



Office of the Child Advocate

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Reporting and Responding to Child Abuse in the Educational Setting *A Report to the Governor*

Office of the Child Advocate
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Executive Summary

Parents and all Georgians have the right to expect that children in our public schools will be kept safe, and that any allegations that a school employee or volunteer has harmed a child will be responded to quickly, effectively, fairly, and transparently. This report summarizes the current laws and policies that seek to fulfill that expectation and recommends policy and legislative changes that could improve our government agencies' ability to protect these children.

Law enforcement, the Division of Family and Children Services ("DFCS"), the Department of Education, local school systems, and the Georgia Professional Standards Commission ("Georgia PSC") all play a role in ensuring that (1) children are not abused in schools; (2) if someone alleges abuse, they know how and from whom to seek assistance; and (3) wrongdoers are punished and removed from the school setting. Aside from law enforcement, the entities with the greatest roles to play in the process are the local school systems, the Division of Family and Children Services (DFCS), and the Georgia Professional Standards Commission (PSC). In summary, these are the responsibilities of these three parties:

- **Local school systems, administrators and educators:**
 - **Must report child abuse:** School teachers, administrators, guidance counselors, social workers, psychologists and medical personnel are required to report to the "person in charge" of the school whenever there are reasonable grounds to believe a child has been abused. The "person in charge" must notify the Division of Family and Children Services ("DFCS"), police, or the district attorney within 24 hours.¹ School officials must also make reports of sexual and severe physical assaults and other severe crimes to the local board of education and the Georgia Professional Standards Commission.² All certified educators must "file [with the PSC] reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. §19-7-5), or any other required report."³
 - **Must provide a means for students, parents and others to report:** A 2008 law requires the Professional Standards Commission to mandate a process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student. Schools must implement and follow this process and explain it in their student and employee handbooks.⁴

¹ OCGA § 19-7-5.

² OCGA § 20-2-984.2

³ PSC Rule 505- 6 -.01, Code of Ethics for Educators

⁴ OCGA § 20-2-751.7

- Are subject to punishment for abusing children or failing to report allegations of abuse. In addition to criminal penalties,⁵ “certified” educators, including administrators, are subject to investigation and discipline by the Georgia Professional Standards Commission for either abusing a child or failing to report abuse by school personnel.⁶ Such discipline can include sanctions from a warning to a suspension or revocation of the educator’s teaching certificate.
- **DFCS:**
 - Must receive and respond to complaints of child abuse and make referrals to law enforcement: DFCS has authority and responsibility to accept such reports and to refer allegations of child abuse to appropriate law enforcement or prosecutorial personnel.⁷ The agency investigates reports in public schools, interviews the children, makes a case determination, and notifies the child’s parents and the school administrator of the outcome.⁸ DFCS has no authority to punish or remove school personnel, however, and if the actual parent or guardian of the child is an appropriate caregiver, DFCS’ role ends when it refers the matter to appropriate authorities.
- **The Georgia Professional Standards Commission:**
 - Investigates and disciplines educators who abuse or who fail to report abuse of students. The Professional Standards Commission has jurisdiction over “certificated” education personnel including teachers, paraprofessionals, and administrators, and it investigates these complaints as well as complaints from any state resident alleging that an educator has violated education laws or the state’s code of ethics for educators. That code of ethics includes two mandates relevant here: (1) a prohibition on verbal or physical abuse of a student and (2) a requirement that educators report breaches of mandated reporting laws, including mandated reports of child abuse and reports that must be supplied to the Commission.⁹ The Commission can investigate and can suspend or revoke an educator’s teaching credentials. The Georgia PSC is also responsible for ensuring that each school implements an appropriate reporting procedure for students and educators who believe a child has been the subject of unethical behavior by school personnel.¹⁰ When there is an allegation that an educator has committed a sexual offense against a student, the PSC staff is authorized immediately to open an investigation without waiting for the Commission’s next scheduled meeting.¹¹

Most parents and students want to know how to file a complaint of child abuse by school personnel and to know that any complaint will be rapidly addressed and that any abusive persons will be removed from the school setting. While schools, DFCS, and the Georgia PSC, law enforcement and the Department of Education all play a role to ensure that child abuse in schools is reported and addressed, the fact that there are several agencies involved creates confusion for the average Georgian. It also doesn’t help that each agency addresses only a piece of the problem. Law enforcement has great authority to punish an abuser, but prosecuting cases takes time, and during that interval a suspect educator may remain on the job. The state’s “standard” child

⁵ Failing to report child abuse is a misdemeanor for mandated reporters. OCGA § 19-7-5 (h).

⁶ See discussion below and also OCGA § 20-2-984.2 (c).

⁷ Id.; DFCS Intake Policy 2.8 (eff. 6/1/09).

⁸ DFCS Policies 2106.29 – 2106.31

⁹ OCGA § 20-2-984.

¹⁰ OCGA § 20-2-751.7

¹¹ OCGA § 20-2-751.7(d), passed as HB 1321 in the 2008 legislative session.

abuse reporting statute, OCGA § 19-5-7, appears tailored primarily to addressing child abuse outside the school setting. The prime recipient of reports under that statute is DFCS, which is authorized to investigate but has no authority to discipline or remove educators. The Georgia Professional Standards Commission has the authority to investigate abuse by “certified” educators, including administrators, and by all accounts is prepared to receive complaints of abuse in schools, investigate in a timely manner, and sanction educators that violate the Code of Ethics or the law related to education. Appeals of those sanctions can take significant amounts of time, however, because the PSC must provide appropriate due process to the educator and give the accused a full and fair hearing on the evidence as well as the opportunity to appeal. During that process, however, the PSC has no authority to take employment action against the educator or remove the offender from the classroom.

But **local school systems, their teachers, and administrators** all have both the mandate and the incentive to take quick and effective action when allegations of abuse by school employees arise. Each school system is required to have in place a PSC-approved uniform process for students to follow for reporting to school officials inappropriate behavior by educators.¹² An educator or administrator who fails to relay those reports to appropriate authorities risks his or her teaching certificate. School systems have a vested interest in ensuring that abusive employees are removed from the classroom and, unlike the other agencies involved with this issue, have the legal authority to do so. Under these circumstances, the best route for improving the system would be to ensure that every school system adopts a uniform, clear process for receiving, relaying, and responding to reports of abuse by school employees.

Fortunately, the seeds of this solution are in place. The PSC, the Georgia School Superintendents’ Association, and the Georgia School Boards Association all offer regular training for teachers, administrators, and school board members on handling complaints of abuse within the school system. It is anticipated that they would be more than willing to develop and encourage the statewide adoption of a uniform reporting and response system for abuse in the educational setting.

Such a uniform process is *most critically needed* for schools operated by Regional Educational Services Agencies (“RESAs”), the statewide network of specialized agencies that provide a range of shared services to schools within their geographical areas¹³ While RESAs are a creation of the state, they are controlled and managed by a board composed of the leadership of the schools they serve¹⁴ and hire their own directors and staff.¹⁵ The RESA statute further authorizes these agencies to serve as “fiscal agents” for the state’s specialized psychoeducational “GNETS” schools which serve students with severe emotional and mental health needs from local school systems with the RESA’s district.¹⁶ The confusion between responsibility for the students at a RESA-operated GNETS school, as well as confusion over whether the RESA “runs” the school or merely serves as its “fiscal agent,” can lead to confusion over responsibility and authority to address allegations of abuse against a student at such a school. Adopting a statewide reporting and response system for allegations of abuse in these particular settings will go far toward placing responsibility and authority where they should appropriately lie.

While a uniform reporting and response procedure for addressing child abuse in the educational setting would likely require only an agreement of the various agencies and associations involved, this review suggests

¹² OCGA § 20-2-751.7

¹³ See generally OCGA § 20-2-270 *et seq.*

¹⁴ OCGA § 20-2-272.

¹⁵ OCGA § 20-2-273.

¹⁶ OCGA § 20-2-270.1 (c).

the state may want to modify its mandated reporter statute or policies as they apply to reports of abuse against students by school personnel in the educational setting. Currently, OCGA § 19-7-5 requires that **all** reports of child abuse be submitted first to DFCS and then to law enforcement personnel. A report of abuse by a school employee in which no parent is involved or complicit would best be directed toward law enforcement, the local school board and superintendent, and the Professional Standards Commission. Experienced educators interviewed for this review suggest that DFCS involvement in such a case is often unnecessary given the other agencies who have both responsibility and authority to act within the school system. At a minimum, DFCS should modify its policy so that any allegations it receives of maltreatment by school personnel are referred to the superintendent, the school board, and the Georgia PSC as well as to law enforcement.

Detailed Discussion

A review of the laws and policies concerning the reporting of inappropriate behavior against children by school personnel, as well as interviews with experienced educators and agency personnel, revealed that there are several agencies involved in this process but that no single agency has full authority to address the problem. For example, law enforcement can prosecute an abusive teacher but cannot immediately remove him or her from the classroom. DFCS can investigate a child abuse report but has no authority over school personnel. The Department of Education is not generally involved in disciplining teachers, as that responsibility now falls to the Professional Standards Commission. And while some local educational agencies may have excellent reporting and resolution processes in place, each school system has discretion over how it handles reports of abuse or inappropriate behavior by educators and administrators.

Role of DFCS

The Division of Family and Children Services of the Department of Human Resources does have responsibility to investigate allegations of abuse by a school employee that occur within the public school setting. Georgia law empowers DHR:

“[T]o establish, maintain, extend, and improve . . . , within the limits of funds appropriated . . . , programs that will provide:

* * *

(2) Child welfare services as follows:

* * *

(B) Protective services that will investigate complaints of deprivation, abuse, or abandonment of children and youths by parents, guardians, custodians, *or persons serving in loco parentis* and, on the basis of the findings of such investigation, offer social services to such parents, guardians, custodians, or persons serving in loco parentis in relation to the problem or bring the situation to the attention of a law enforcement agency, an appropriate court, or another community agency.”¹⁷

Additionally, our state’s mandated reporter statute, OCGA § 19-7-5, makes DFCS the appropriate “child welfare agency” to receive reports of abuse of a child, including physical abuse “by a parent or caretaker,” that must be made by school personnel. According to a 1987 Attorney General’s opinion, public schools are considered “caretakers” and “persons serving in loco parentis” under each of these statutes. In that opinion , the

¹⁷ OCGA § 49-5-8 (a).

Attorney General affirmed the responsibility of DFCS to investigate and respond to reports of abuse by school personnel.¹⁸

While DFCS has the responsibility to investigate such complaints, there is no statute giving the agency authority to take any action against a public school employee against whom the agency substantiates¹⁹ abuse or against the school itself. OCGA § 49-5-8 (a) itself emphasizes that DFCS is empowered to provide social services “or bring the situation to the attention of a law enforcement agency, an appropriate court, or another community agency.” While DFCS may petition a juvenile court to intervene to protect a child,²⁰ it may do so only when the child’s own parent or guardian refuses or fails to take appropriate action to protect the child.

DFCS policy reflects this approach. The agency notifies law enforcement of all reports containing allegations of child abuse.²¹ It investigates reports in public schools, interviews the children, makes a case determination, and notifies the child’s parents and the school administrator of the outcome.²²

In its investigation of abuse of school children by school personnel, then, DFCS has investigative responsibility and is prepared to discharge that responsibility but has little authority to provide a remedy. Therefore, when DFCS determines a child has suffered maltreatment in a public school, its appropriate response should be to ensure that determination is communicated to parents, school administrators, and law enforcement personnel who may have authority to act.

Role of the Professional Standards Commission

The Georgia Professional Standards Commission regulates all “certificated professional personnel,” including administrators, teachers, paraprofessionals, and aides, and can discipline such personnel with sanctions ranging from a warning to revocation of certification.²³ Any resident of Georgia can complain to the Commission about a licensed or certified public educator,²⁴ and PSC staff report they receive between 75 and 100 complaints per month from school boards, teachers, and citizens.²⁵ The Professional Standards Commission has adopted a code of ethics for educators and has the legal authority to enforce that code.²⁶

A state resident may file with the Commission a complaint alleging that an educator has violated a law applicable to educators, the educators’ code of ethics, or a rule or standard of the Commission or of the State Board of Education, or a complaint alleging an educator has been convicted of a felony or a crime of moral turpitude.²⁷ In addition, local education agencies *must* report to the Commission allegations that an educator has committed a sexual offense, a severe physical assault or another serious crime, or an offense involving

¹⁸ 1987 Op. Atty Gen.Ga. 67.

¹⁹ A case is “substantiated” when the child protective services investigator determines, by a preponderance of the evidence, that the allegation of maltreatment is true. DFCS Policy 2104.23. These and other DFCS policies are available online at http://www.odis.dhr.state.ga.us/3000_fam/3030_cps/MAN3030.doc. See also OCGA § 49-5-180 (6).

²⁰ See generally OCGA § 15-11-35 *et seq.*

²¹ DFCS Policy 2103.20.

²² DFCS Policies 2106.29 – 2106.31

²³ OCGA §§ 20-2-200, 20-2-204, 20-2-982.1; see also GAPSC certification rules at <http://www.gapsc.com/Rules/Current/Certification/index.asp>

²⁴ OCGA § 20-2-984.2

²⁵ 6/09 interview with Ga PSC personnel.

²⁶ OCGA § 20-2-984.1

²⁷ OCGA § 20-2-984.3 (a).

drugs or theft or any violation of the Code of Ethics for Georgia Educators.²⁸ Unless extended for appropriate cause, the Commission has 30 days to determine whether to launch a preliminary investigation.²⁹ If a student alleges sexual misconduct by an educator, thanks to 2008 legislation, the Commission staff may launch an immediate investigation without awaiting formal Commission action.³⁰ If it opens an investigation, the Commission can use its subpoena powers to compel the attendance of witnesses and hold such hearings as may be appropriate.³¹ Such hearings may result in punishment ranging from a warning to revocation of the educator's certificate.³²

Among the potential subjects of a complaint against an educator are violations of the following rules of ethics:

“Standard 2: Conduct with Students - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:

1. committing any act of child abuse, including physical and verbal abuse;
2. committing any act of cruelty to children or any act of child endangerment;
3. committing any sexual act with a student or soliciting such from a student;
4. engaging in or permitting harassment of or misconduct toward a student that would violate a state or federal law;
5. soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student; and
6. furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student;
7. failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision (including but not limited to at the educator's residence or any other private setting).”

and

“Standard 9: Required Reports - An educator should file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. §19-7-5), or any other required report. Unethical conduct includes but is not limited to:

1. failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission.
2. failure to make a required report of a violation of one or more standards of the Code of Ethics for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner.
3. failure to make a required report of any violation of state or federal law soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting

²⁸ OCGA § 20-2-984.2.

²⁹ OCGA § 20-2-984.3 (b).

³⁰ OCGA § 20-2-751.7 (d).

³¹ OCGA § 20-2-984.4.

³² OCGA § 20-2-984.5.

sooner. These reports include but are not limited to: murder, voluntary manslaughter, aggravated assault, aggravated battery, kidnapping, any sexual offense, any sexual exploitation of a minor, any offense involving a controlled substance and any abuse of a child if an educator has reasonable cause to believe that a child has been abused.”³³

Thus, an educator or school administrator can be punished for either abusing a child or for failing to properly report the abuse of a child in the educational setting.

Under the current legal structure, Georgia’s Professional Standards Commission is already a leader in sanctioning teachers who violate the ethics code and state laws. The National Association of State Directors of Teacher Education & Certification (NASDTEC) maintains a database of sanctions issued by states that join their organization. This list allows each state to see the names and numbers of educators sanctioned in each state. The chart below provides a comparison of the Suspensions and Revocations reported by the member states from 2004 to the 2008. Georgia sanctions the highest percentage of all member states.

Suspensions and Revocations Reported by States

State						5 Year	Professional	Average %
	2004	2005	2006	2007	2008	Avg.	Staff Employed *	Sanctioned
GEORGIA	358	450	364	437	358	393	148,941	0.26%
OREGON	72	88	89	106	59	83	42,889	0.19%
SOUTH CAROLINA	107	130	86	106	94	105	59,135	0.18%
CALIFORNIA	372	151	1,228	837	630	644	407,874	0.16%
FLORIDA	348	562	190	225	219	309	206,341	0.15%
NORTH CAROLINA	13	45	17	34	56	33	138,055	0.02%
NEW YORK	53	58	68	88	75	68	279,450	0.02%

The process for filing a complaint against an educator appears straightforward. The complaint form and instructions are available on the Professional Standards Commission website at www.gapsc.com, along with the various rules of ethics and other governing procedures of the Commission.

Role of the Local Educational Agency

As noted above, certain professionals are required by the state’s mandated reporter statute to notify DFCS, law enforcement, or the district attorney whenever there are reasonable grounds to believe a child has been abused. These mandated reporters include school teachers, school administrators, school guidance counselors, visiting teachers, school social workers, school psychologists, and medical personnel.³⁴ There is a specific requirement for school personnel that the report be made to the “person in charge” of the school, and that the “person in charge” make the report to the appropriate authorities within 24 hours.³⁵

³³ Georgia PSC Code of Ethics for Educators, available at <http://www.gapsc.com/Rules/Current/Ethics/505-6-.01.pdf>

³⁴ OCGA § 19-7-5.

³⁵ OCGA § 19-7-5 (c)(2), (e).

There are also specific legal mandates and codes of ethics requiring that school administrators and personnel directors report to the school administration, the local school board and the Professional Standards Commission any allegation that an educator has committed a serious criminal offense. The law requires that if a teacher or parent of a child informs a school administrator or personnel director that an educator has committed such crimes as aggravated assault, aggravated battery, or a sexual offense, the administrator must report the matter to the school board, which must forward that complaint to the Commission if it warrants investigation.³⁶

Additionally, in 2008 the General Assembly enacted OCGA § 20-2-751.7, which provides in part:

“(a) The Professional Standards Commission shall establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student which shall not prohibit the ability of a student to report the incident to law enforcement authorities. Each local school system shall be required to implement and follow such state mandated process and shall include the mandated process in student handbooks and in employee handbooks or policies.”

Much of this statute addresses allegations of *sexual* misconduct, and in 2008 the Georgia PSC issued guidance to school systems on implementing procedures for addressing such sexual misconduct. As discussed below, it appears some student handbooks have implemented the PSC’s process for students who want to report *sexual* harassment or abuse. But, based on the language of the statute itself, this law would appear to apply equally to allegations of *physical and verbal* abuse of a student by an educator, administrator, or other school employee.

The State Board of Education has in place a rule requiring each local board to implement policy following the child abuse reporting requirements of OCGA § 19-7-5. That rule directs the reports be made from the school to DFCS.³⁷ The Georgia School Boards Association has a recommended local policy that is similar to the State Board’s rule.

There does not appear to be a specific State Board of Education rule directing the process for reporting, investigating, and resolving allegations of child abuse *by school personnel*, nor is this an appropriate DOE function under our current legal structure. Experienced educators interviewed for this report described an accepted method of reporting child abuse by a school employee that would involve notifying the local superintendent, followed by immediate personnel action and a report to leadership of the local school board. This method clearly tracks the legally-mandated procedure for reporting severe physical and sexual assaults and by school personnel. Such a procedure is also referred to in various student handbooks issued annually to public school students. The Atlanta Public Schools’ student handbook available on the Internet, for example, tells students specifically how to make a complaint of *sexual* abuse or sexual misconduct.³⁸ Other student handbooks reviewed online contain only a general

³⁶ OCGA § 20-2-984.2

³⁷ State Education Board Rule 160-4-8-.04, available online at <http://www.doe.k12.ga.us/documents/doe/legalservices/160-4-8-.04.pdf>

³⁸ Atlanta Public Schools, 2008-2009 student handbook, p. 31, available online at <http://www.atlantapublicschools.us/18611010817122770/site/default.asp>

“grievance” procedure and do not contain procedures for reporting allegations of abuse by school employees.

RESAS: A Special Case

Some Regional Educational Services Agencies operate or serve as fiscal agent for special “GNETS” (Georgia Network for Educational and Therapeutic Support) schools for children with psychoeducational needs. Under state law, RESAs are essentially “local educational agencies” governed by a regional consortium of administrators in the geographic area serving the agency. The students served at these GNETS schools remain students of the local public school agency or school system that has referred them to the psychoeducational center. The fact that some RESAs consider themselves to “operate” GNETS schools, while others may merely consider themselves the “fiscal agents” for these schools, can create further confusion when allegations are made that an employee of a GNETS school has abused a student. Given the multiple lines of authority, an allegation of abuse against a GNETS employee could require reports to the GNETS school administrator, the RESA director, the RESA board of control, the child’s local superintendent, and the child’s local school board.

These GNETS schools may have their own student/parent handbooks, and those handbooks may not clarify how parents should report and resolve allegations of wrongdoing by a school employee. For example: Hooper Renwick School, a GNETS school operated by North Metro RESA for Gwinnett County children with psychoeducational needs, has a handbook that merely advises parents to contact the child’s school social worker, teacher, or school administrator if there are concerns about a school employee.³⁹

As this inquiry had its source in allegations stemming from an incident involving an Atlanta Public Schools student who attended a North Metro GNETS program under the direction of Metro RESA, the various protocols for reporting were obtained directly from Metro RESA for review. A quick review of those documents demonstrates that within that one GNETS school, child abuse reporting may be governed by the policies of three different school systems. Within those documents were:

- The Atlanta Public Schools’ policy, based on DOE policy and OCGA § 19-7-5, directing that any report of child abuse be referred to DFCS;
- Fulton County School District’s child abuse reporting protocol, which contains a directive that allegations of employee abuse of students should be directed to the school Principal and a designated person in the District’s Human Resources office.
- Gwinnett County’s policies, which also mirror state law under OCGA § 19-7-5.

Thus, even where a local school system may desire to accept its requisite responsibility for addressing allegations that one of its students in a GNETS school suffered abuse, the confusing lines of authority may make difficult the exercise of that authority and responsibility. And in the unfortunate situation where either neither the RESA nor the school system care to address the problem, the lack of any clear hierarchy makes easy the avoidance of action.

Role of the State Department of Education

³⁹ Hooper Renwick 2008-2009 Student/Parent Handbook, available online at <http://www.gwinnett.k12.ga.us/HooperES/home.html>

While the State Department of Education oversees school systems in this state and has the authority to issue rules that each local school system must follow, it actually has little active role in handling reports of misconduct by educators and other school employees. That specific responsibility was transferred to the Professional Standards Commission when the General Assembly enacted legislation separating the PSC from the Department of Education.⁴⁰

The Department of Education does have a role in addressing complaints over the treatment of a child who is receiving special education services. Parents who dispute the manner in which their special-needs child is being educated have three avenues of complaint to the Department of Education. First, they may file a complaint with DOE's Division for Special Education services, and that complaint must be resolved by the Department within 60 days. Second, they may seek the assistance of DOE in providing a mediator to resolve a dispute between themselves and the local educational agency over the provision of special education services. Or, they may choose the third option of litigating the matter before an administrative law judge provided by the Department of Education.⁴¹ To the extent that allegations of maltreatment of a special education student by a school employee are involved in a special education dispute between parents and the system, this dispute resolution process offers another path to bring those issues to the attention of education officials.

Role of Law Enforcement

As the laws and policies noted above indicate, allegations of child abuse must be reported to law enforcement officials and prosecutors. Prime among these is the mandated reporter statute, which suggests such allegations normally be reported to DFCS, and the agency must then notify law enforcement or the district attorney.⁴² That same statute states that reports should be made directly to law enforcement "in the absence of" a child protective services agency. While this latter, somewhat vague, provision would provide a route for school officials to notify law enforcement directly, the language of the statute certainly considers DFCS to be the first line of reporting. Once a report is made to law enforcement or the appropriate prosecutorial agency, it then undertakes such investigation and prosecution as the evidence, in its discretion, warrants.

Recommendations for Change

The general child abuse reporting statute, OCGA § 19-7-5, places upon DFCS and law enforcement the prime responsibility for receiving, investigating, and responding to law enforcement. That system can work well in the "typical" child maltreatment case where the state works through DFCS to separate the child and the offender while the state works through law enforcement to punish the abuser.

Abuse in the educational setting, however, is an issue requiring a different approach. There the immediate need is not for the child to be placed in foster care or for the wrongdoer to be punished; rather, it is for someone to investigate and respond quickly who also has the power to remove an abuser

⁴⁰ Ga. L. 1991, p. 1546.

⁴¹ See State Board of Education Rules 160-4-7.01 through .21. The complaint processes for parents to follow are described on the DOE website at http://www.doe.k12.ga.us/ci_exceptional.aspx?PageReq=CIEXCDispute.

⁴² OCGA § 19-7-5 (e).

from a position working with children. **Taking these immediate steps requires a local school system dedicated to addressing these issues.** The Professional Standards Commission has that investigative and disciplinary authority over many school personnel, but it can act only if it is informed of the allegations. Achieving these goals requires assuring (1) that local school systems document allegations and take necessary action, including removing educators from the classroom in appropriate circumstances and referring allegations to the PSC; and (2) that students and child welfare agencies such as DFCS know how to make a report that will receive appropriate attention.

Because the local school system has both the mandate and the incentive to address abuse by school employees, each school system should be strongly encouraged to adopt policies that describe in detail how allegations of abuse in the educational setting should be received, relayed to appropriate officials, and responded to. Best practice would be to make those policies uniform statewide so that families and personnel moving to different systems or students and administrators in schools serving multiple systems (such as GNETS) have a single set of reporting rules. The PSC, the Georgia School Boards Association, and the Georgia School Superintendents' Association have statewide influence and authority and are experts in this area. These groups should be asked jointly to develop a statewide protocol for reporting and responding to reports of abuse in the educational setting and to develop clear, consistent reporting techniques and forms that could be incorporated into student and employee handbooks.

The State should also take legislative or policy steps to **minimize the number of responsible agencies** to reduce confusion over responsibility for addressing the complaint. While current law (OCGA § 19-7-5) suggests that all reports of child abuse should be made to DFCS, for example, it makes little sense to involve DFCS in the issue of teacher-on-student abuse when that agency is primarily equipped to address abuse within the family structure and has no authority over school employees. The Georgia DOE, likewise, should refer to the local school superintendent and the PSC any complaints of abuse it receives because those entities have the authority to discipline school system personnel. To address the issue of protecting the child from an abusive teacher requires involvement from no more agencies than the local school system, the PSC, and law enforcement.

To help in minimizing the number of agencies involved, the state should consider revising its mandated reporter statute *or* the various educational and child protective services policies implemented in accordance with it so that **reports of abuse in the educational setting that do not involve allegations of parental maltreatment or complicity are referred not to DFCS but to law enforcement and, as appropriate, to the school superintendent, the school board, and the PSC.** The mandated reporter statute appears sufficiently flexible that policies could be appropriately re-written that would reduce DFCS' unnecessary involvement.