

## Special Alert: School Districts Must Learn from Penn State's Failures

Written by Peggy A. Burns, Esq.  
Wednesday, 18 July 2012 07:28

---



Repercussions from the horrific acts by Penn State's Jerry Sandusky reported by the media have yet to fully emerge. On July 12, 2012, a scathing 267-page report was issued by Special Investigative Counsel Louis Freeh, former FBI Director. There are distinct lessons to be learned by everyone in the educational environment in the wake of the Report, "Regarding the Actions of the Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky."

And just as blame is cast on Penn State personnel "from the top to the bottom" of the University, so too there are lessons for officials and employees at every level of school districts and school bus companies. The Penn State tragedy and utter disregard by the Penn State hierarchy of abuse of students must not be regarded as a problem that happened "there" and could not happen "here." My comprehensive article about the implications for our industry from the Penn State findings will appear in a fall issue of *School Transportation News*. In the meantime, I wanted to send you this brief "Special Alert" as soon as possible.

- • Neither the governing body of a school district nor the ownership of a bus company has the right to take a "head in the sand" approach to the actions of their employees, or to incidents that occur in places or on vehicles for which they are responsible.
- • When district or company officials are on notice that any staff member may have violated state law, or district or company policy or contracts, they are obligated to initiate an investigation. Such obligations are especially heightened when, if the allegations turn out to be true, the actions involved would be harmful to students or others.
- School and company officials are responsible to provide relevant training for their employees, and to insist on effective implementation of policies and procedures instituted for

## Special Alert: School Districts Must Learn from Penn State's Failures

Written by Peggy A. Burns, Esq.  
Wednesday, 18 July 2012 07:28

---

the safety of children.

- Pupil transportation directors and supervisors must keep the people to whom they report apprised of any allegations of serious misconduct involving members of the transportation department, the school district, or the bus company, as applicable. This is especially so when concealment would tend to compromise the fulfillment of the duties by top officials regarding the allegations, and permit the clear potential for continued abuse.

- In most states, public employees are legally required to report suspected child abuse to local law enforcement agencies. In addition, school district policies may go beyond state law in their reporting requirements.

- School bus company employees may have obligations to report suspected child abuse in accordance with their own policies, or as required by contract with a school district client. Although most states do not currently mandate reporting by employees of private entities, according to the National Conference of State Legislatures as of June 4, 2012, approximately 105 bills in 30 states and the District of Columbia were introduced in the 2012 legislative session on the reporting of suspected child abuse and neglect; 10 of these states enacted legislation.

- Regardless of state laws, your district or company may well have made all employees mandatory reporters. Be sure your staff members understand clearly their obligations and do not fail to report any incident of suspected child abuse.

*[Peggy Burns](#) is the former in-house counsel for Adams 12 Five Star Schools in Thornton, Colo., and currently owns and operates [Education Compliance Group, Inc.](#), a legal consultancy specializing in education and transportation issues. She is also a frequent speaker at national and state conferences and is the editor of the publication [Legal Routes](#) that covers pupil transportation law and compliance.*