

There is a state law that requires teachers and other school personnel to report suspected child abuse to DFCS or another named authority such as the Sheriff.

At the District Attorney's request, the Grand Jury subpoenaed records from the Pickens County Board of Education pertaining to three cases of suspected child abuse. The investigation was to determine if the Board employees reported the suspected child abuse as required by law. In each of these cases, school personnel had reported the suspected abuse to DFCS as required by law. The first of these cases occurred in 2004; the second case occurred in 2006, and the last case was the Lyles matter which occurred in 2010 and has recently gained so much publicity in the local press. The cases which occurred in 2004 and 2006 cannot be prosecuted for failing to report child abuse because they happened so long ago; however, even if prosecution of the school employee was not barred by the statute of limitations, each of these three cases was reported as required by state law. Since 2004, the Pickens County School District has reported 547 cases of suspected child abuse to our local DFCS.

There is no cover up of child abuse by the Pickens County Board of Education, the Pickens County Superintendent of Schools, any of our principals, or any of our employees. That would not be tolerated now, and it never has been tolerated in the past. If any error has been made by our employees, it was in conducting a preliminary investigation into rumors of abuse prior to getting law enforcement involved. Indeed, our interpretation of state law requires that the reporting individual conduct that investigation prior to making the report. In the aftermath of the Lyles matter, it has become clear that the Sheriff's office does not want any school personnel to conduct these preliminary investigations. This was addressed in a training session arranged by the Sheriff and the Board for the Board employees on April 21, 2010. The Sheriff's desire shall be respected by the Board as detailed below.

In the future, Grand Jury investigations are not necessary to request a policy change from the Pickens County Board of Education. The Board greatly appreciates the hard work, time, and effort that the Grand Jury has brought to its investigation; however, had the District Attorney bothered to approach the School Board members, its Superintendent, or even the Board's Attorney, this waste of taxpayer money and time could have been avoided. The District Attorney's original request to the Grand Jury was to investigate the Board's decision to serve our students that have special educational needs by bringing the Northstar school to Pickens County, a decision which the District Attorney did not agree with. Although there was a headline when that investigation was opened, there was never any comment about the results of it. To date, the Board has heard no results of the District Attorney's request for that investigation. Instead, the Board now stands accused of covering up child abuse, an accusation that is irresponsible, inflammatory, and wrong.

The District Attorney requested that this Grand Jury open a civil investigation to determine if the Pickens County Board of Education and its Superintendent have complied with a criminal statute that requires teachers and administrators to report child abuse once that teacher

or administrator has "reasonable cause to believe that a child" has been abused. The criminal statute requires that this report be made "no later than 24 hours from the time there is reasonable cause to believe a child has been abused" to be "followed by a report in writing, if requested." This criminal statute can be found in the Official Code of Georgia Annotated (O.C.G.A.) §19-7-5.

On December 12, 2004, the Pickens County Board of Education adopted Board Policy No. JGI which states:

All employees of the Board of Education who have reason or cause to believe that a child is being or has been abused shall report that abuse immediately, no later than 24 hours from the time the child is suspected to be abused and shall report to their supervisor or administrator in accordance with Georgia law and the school system's protocol for handling child abuse cases. The principal or designee to whom child abuse has been reported, under no circumstances shall exercise any control, restraint, modify or make changes to the information provided in the report, although each of the aforementioned persons [mandated reporters] may be consulted prior to the making of a report and may provide any additional relevant, and necessary information when making the report.

This policy is a mirror image of the requirements of the criminal statute the District Attorney has accused the Board of Education of not complying with. This policy was drafted by Georgia School Board Association, a state-wide organization that provides policy assistance for boards of education across the State of Georgia, and it was drafted for the purpose of complying with the requirements of O.C.G.A. §19-7-5. Please understand that the Board's role in the day-to-day affairs of a school is limited to setting policy guidelines for the administration to follow. Therefore, by adopting this policy, the Pickens County Board of Education believes that it has complied with the requirements of O.C.G.A. §19-7-5.

The next question posed by the District Attorney to the Grand Jury was whether the Superintendent of Schools for Pickens County complied with the requirements that O.C.G.A. §19-7-5 impose upon him. The Pickens County Board of Education directs that its Superintendent implement the policies that it adopts. In order to implement the requirements of Policy No. JGI, which are the same requirements that O.C.G.A. §19-7-5 requires, the Superintendent has hired staff to conduct training for the employees of the school district to make them aware of the policy and its requirements. The Grand Jury was given copies of the training materials used by those staff members as well as records proving that said training has taken place. Therefore, by providing this training, the Board believes that the Superintendent has complied with the requirements of O.C.G.A. §19-7-5.

The Grand Jury has made six recommendations to be considered by the Board of Education. The first recommendation asks for the Board policy referenced above to be revised to list the "positions of principal, vice principal, counsel, personnel directory [sic] and

superintendent . . . to further emphasize the importance of these positions to know and adhere to the 'immediate' reporting as required by law." The policy currently requires "All employees of the Board of Education . . ." to report suspected child abuse. The "positions of principal, vice principal, counsel, personnel directory [sic] and superintendent" are included in that definition. We do not disagree with the Grand Jury's assertion that the named positions are important; however, from a policy standpoint, each employee has equal responsibility to report child abuse, and no distinction can be made. In order to comply with the spirit of the Grand Jury's recommendation, the Board will ensure that the employees who hold those named positions are aware of their increased importance by having those employees go through training specific to their positions.

The second recommendation is for the Board to distribute the revised policy to all of its employees. Board Policy No. JGI together with any revisions will be distributed to each employee during the training sessions referenced above. All of the Board policies are also available on our web site ([www.pickens.k12.ga.us/policies](http://www.pickens.k12.ga.us/policies)).

The third recommendation asks that the Board modify its policy to provide that the "Mandated Reporter make an initial report to the School Resource Officer immediately." The Board shall modify Board Policy No. JGI at its next opportunity to add the following language:

Any and all investigations into suspected child abuse shall be conducted by the Pickens County Sheriff's Office. Employees shall not conduct any interviews or investigations into allegations of child abuse, including but not limited to discussions with victims, perpetrators, or witnesses.

The fourth recommendation pertains to the Sheriff's office and how it should conduct its investigations. However, based on prior experience, the Board is confident that the Sheriff's office would fully investigate compliance with O.C.G.A. §19-7-5 when it conducted its investigation into the underlying abuse claim. The Board currently uses the Sheriff's office for its campus police, and the Board has been very satisfied with the performance of Donnie Craig and his staff in that capacity.

The fifth recommendation pertains to actions suggested for the Child Abuse Protocol Committee to adopt, and, therefore, is not specific to the Board. Employees of the Board are members of this committee, and they will be instructed to focus on "instances of abuse which occur on school property and/or is perpetrated by school employees" at the next meeting of that committee.

The sixth (unnumbered) recommendation of the Grand Jury requests that the Board change its policy to "prohibit school employees [from] conducting interviews of children involved in cases of suspected child abuse . . . [as well as] any witnesses including suspected perpetrators . . ." This policy revision shall be adopted as described above.

In closing, the Board would continue to thank the members of the Grand Jury for their public service, and the Board would further assure the citizens of Pickens County that it never has and never will tolerate child abuse.

Thank you, your Board of Education.