

David Schauner, testimony
House Committee on Judiciary
February 8, 2012
House Bill 2533

Chairman Kinser, members of the Committee, as General Counsel for the Kansas National Education Association, I thank you for the opportunity to present this testimony (in opposition) (with regard) to the changes to the mandatory reporting statute proposed in **House Bill 2533**.

Teachers have long been mandatory reporters of suspected child abuse under the reporting requirements of K.S.A. 38-2223. In many ways, teachers are a front line in the detection of abuse because they see students every day of the week. I also know that teachers take their reporting responsibilities very seriously under the statute. If a teacher has reason to suspect that a child in their school is being or has been abused, they make the report to the SRS.

I also know that teachers may often be unsure whether some piece of information that they have obligates them to make a report of child abuse. Unfortunately, I do not believe that the proposed changes to the reporting statute in do anything to remedy that uncertainty. To the contrary, I believe that the changes that H.B. 2533 makes to the penalty provisions of the statute will only increase teachers' anxiety.

Under current law, a teacher is liable for "willful and knowing failure to make a report" required by the statute. I believe that the current law appropriately punishes culpable behavior by mandatory reporters who willfully fail to report. Under the change proposed in H.B. 2533, however, a mandatory reporter appears to be liable under the law for the innocent failure to report suspected abuse, when the law provides no guidance as to when it is appropriate to suspect

child abuse. When coupled with the promotion of a failure to report sexual abuse to the level of a felony, I believe that the result will be a significant increase in the number of mistaken reports of abuse to the Department of SRS.