This is a story that should serve as a wake-up call for school districts and educators around the state. Everyone involved in the tragic child abuse case was deeply scarred: a child who, despite the best efforts of caring staff, was allegedly victimized by someone who lived in her home; and six respected educators who found their careers suddenly shadowed by ambiguous accusations.

A well-regarded principal was charged with failure to report suspected child abuse and was fired. Although the district attorney’s office and police quickly decided to file no charges against the five Bedford Teachers Association members, they were placed on leave for more than two months pending a district investigation. In the end, no charges were filed against the five — but two resigned, and three were reassigned to other buildings.

"Every educator in this case was deeply committed to protecting the child involved," said NYSUT President Dick Iannuzzi. "That’s why what happened to these educators was so unconscionable: They suffered irreparable damage — both emotional and professional."

And they might not be alone. "The scariest part of this story is that it could happen anywhere, to anyone," said Bedford TA President Adam Yuro. "Districts need to develop clear policies and conduct staff development training so that everyone is well-informed about what their reporting requirements are."

Responding to critical questions raised in the Bedford case, NYSUT is disseminating information to help employees in all school districts make informed decisions, said NYSUT Executive Director Pauline Kinsella.

NYSUT recently posted an extensive Information Bulletin outlining the legal requirements for school employees under Social Services Law and Education Law. (See excerpts below.) In addition, NYSUT’s Education & Learning Trust offers programs on working with victims of child abuse, and bully prevention.

Stunned

To this day, all six Bedford Hills educators maintain they did what they thought was right.

The four teachers and school psychologist were stunned when they were called into the superintendent’s office last August, a few days before the new school year, and told that an investigation was under way.

They were not told why and no specific allegations were made by the school district, but they were told to stay home pending the outcome to answer allegations that they had failed to properly report suspected child abuse involving a 9-year-old girl.

The northern Westchester elementary school became involved in the case in December 2005 when a mother came to school to report there had been talk at her daughter’s sleepover party about a third-grader who said she had sex with an adult. The 9-year-old alleged victim was not at the party, but the woman’s daughter told her mom a few days after the party that some other girls overheard a conversation about the alleged sexual activity.

Because the principal was out of the building that day, the mother reported the information to the teacher-in-charge for the day. The next morning, the teacher-in-charge reported her conversation to the principal. "She thought that was the
end of it," Yuro said. "She had no other involvement, yet she was one of the teachers placed on administrative home
duty."

The principal acted immediately on the fourth-hand information, talking to the school psychologist and the child's
classroom teacher, as well as two of the young girl's other teachers. The latter two educators were asked by the principal
to interview the student. After talking to the youngster, both teachers reported back to the principal that there were no
signs of anything wrong.

She was described by all staffers as a happy, popular girl who exhibited no troubling signs such as becoming withdrawn
or losing interest in schoolwork.

Another educator informally observed the girl on the playground while she interacted with friends. Again, nothing
appeared amiss.

When questioned by the principal, the classroom teacher also reported the child seemed happy and showed no signs of
trouble.

"They all did exactly what they were asked to do," said Ken Kurzweil, the longtime Bedford TA president who helped Yuro
handle the crisis. "In my heart, I still believe they did not do anything wrong — legally, morally or ethically. They did
exactly what any educators would have done."

In August 2006, the girl's mother found something on her boyfriend's cell phone — a suspicious picture of her child. She
reported to police the young girl had been raped.

"What's criminal is that the real culprit, the alleged rapist, has disappeared," Kurzweil said. "The only ones punished here
were the teachers."

The case, as it evolved, showed the importance of the local and statewide unions, Kurzweil noted, as well as tenure.
While the district's investigation dragged on until early November, the disheartened educators remained at home worrying
about their future.

Subsequently, the union took a no-confidence vote in the school board. By a vote of 396 to 7, the membership agreed the
board's actions were improper. The no-confidence vote was a turning point, Yuro said, pressuring the district to move
forward and take some positive steps.

NYSUT successfully fought to have the ousted principal reinstated to a teaching job, as required under the local union
contract, which lets teachers take up to a three-year leave to try an administrative position.

The union eventually convinced the school board to restore the tenure that had been approved and later rescinded (and
extended for a school year) for two of the probationary teachers.

The returning probationary teachers had to sign statements that did not admit responsibility but acknowledged that the
district believed they should have reported the allegations.

NYSUT's Legal Defense Fund helped cover educators' costs for possible criminal charges.

Anyone who is mandated to report suspected child abuse or maltreatment — and fails to do so — could be charged with
a class A misdemeanor and sued in civil court for monetary damages.

The Bedford Hills principal was charged with misdemeanor failure to report, but charges were adjourned in contemplation
of dismissal — which is neither a conviction nor an admission of guilt — and were dismissed last month.

A civil lawsuit by the victim's mother against the school district is pending.

Lessons learned

With the worst hopefully behind them, Yuro and Kurzweil both agree the devastating incident offers important lessons for
all educators. They praised NYSUT labor relations specialist Eric Marshall for helping them through murky waters and
initiating a union training effort.

Marshall said the Bedford case exposed the fact that the district — like many around the state — did not have a written
policy on child abuse reporting requirements, as mandated by law. The district also failed to train staff, another
requirement under the law. "The last time the district communicated anything in writing was a 1989 memorandum to the
staff of one building," Yuro said. "It basically said 'if you believe there could be child abuse, go to the principal.'"
The Bedford school board maintained that all teachers must complete two hours of training on child abuse reporting to get their certification, but that is not the end of the district's responsibility, Marshall said. Districts need to develop and disseminate clear policies regarding the mandatory reporting of child abuse or maltreatment.

These issues may be dealt with in the district's school safety plan and certainly should include teachers and other school personnel.

In addition, districts must provide ongoing training of all personnel in those policies.

Since the incident, Bedford has hired a law firm to prepare a policy. The union is working with the district to revise the draft.

"At this point, there are still many gray areas," Kurzweil said. "It says teachers are required to report any 'reasonable' suspicions to Child Protective Services and the principal. If I see a kid with bruises on his arm and he tells me he fell down the stairs, am I supposed to report that?"

Absent a clear district policy on reporting, educators should err on the side of caution.

"It's not enough just to tell your principal," Marshall said. "And there's no liability for you if the report proves unfounded."

Yuro hopes no other teachers "go through the hell that our staff did."

Every school, he said, "should have a clear protocol so no one can later question if you did the right thing."

— Sylvia Saunders

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Mandatory reporting for school employees

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