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NTU Building Reps

RE: DYFS CHILD ABUSE ALLEGATIONS IN OUR SCHOOLS

Dear Building Rep:

There is an epidemic of DYFS child abuse allegations in our schools. Fortunately, most are unfounded and not established but they lead to tenure charges against tenured teachers, terminations against non-tenured teachers and terminations or penalties against civil service aides. Also, substitutes are summarily dismissed. I'm requesting that you review what is attached and become an agent of the Union in your building discussing what I have addressed in this document on child abuse and how to avoid it. I further suggest that if you want more copies of this ask Subrina Screvens and she will make as many as you want for your distribution to your faculty. Unfortunately, many situations can't be avoided but we can seek the therapy of preventive medicine in order to avoid those situations which too commonly occur. We take serious in defending every allegation. You should be aware that every prevention we are successful at can save the NTU up to \$50,000.00 to \$60,000.00 in legal fees and save jobs for our teachers and aides. This matter must be addressed at your building faculty meetings and privately amongst your staffs. Non-tenured teachers who are naive are being blitzed because students are actually telling them "they are going to get them fired." This is at an epidemic proportion at the Newark District and we must attempt to counter it.

In Solidarity,



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EGL/db

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NTU CHILD ABUSE-NEGLECT TEACHER PREVENTION AND PROTECTION PROGRAM

Q: Why the Program?

- A. Teachers are being brought up on tenure charges even though child abuse or neglect is not substantiated and even not established and unfounded!!

Q. How Can This Be?

- A. The District is investigating, with investigators, all witnesses to allegations as well as students to determine if a teacher's or aide's conduct violated a Board or educational policy. They are permitted to do an investigation independent of DYFS.

Q. Why Is This Happening Now?

- A. High and middle salaried teachers, once off the payroll, reduce budgets and allow for site expenditures in other areas or employment of lesser salaried teachers.

Q. Do Administrators use DYFS as Retaliation or to Harm Teachers Professionally or In Their Evaluations?

- A. Yes, absolutely. There are those who are evil enough to exaggerate allegations or even inspire students and parents to bring allegations against teachers they don't want or like!!

Q. **Are Principals Required to Report Allegations of Child Abuse or Neglect?**

A. True allegations consist of a situation where substantial harm has occurred or the risk of substantial harm has occurred. In most instances, administrators report incidents not attaining the standard of child abuse and neglect to cover themselves and from there the incident snowballs to a 1.) DYFS investigation; 2.) A District investigation. Tenure charges can flow from either and civil service termination for aides.

Q. **What is Your Obligation As A Teacher Or Teacher's Aide If You See an Abused Child or Neglected Child?**

A. If you do nothing, that's child neglect!! Poor dietary conditions, unhealthy and dirty clothing, bruises, sleeping all day, serious body odors. Document and call the DYFS hotline and tell your administrator and nurse after you've done so. You may inform them first but don't let a situation last over any period of time. Your administrators will throw you under the bus if you don't report and tell them. Do everything in writing and keep a copy. Remember, with this administration and DYFS you are in a mine field!!

Q. **What Comes Out of Minor Incidents and Major Incidents?**

A. Lawsuits against you and the Board. Criminal complaints against you in the municipal and Superior Court.

Q. **What Does DYFS Do When An Allegation Is Made Against You?**

A. They come to your school. Interview your principal about you. They interview the students in your class. The alleged victim. Colleagues and then they will ask to speak to you. Remember, students stick together and will not be candid about what happened. Expect that, unfortunately.

Q. **What Do You Do?**

- A. Professionally you ask for their card and tell them you will speak to the Union attorney before speaking to them and they understand because they are Union and will not speak to an investigator until they speak to their attorney!! They are investigated also!! Then call the Union - 973-643-8430. Don't discuss the incident with them at all. Get it. Not at all.
- B. Ask the Newark Teachers Union for help before writing an incident report and keep a copy of the report.

Q. **What's Your Next Step?**

- A. Make an appointment with the General Counsel to the Union, 973-890-1819, in order to prepare for your DYFS interview. Remember, the DYFS allegation is the first step towards possible tenure charges and possible license revocation. This is serious business no matter how minor the incident. You must be prepared for the DYFS interview because it's your first defense to tenure charges.

Q. **Does the Investigator Only Ask Questions About the Alleged Incident to the Principal, Your Students, Aides and Colleagues?**

- A. Nope, they go on a broad fishing expedition and be shockingly prepared for the lies and fabrications the students say about you especially the behavior problems, those who are failing and the alleged victim. DYFS too often believe them and so does the District.

Q. **Do Principals Lie About You to the DYFS Investigator?**

- A. Some do and it has taken an arbitrator or a lawsuit against a Principal to get the truth out. Some relish their lies. Two principals have been sued.

Q. **Do DYFS Investigators Question You About Incidents With Children Other Than That of the Alleged Victim?**

A. Yes and we don't know what's said about you by your students until the interview with DYFS. Shocking things come out that the District jumps on to get you in tenure charges. That's why you want to do everything in your power to avoid a DYFS allegation. Hands off!! Hands off!!

Q. **What happens after you are interviewed?**

A. The DYFS investigator prepares a findings report of your conduct and may enter therein concerns about your conduct with the victim or those who have said things about you unrelated to the incident the teacher was charged with. We reply to the findings for the record especially if we believe them to be inaccurate. (See Findings Chart).

Q. **What's the Next Step After the Findings?**

A. The District will do their own internal investigation and interview those witnesses who said you did other unprofessional things outside the original allegation and you will again, for the second time, interviewed by the Tenure Compliance Office for further discipline and possibly tenure charges besides the facts surrounding the actual DYFS allegation.

Q. **Where Are You During This Investigation Period of DYFS and the Board?**

A. If tenured, you may be at the Board of Education with pay or if non-tenured you could be given 30 days notice of termination or terminated and not rehired at the conclusion of the school year. This is serious stuff. Remember, you will always be legally represented every step of the way if the Newark Teachers Union has been told by you of the incident. Don't ever talk to a DYFS investigator at all without your Union lawyer!

Q. **What Happens If You Are Assigned to Harold Wilson as a Result of a DYFS Allegation?**

- A. You will be paid full salary and benefits. You must abide by the punch in-punch out time schedule that existed at your school. Be on time. Don't leave early. Take the required lunch period. The District would like nothing better than to also charge you with theft of time.

Q. **What's the Best You Can Do To Avoid DYFS Allegations? Sometimes You Can't Avoid Them Because Students and Parents Oftentimes Lies.**

- A. Unfortunately, parents and students know more about DYFS than many teachers do. Students regularly tell substitutes "we are going to get you fired." "We are going to call DYFS on you." They do the same to teachers. In one school a class drove out five teachers with false DYFS allegations. Leave a copy of this for substitutes.

DYFS INVESTIGATORS ARE TRAINED IN INTERROGATION METHODOLOGY

NOTE: Investigators don't give a hoot how bad the student is. That's your problem. However, if the student is as bad as you say, did you document it, did you call parents, did you refer to CST, did you review IEPs, did you write parents, did you keep incident report. Document and make copies of everything. **I REPEAT - DOCUMENT AND MAKE COPIES OF EVERYTHING.**

Q. **What do you do if a student is injured in your classroom?**

A. Make sure you send him to the nurse and make sure you prepare and send an incident report. That's Board policy and keep a copy. Cuts, bruises, scrapes, blood. Without an incident report the District believes you are hiding something.

Your Aide and Yourself

Work as a team. Be eyes for each other. You are all in harms way. You are the captain of the ship. Teach your aides about child abuse. They need their positions, salary and medical. Be professionally corrective and don't tolerate hitting, pushing, shoving, bad language. Protect the children. Protect the aide. Discuss parameters of conduct and language.

Q. **When Does Lightening Strike and To Whom Most Often?**

- A.
1. **Autistic teachers** who often have to be more hands on and have instances of frequent eruptive behavior. Be certified in restraints. Use the least amount of pressure. Make sure you have the proper number of aides and document and request them when you should but don't have them. Document all injuries with incident reports to school, nurse, parents.
 2. **Special Need Teachers.** Many disruptive situations leading to allegations.
 3. **Gym Teachers.** Avoid touching to demonstrate. Utilize mannequin. Make every effort not to be alone with students or be in the area where students are changing or have a view of those areas. No derogatory remarks about student's shape, clothing and never anything personal about or referencing body parts. They will twist what you say and say that your eyes and hands have been where they shouldn't.

4. **Pre-K and Up to Third Grade.** Make sure you discuss with aides the dangers involved in having to touch such young students to direct them. Make sure you have your aide observe you.

B. **Lightening Strikes You When You Are:**

- A. Under personal stress because of money, family problems, personal problems. You act instinctively and not rationally.
- B. When you go into their space, their territory. You are done. When you go *mono to mono* and he challenges your authority and you feel embarrassed, your goose is cooked. He's laid the trap and you walked right into it because instead of de-escalating you have escalated and you own the consequences. A teacher can never ever escalate the situation by voice or physicality. You will have a roomful of witnesses against you if you do. DON'T ESCALATE! DON'T ESCALATE!
- C. Too personal with your language referencing beautiful eyes, clothes, shape. They will twist it on you. Never refer to parents, neighborhoods, welfare or anything ethnic or religious. You must stay professional.

Q. **What Types of Student Is Most Apt to Make Allegations Against You?**

- A.
 1. A child who has misbehaved and you've told him you are going to call his mother or write her. They will make up a lie about you before you make contact to shift the spotlight. Happens all the time.
 2. A failing student or one who fears not graduating or going on a class trip. They will look for any opportunity to get rid of you.
 3. A student who you have favored for a duty and then replaced with another. They become hurt and jealous.

Watch out for Sexual Allegations from Both Boys and Girls

Female students make allegations against female teachers. Don't give students the opportunity to spring traps. Don't be alone in early a.m. or p.m. No rides home or anywhere. No weekend meetings or evening meetings anywhere and texting and cell phone communications are turned into sexual liaisons. Stay off the internet with students and don't ask for their passwords.

Q. **What's Lack of Supervision? Remember, cameras in hallway can protect you against allegations. Problems often occur in the camera's eye.**

A. Simply put - Just be there with your students and when you can't have coverage.

- A student who runs out of your room and school is a serious matter. You own the consequences if you haven't called the office and security and immediately let it be known.
- Does the student run out all the time? If so, don't sit him by the door. Keep him close to you. Let his parents know. Let the administration know. Seek help and document his behavior.
- If you are aware of a child's propensity you must guard against it otherwise you own the consequences.
- Leaving the room unattended is an invitation for disaster. Students have hit students over the head with chairs in the teacher's absence. Students have jumped out windows.
- When walking in line, stop and take head counts. Never let your class get too far ahead of you and constantly keep your eyes on them.
- Class trips - mischievous children take off on you. Make sure you get permission slips. No slip no trip. Assign students to chaperones. Constantly take head counts. Make sure you go over rules, in writing, before trips. Give students and parents a copy of the Rules and Duties. Cover yourself with documentation.
- Overnight trips - really dangerous responsibility. Have to prepare with meetings. Rules in writing for all. Areas students can and cannot go. Buddy system. When do the lights go out? When you can and cannot leave rooms? Teachers never alone in rooms with students. Teacher buddy system. System is everything. Remember, a Newark student drowned on a trip. Avoid overnight trips if you can. Also, does your school have a trip policy? Ask your supervisor for one before you go. Ask their advice with a witness present.

Q. **Do You Stand Buy and Do Nothing When Students Are About to or are Fighting?**

A. Better not. Your job is to prevent injury to your students. Immediately verbally intervene. Step between students keeping your cool. Send someone to security or the office for help. Use minimal physical contact to keep students apart. Keep your cool. Don't use force that can hurt. Students will accuse you of using harmful force. Some will put bruises to themselves and scrapes to get you. Every physical confrontation with a student is a potential DYFS allegation against you. Stay aware from head and neck areas. Ask to be trained in Handle with Care.

Q. **If A Student Punches or Hits You, What's Your Response?**

A. You have to restrain by either holds of wrists, hands or arms or even backing or getting away from the area of conflict. Keep talking to the student to de-escalate telling him of the consequences of his conduct. You are not permitted to punch back at a student. Rather than hit a student, put distance between yourself and the student unless your back is to the wall and you must use self-defense to save yourself from serious real or apparent harm. Avoid getting into playful physical contact. It leads to disasters for teachers.

Q. **What If a Student Is Throwing Objects?**

A. Verbal intervention, send for security. If harm could befall students, use proper restraints avoiding contact to head or neck area. Never use harmful restraints or full force which could cause injury. Never throw or flip or trip students to the ground. These are tough situations and every aspect of your reaction and conduct will have witnesses.

SUBSTITUTE TEACHERS

They are the victims of allegations daily. Students take advantage of them and attempt to rattle them. Students run out of the room when subs are in classrooms. Make sure, if you can, they have a lesson plan. Leave instructions that for their own welfare they should not touch students and remain professional. Too many substitutes are winding up in Newark Municipal Court charged with assault and battery.

PARENTS FILE CRIMINAL CHARGES AGAINST NEWARK TEACHERS IN THE NEWARK MUNICIPAL COURT

On average, 10 to 15 Newark teachers find themselves charged with assault and battery annually besides the DYFS allegation. It's not fun and the criminal aspect is very stressful when you are charged. Remember, students are trying to trap you especially when their conduct was wrong. They will preemptively strike at you by lying to the administration, their parents, the police! They will seek to get off the hook at your expense. They can care less about you losing your job, license and future. Students care nothing about your losing your job, license and future.

CONCLUSION

99% of incidents will not rise to child abuse where serious injury or risk of harm will exist. However, the DYFS investigation and District investigation will cause you to face allegations of lack of professional educational conduct from which the District may formulate tenure charges against you. The loss of your job and income is of serious consequences to you. Mortgage payments, rent, car payment and tuition are at stake. Best advice is to keep cool and keep hands off even endearingly. Remember, you are in a minefield.