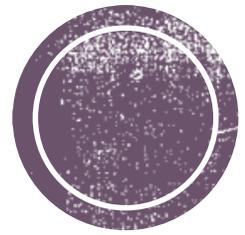


REPORTING

Ben Rasmussen – Director of Law and Professional Practices
Utah State Board of Education





Scenario One

Predatory Charter School

Mrs. Copper is a brand new director at Predatory Charter School. Before her career as an educator, she was with the police department for 20 years. Her first week on the job, she gets a phone call from parents concerned about a suspected inappropriate and possibly sexual relationship between a teacher's aid and their son Jimmy, who is 17 years old. Jimmy's best friend also reports to the principal that same day that he thinks Jimmy is having an affair with the aid. As a former cop, Mrs. Copper feels she has a handle on child abuse investigations, so she calls the aid into the office and asks, "Are you having a sexual relationship with Jimmy?" The aid responds, "Of course not!" The principal closes the case, thinking to herself, Jimmy IS 17; even if something IS going on, it's probably consensual.



Utah Code Ann. § 62A-4a-403(1)(a)

Except as provided in Subsection [\(2\)](#)*, when any person ... has reason to believe that a child has been subjected to abuse or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately notify [the nearest peace officer, law enforcement agency, or office of the division.](#)

*Subsection (2) does not apply in a school setting.



Utah Code Ann. § 53A-6-502

(2) In addition to any duty to report suspected cases of child abuse or neglect under Section [62A-4a-403](#), an educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report the belief and all other relevant information to the school principal, to the superintendent, or to the board.

(3) A school administrator who has received a report under Subsection [\(2\)](#) or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by an educator shall immediately report that information to the board.

(4) Upon notice that an educator allegedly violated Subsection [\(2\)](#) or [\(3\)](#), the board shall direct UPPAC to investigate the educator's alleged violation as described in Section [53A-6-501](#).

(5) A person who makes a report under this section in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.



R277-516-7

(1)(a) An educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school's employee shall immediately report that belief to:

- (i) law enforcement;
- (ii) the school principal; and
- (iii) to any other entity to which a report is required by law.

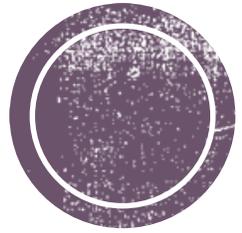
(b) A school administrator who receives a report described in Subsection (1)(a) shall immediately submit the information to UPPAC if the employee is licensed as an educator.

...

(3) An educator who fails to comply with Subsection (1) may:

- (a) be found guilty of unprofessional conduct; and
- (b) have disciplinary action taken against the educator.



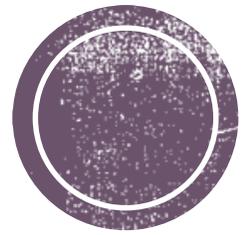


Scenario Two

Real UPPAC Case

Student nonchalantly reports to Teacher that Boyfriend tried to rape her. He pinned her up against the wall and tried to strip off her clothes. Student claims it was ok because their moms knew and the moms had worked out a deal not to press charges – plus, Boyfriend had gone to talk to his Bishop. Teacher thinks student is a bit of an attention-seeker and doesn't believe student is telling the truth. Later that day Teacher calls Boyfriend's Mom and relates Student's claim. A few days later, Teacher calls the school counselor and relates Student's claim because Teacher wants to wash her hands of the situation.





Scenario Three

“Sometimes I feel like killing myself...”

Student is talking to Counselor about his school placement. Student nonchalantly tells the Counselor that sometimes he feels like killing himself. Student immediately retracts his statement and proceeds to talk about other issues with Counselor. Counselor is comfortable student didn't mean anything by his talk of killing himself and informs no one.



Utah Code Ann. § 53A-11a-203

(2) A school shall:

(a) notify a parent if the parent's student threatens to commit suicide; or

(b) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student.

(3)(a) If a school notifies a parent of an incident or threat required to be reported under Subsection (2), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.



Utah Code Ann. §53A-13-302

(6)(b)(i) If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay.

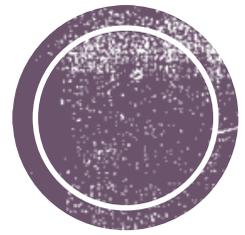
(ii) If, however, the matter has been reported to the Division of Child and Family Services...it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school.

...

(7)(a) If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, [they] may intervene and ask a student questions ... for the purposes of:

- (i) referring the student to appropriate prevention services; and
- (ii) informing the student's parent or legal guardian.





Scenario Four

Don't Pass the Trash!

Coach M was the football coach at the local high school. Coach M had crossed the line in conversations with female students for years, including use of sexually suggestive language and even telling one student he'd date her if he were younger. District O didn't fire Coach M or report him to police or state licensing authorities. Instead, District O negotiated a graceful exit with a severance for Coach M and gave Coach M a positive recommendation when he applied at another school district, telling the new district that the coach was moving on because of issues related to a divorce. Coach M was hired by the new district and a few years later was discovered to be having sex with a 16-year old student.

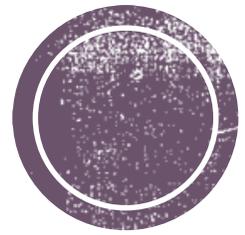


R277-516-7(2)

A local superintendent or charter school director shall notify UPPAC if an educator is determined, pursuant to an administrative or judicial action, or internal LEA investigation, to have had disciplinary action taken for, or, to have engaged in:

- (a) unprofessional conduct or professional incompetence that:
 - (i) results in suspension for more than one week or termination;
 - (ii) requires mandatory licensing discipline under R277-515; or
 - (iii) otherwise warrants UPPAC review; or
- (b) immoral behavior.





Scenario Five

Bad Advice

Teacher was in a fight with her abusive husband and ended up being cited for domestic violence after scratching her husband in self-defense and breaking a picture frame. Teacher hired, Shyster, a slick defense attorney from the law firm Dewey Cheatham & Howe, who persuaded Teacher that there was no merit to the charges and he was sure they'd be dropped. Teacher asked Shyster if she should let her school know of the charges. Shyster told Teacher that under no circumstances should she report her citation to her school. Teacher later entered a plea in abeyance to a reduced charge, on the advice of Shyster, Teacher still didn't report the disposition to her school. School only found out about the charge after it popped up on a state background check.



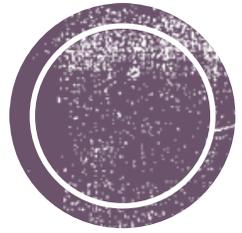
R277-516-3

(1) A licensed educator who is arrested, cited or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director or designee:

- (a) any matters involving an alleged sex offense;
- (b) any matters involving an alleged drug-related offense;
- (c) any matters involving an alleged alcohol-related offense;
- (d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;
- (e) any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;
- (f) any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and
- (g) any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in Subsections (a) through (f).

(2) A licensed educator shall report convictions, including pleas in abeyance and diversion agreements within 48 hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance or diversion agreement.





QUESTIONS

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