

# SCENARIO 3: TEXTING TEACHER

(secondary schools)

**(approximate 1 to 2-minute review)**

*A parent calls you because she found text messages on her daughter's cell phone and is concerned about her daughter's very personal relationship with Ms. V, who is an experienced teacher and is well-liked by students. She frequently offers students extra help after school, so it's not unusual to see students visiting her classroom after school. Sometimes she even treats them to snacks or trinkets. She has tutored this parent's child in a variety of subjects over a two-year period. During that time, Ms. V sent emails and text messages to the student using her cellphone. At first, the exchanges were general – sometimes unrelated to schoolwork (e.g., asking about a family member, or how friendships were going). Recently, the student began to text Ms. V about more personal feelings and relationships. In response, Ms. V shares her own experience regarding love, affection and relationships gone wrong, and offers relationship advice to the student.*

## District Policy

All employees with reasonable suspicion of child abuse or neglect *must* report the suspected abuse or neglect to a child protective agency (CPA) pursuant to *Child Abuse and Neglect Reporting Requirements*, BUL-1347.4.

## Reasonable Suspicion Definition

Reasonable suspicion means it is reasonable for a person, based on the person's training, education, and experience, to entertain a suspicion of child abuse or neglect.

## Clarifying Questions

An employee who does not have reasonable suspicion of child abuse or neglect may ask clarifying questions to determine whether or not suspected abuse or neglect exists. If an employee, however, does have reasonable suspicion of child abuse or neglect, the employee *must* file a Suspected Child Abuse Report (SCAR) without further questioning. Also, an employee with reasonable suspicion *must* file SCAR even if the CPA states "handle it administratively."

## Required Steps for Filing a SCAR

Filing a SCAR consists of two steps: (1) Telephone call *must* be made immediately, or as soon as practically possible, to a CPA; and (2) Written report *must* be filed with a CPA within 36 hours of receiving the information. The CPA will either be the Department of Children & Family Services (DCFS) or the local law enforcement. Generally, SCARs are filed with DCFS if the alleged perpetrator is in the home, and if the allegations involve an out-of-home perpetrator (e.g., employee), the SCARs are filed with local law enforcement (e.g., LAPD).

**(approximate 4 to 5-minute small group discussion)**

## Discussion Questions

1. Does the school have any immediate responsibilities?
2. Is this information enough for reasonable suspicion of child abuse? If not, what information is required?
3. Do you need to see the actual messages to have reasonable suspicion? What about to file?

4. If you did not have reasonable suspicion, what clarifying questions would you ask?
5. Who can you ask clarifying questions to? The student, principal, student's parent, Ms. V?
6. Would your analysis change if the communication between the student and teacher was in secret?
7. Would your analysis change if the parent initially consented to the communication, but now is concerned?
8. Is the student's consent to the communication relevant?
9. What possible concerns arise from this scenario?
10. How could or how does this situation become a violation of law or District policy?
11. Would your response change if the teacher was a male?
12. Would your response change if the adult wasn't a teacher (e.g., teacher's aide, custodian, coach)?
13. Is it relevant that the student is or is not a student in teacher's class?
14. Does it matter if the District owns the electronic devices used by the employee?
15. Does it matter if the communication uses the District's network system?

**(approximate 5 to 10-minute large group discussion)**

**Initial Actions**

The safety and well-being of every student must be the first and foremost priority for all educators. Immediate action should be taken to bring the matter to the attention of the site administrator in order to protect any student from any situation which threatens the student's safety or well-being. For example, the school may initiate employee consequences, class changes, student safety plans, etc.

This scenario may involve "grooming" or adult sexual misconduct, and it also involves Student Code of Conduct violations. Accordingly, a SCAR may be filed with a CPA. Also, since the allegations involve suspected abuse by an employee, these SCAR reports are generally filed with local law enforcement.

**Considerations**

**1. GROOMING OR ADULT SEXUAL MISCONDUCT**

As described below, this inappropriate conduct violates the Conduct with Students policy, and it may also rise to the level of suspected child abuse regardless of gender or job title. For example, in an attempt to gain trust and confidence, a perpetrator may engage in "grooming" or adult sexual misconduct, that is, physical or non-physical activity directed to the student, student's parents, or other adults with the purpose of developing a sexual or romantic relationship with the minor.

As described herein, grooming activities vary but generally methodically increase over time and allow a groomer to test their targets as to gauging acceptance and silence at each step. Children who are victims of adult misconduct may feel conflicted about the situation, especially if people they trust, such as school staff or other adults working with students (teacher/volunteer/classroom assistant/employee of school), are implicated.

Grooming activities may be done privately or publicly and gradually progress to sexualized behaviors. Signs that may signify grooming include, but are not limited to: (1) touching that is intimate or sexual in nature; (2) personal

or social media interaction with student without others' knowledge or supervision; (3) meeting a student away from school grounds or hours; (4) giving gifts or spending extra time with a student in nonsexual ways; and (5) sexual or personal oral or written comments made to a student.

Also, adults who engage in grooming may exhibit some of the following behaviors: Testing boundaries of students to determine whom to target or who is a vulnerable student; trying to build a more personal relationship with the student, such as telling the student personal stories and involving student personal matters (e.g., favors/errands); discouraging the student from sharing with others; acting in a manner to manipulate student's affection; engaging in intimidation and threats to silence and isolate student.

Based on the above, an employee with reasonable suspicion of child abuse must file a SCAR without further questioning. Also, pursuant to policy, an employee must inform their site administrator of these allegations of inappropriate conduct because the District administrator is obligated to: (1) stop the misconduct, if any; (2) investigate the misconduct, if any; and (3) take appropriate administrative and/or disciplinary action, if warranted.

If you, however, do not have reasonable suspicion of child abuse you may ask clarifying questions to determine whether or not suspected abuse exists. Also, if based upon the initial information you receive, you do not have reasonable suspicion of child abuse, you may call and consult with the CPA and inform your site administrator of the inappropriate employee (or adult working with student) conduct. Although some grooming type of conduct may not be criminal, they often violate other laws and professional codes of conduct in the educational setting.

## 2. CODE OF CONDUCT WITH STUDENTS

This scenario is an example of a Code of Conduct with Students violation. The teacher pays special attention to one student over others, which can give an impression of inequity or preferential treatment. In addition, the teacher has uses her personal phone to communicate with the student, including specific conversations about her family and personal relationships with other students. This scenario violates the District's *Code of Conduct with Students*, BUL-5167.0.

Ms. V should enforce clear boundaries between her after school tutoring assistance and how she communicates with students. Communications should be school-related and should not be overly personal to the extent manifested in the scenario and on personal electronic devices, such as by cell phone and email. If the communications are overly explicit and personal, this could raise suspicion of suspected child abuse.

Though conduct of this nature may be seemingly innocuous on its face, it can in some cases also be considered a form of boundary invasion that some adults use to get closer to young persons, build trust, and potentially engage in other increasingly more inappropriate boundary invasions leading up to and including sexual misconduct. If left unaddressed, this behavior could escalate and even result in reasonable suspicion of child abuse and discipline for the employee. In general, when allegations of inappropriate conduct or behavior are made, the relevant District administrator is obligated to: (1) stop the misconduct, if any; (2) investigate the misconduct, if any; and (3) take appropriate administrative and/or disciplinary action, if warranted.

If you have reasonable suspicion of child abuse based on the scenario, you must file a SCAR without further questioning. If you, however, do not have reasonable suspicion of child abuse you may ask clarifying questions to determine whether or not suspected abuse exists. Thus, you may ask clarifying questions of the student or colleague if the information provided raises any concerns for you. Depending on the context and any additional overtures that may become known or suspected, you may develop concerns about possible other violations leading to suspicion of child abuse and required mandated reporting.

### 3. RESPONSIBLE USE POLICY (RUP)

District equipment and data systems must only be used in a responsible, efficient, ethical, and legal manner, and such use may only be in support of the District's business and educational objectives. The District's responsible use policy (BUL-999.13) includes anyone using telephones, cell phones, computers, internet, email, text messages, and other forms of electronic communication or equipment provided by the District (the "network") regardless of the physical location of the user. Misuse may lead to disciplinary and/or legal action, including dismissal from employment, or criminal prosecution.

### 4. SOCIAL MEDIA POLICY

Under certain circumstances, the District has jurisdiction to discipline employees who violate rules of appropriate conduct which includes, but is not limited to, the use of District and the employee's social networking sites during or outside of work hours. In short, employees may participate in online social media venues, but employees should be aware that information produced, shared, and retrieved by them may be subject to District policies and is a reflection of the school community. For further information, please refer to the District's Social Media Policy for Employees and Associated Persons, BUL-5688.2.

## Emotional Support

### Listen

Ask open-ended questions that are not of an accusatory nature and actively listen to their response.

### Protect

Even if there is no reasonable suspicion for child abuse, it is still important to monitor the student's overall well-being. Ongoing communication with the student can also indicate if further assistance is needed, or mandated reporting procedures must be followed. This is an opportunity to become familiar with and use the procedures, policies, and resources at your work site.

### Connect

Convey concern for the student's well-being. Every school site has protocols, systems, and resources to support and address student safety and well-being.

### Model

Maintain a professional and calm level of emotions and reactions to help the student achieve balance and restore a calm environment.

### Teach

Teach students to identify supportive adults at home and school. Teach concepts of healthy relationships. Students may express different reactions to the same event.