training, now is also a good time to review current practices and policies and ensure they remain current with state law and reflect evolving standards in this area. In Connecticut, DCF offers several resources, many of which are available online, including a model reporting policy [<http://www.ct.gov/dcf/cwp/view.asp?a=3483&Q=499860>] as well as in-person and online training and refresher modules [<http://www.ct.gov/dcf/cwp/view.asp?a=3483&Q=413540>]. Additionally, Shipman & Goodwin offers interactive trainings [<http://www.shipmangoodwin.com/onsitetraining>] that address employee reporting duties and institutional best practices for handling and reporting suspicions of abuse and neglect and in recognizing and respecting professional boundaries. Please contact us with any questions relating to mandated reporting, policies and/or the availability of workshops and professional development opportunities in this area.

Questions or Assistance:

For questions about this alert, please contact Julie Fay at (860) 251-5009 or jfay@goodwin.com or Laura Fisher at (860) 251-5613 or lfisher@goodwin.com.

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289 Greenwich Avenue
Greenwich, CT 06830-6595
203-869-5600

One Constitution Plaza
Hartford, CT 06103-1919
860-251-5000

265 Church Street - Suite 1207
New Haven, CT 06510-7013
203-836-2801

400 Park Avenue - Fifth Floor
New York, NY 10022-4406
212-376-3010

300 Atlantic Street
Stamford, CT 06901-3522
203-324-8100

1875 K St., NW - Suite 600
Washington, DC 20006-1251
202-469-7750

www.shipmangoodwin.com
www.ctschoolaw.com