



**OFFICE OF  
STATE INSPECTOR GENERAL**

**CHILD PROTECTION  
AND  
THE SCHOOL FOR THE VISUALLY IMPAIRED**

Report by  
Inspector General Bill Lynch

Prepared for  
Governor M.J. "Mike" Foster, Jr.

June 4, 2001

File No. 1-01-0045



State of Louisiana

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May 21, 2001

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# Child Protection and The School for the Visually Impaired

The East Baton Rouge Parish Child Protection Office failed to notify the proper authorities of the findings of an investigation into allegations of sexual abuse of a female student by a teacher at the Louisiana School for the Visually Impaired, as required by state law and agency policy.

Investigator Jessica Griffin failed to notify the district attorney, the school superintendent and the Department of Education of the agency's conclusion that the allegation was valid, or true. Her supervisor, Arianne Bruneau, failed to ensure that the case was handled in compliance with law and policy.

Dr. Richard Day, the school superintendent, used poor judgment when he failed to contact Child Protection for the results of the investigation. The teacher has remained employed at the school.

Dr. Day, with supervisory approval, also allowed two school employees to live in apartments on school grounds without reporting the housing as compensation and without properly identifying the employees in an annual report to the Division of Administration, as required.

## Background

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The East Baton Rouge Parish Child Protection Office, an agency within the Department of Social Services, Office of Community Services, receives and investigates allegations of child abuse and neglect. The agency is required by state law and policy to report certain investigative findings to specific persons and authorities.

The parish administrator is Drusilla Thomas.

Ms. Griffin has been an investigator with the agency for about nine years. The supervisor, Ms. Bruneau, was an investigator for about five years before becoming a supervisor about three years ago.

The Louisiana School for the Visually Impaired, located in Baton Rouge, provides special education for visually impaired male and female students. Some 88 staff members provide services for the 53 students currently attending classes. Most students reside during the school week in dormitories on the school grounds. On weekends, holidays and semester breaks, most go home.

For about the past 20 years, Dr. Day has been the school superintendent. His supervisor is Department of Education Special School District No. 1 Administrator Lester Klotz.

## Allegation of Sexual Abuse

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In December, 1998, just before the school closed for the Christmas holidays, Dr. Day learned that a 16-year-old female student had alleged she had been sexually abused by a male teacher at the school.

The student accused the teacher of fondling her breasts and kissing her on the neck.

As school policy required, Dr. Day immediately contacted the Child Protection Office. Ms. Griffin, the Child Protection investigator assigned the case, initiated and completed an investigation in a timely manner. Her investigation included interviews with the student, her parents, the teacher, others that the student had told about the abuse and various school employees, including Dr. Day.

The day after the alleged abuse occurred, the student returned to her parents' home in Lafayette. She never returned to the state school.

On Feb. 3, 1999, after completing the investigation, Ms. Griffin met with supervisory and management staff at Child Protection to review her findings. As a result of that meeting, the agency concluded the allegation of sexual abuse was valid.

According to Ms. Thomas, the parish administrator, an investigative finding of validity does not necessarily mean the alleged perpetrator is guilty. It means the agency believes the abuse did occur as reported by the victim. The standards applied by the agency to

conclude an allegation is valid do not rise to the level of proof required by police or the courts, she said.

Article 615 of the Louisiana Children's Code states that, in a case where the abuse allegation seems to be justified, the local child protection unit shall report all pertinent information to the district attorney "as soon as possible but in no case more than thirty days after such determination...."

As per agency policy, Ms. Griffin was required to conduct a formal meeting with the school superintendent to advise him of the finding. Also, as per agency policy, Ms. Griffin was required to forward a written report to the superintendent and to the state Department of Education, Special School District No. 1.

However, Ms. Griffin failed to act in compliance with the Louisiana Children's Code and agency policy when she did not notify the district attorney, the school superintendent or the Department of Education.

There was no subsequent review of the case by supervisory or management staff at the Child Protection Office. Although the case remained open, no further action was taken until after this inquiry by the Inspector General's Office began in January, 2001. In February, 2001, more than two years after the investigation, the agency provided reports of the findings to the district attorney, local police, the school superintendent and the Department of Education.

Also in February, 2001, after receiving the report from the Child Protection Office, the police contacted the child's parents. The parents did not wish to file charges against the teacher.

Ms. Griffin said, as the investigator to whom the case was assigned, it was her responsibility to provide a report of her findings to the school superintendent, the Department of Education and the district attorney. She said she failed to do so primarily because of her heavy workload. Also, she had been promoted in 1998 into the position which handled cases where the child was living in a facility instead of with parents. She may have been unfamiliar at the time with the reporting requirements on such cases, Ms. Griffin said.

Although supervisors have access to all case files and are supposed to track open cases, the supervisor failed in this case to ensure compliance with state law and agency policy. Ms. Bruneau said she knew the district attorney had not been notified and she should have followed up on the investigator's activities.

Ms. Thomas said that investigators carry a heavy workload, are extremely busy and this was probably why occasionally the proper reports and referrals may not be made at the conclusion of an investigation.

Dr. Day said he conducted his own investigation at the time the allegation was made, interviewing many of the same subjects as the Child Protection investigator. He said, based on the information he gathered, he could not conclude that the allegation was true.

In a letter written to the teacher after the Inspector General began this inquiry, he said the student involved had some emotional problems and a history which included “a tendency to fantasize, fabricate and embellish actual fact and, indeed, to seek affection and attention to the point of harassment or stalking.” He concluded that this type of allegation against his teacher was “consistent with prior incidents and with her prior behavior.”

Since he had not been contacted by the Child Protection investigator relative to the results of her investigation, he took no action against the teacher other than admonishing the teacher to exercise care in situations where his word might be pitted against the word of a student.

Dr. Day said that he did not contact the Child Protection investigator following her investigation because he felt it was her responsibility to advise him of any findings of fault against his teacher. He said he assumed the investigator had reached the same conclusion that he reached, and the matter was closed.

Dr. Day’s supervisor, Mr. Klotz, said the superintendent should not have made that assumption and did not use good judgment when he failed to contact Child Protection for the results of the investigation. He said, while there is no specific policy requiring Dr. Day to initiate such contact, policy does make the superintendent responsible for the safety and welfare of the children at his school, and he should have contacted the agency within a reasonable amount of time after not hearing from the investigator.

Dr. Day did not attempt to contact the investigator until after the Inspector General began this review in January, 2001.

Since the allegation of abuse more than two years ago, the teacher has continued to be employed at the school.

## Improper Housing Arrangement

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Dr. Day and Mr. Klotz allowed two employees to live in apartments on the school grounds without reporting the housing as compensation. Tax laws and state policy require reporting such housing as income.

Dr. Day estimated the value of each apartment at about \$500 per month and said he assigned extra duties to the two employees equaling at least that amount.

State Policy and Procedure Memorandum 73, cites such housing as a specific example of taxable compensation. PPM 73 requires department heads to develop and report to the Division of Administration each calendar year a plan which delineates the conditions under which an employee may receive any compensation other than salary. The report must identify persons who receive state housing. PPM 73 also states that department heads who fail to report or withhold applicable taxes for such compensation will be held responsible for payment of any tax liability.

The school failed to identify the two employees receiving the housing in the current annual plan submitted Feb. 8, 2001, to the Division of Administration. Also, the school did not report the housing compensation as income, as required by tax law.

### *Conclusions:*

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1. The Child Protection Office failed to properly notify relevant authorities and personnel after concluding an incident of child sexual abuse had occurred, as required by state law and policy.
2. Dr. Day, superintendent of the Louisiana School for the Visually Impaired, used poor judgment when he failed to follow up on a complaint to Child Protection of the sexual abuse of one of his students by a teacher.
3. The teacher has continued employment at the school.
4. Dr. Day and his supervisor, Mr. Klotz, failed to properly report housing on school grounds provided to two school employees, as required by state policy. The school failed to comply with the requirements of PPM 73 and applicable tax law.

*Recommendations:*

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5. The Child Protection Office should ensure that all reports of findings where the allegation of abuse seems justified are timely referred to the proper authorities.
6. Appropriate action should be taken against the Child Protection supervisor and investigator for failure to abide by state law and agency policy.
7. The Department of Education should implement policy requiring follow up on Child Protection investigations.
8. The Louisiana School for the Visually Impaired should comply with PPM 73 regarding housing provided to employees.
9. The Louisiana School for the Visually Impaired should ensure that the two employees receive the proper tax forms for compensation received in the relevant tax year.

*Management Response:*

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Responses from the Department of Social Services and the Department of Education are attached.

*IG Comment:*

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Our investigator's notes from an interview with Mr. Klotz reflect the following: Mr. Klotz said he believed Dr. Day followed department policy, but he "would not disagree that Dr. Day did not use good judgment when he failed to follow up on the complaint and maintain contact with Child Protection so as to learn the outcome of their investigation."

BL/JW/rp

File No. 1-01-0045



State of Louisiana  
Department of Social Services  
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333 LAUREL STREET  
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BATON ROUGE, LOUISIANA 70821

M. J. "MIKE" FOSTER, JR.  
GOVERNOR

J. RENE AUSTIN-DUFFIN  
SECRETARY

April 10, 2001

Mr. Bill Lynch, State Inspector General  
Office of the Inspector General  
Division of Administration  
State Capitol Annex  
Baton Rouge, Louisiana 70804-9095

Dear Mr. Lynch:

**RE: File No. 1-01-0045**

Thank you for the opportunity to respond to your letter of March 29, 2001. We do agree that the facts outlined in the report are correct and an accurate representation of what happened in this investigation. In regard to application of the provisions of R. S. 14:403, we do not believe, in this case, that the worker and supervision knowingly and willfully neglected to comply with the requirements of the Children's Code. It appears that failure to complete the investigative process and dispose of the case in a timely manner was an oversight on the part of the worker. Please be assured that we have recently implemented a corrective action plan to track and monitor case activities in the Child Protection Investigation program to assure all requirements in investigations are met timely.

Again, we appreciate the opportunity to review the report and offer comments. Should you need additional information please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Carmen D. Weisner".

Carmen D. Weisner  
Assistant Secretary

CDW:JM:rb



*STATE OF LOUISIANA*  
**DEPARTMENT OF EDUCATION**  
POST OFFICE BOX 94064, BATON ROUGE, LOUISIANA 70804-9064  
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April 4, 2001

Mr. Bill Lynch  
State Inspector General  
Division of Administration  
Post Office Box 94095  
State Capitol Annex  
Baton Rouge, Louisiana 70804-9095

Dear Mr. Lynch:

File No. 1-01-0045

In response to the conclusion of the Inspector General's office that the School for the Visually Impaired (LSVI) superintendent, Dr. Richard Day, used poor judgement when he failed to contact Child Protection for the results of their investigation, we would counter that conclusion with the following:

1. An independent internal investigation was conducted simultaneously to the Child Protection investigation; it revealed no corroborating evidence with either the student's oral account or the written account by the teacher. The evidence was simply the student's word against the teacher's.
2. All historical and circumstantial evidence regarding the student was consistent with prior behavior patterns and imaginary occurrences related to this allegation.
3. Contact with the student's parents indicated no special concern on their part as to the credibility of the student's assertion or our attention to it.
4. The student was amicably withdrawn from school by the parents two weeks later following the Christmas holidays for reasons other than the accusation and without discussion of the allegation or the status of the investigation

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5. The Superintendent and key staff acted in good faith, confident that, if anything were discovered by Child Protection not already known, it would be immediately reported through official channels and appropriate action would be taken, both by them and by the LSVI. Our experience with Child Protection has shown a six-month to one year lapse of report time in cases of no validity. Report time has been immediate in cases of validity.
6. The Superintendent, indeed, did not make an inquiry to Child Protection in the weeks/months following the allegation, logically assuming that not enough time had elapsed to justify inquiring whether a final report from the agency responsible for generating the same had been submitted. This omission may be an obscure one, but hardly the active use of poor judgement.
7. We have since learned that the sole criterion applied by Child Protection for validity of an accusation is simply the consistent repetition of an accusation to three different people. Our prior dealings with this teenage student document her to be highly capable of this behavior.
8. There were no prior, and there have been no subsequent, allegations made against the accused teacher.
9. Unless directed otherwise, LSVI plans no further investigation or action regarding the accused teacher.

Regarding the Inspector General's conclusion that "Dr. Day and his supervisor, Mr. Klotz, failed to properly report housing on school grounds provided to two school employees" in violation of PPM 73, we offer the following:

On neither occasion was the approved housing planned as part of regular annual operations. Both were employee emergencies, one stemming from severe domestic upheaval, the other from a fire in the home. Both were intended to be temporary until other arrangements could be made. Both teachers are critical to class schedules and programs, and both have been assigned extra off-hour duties to offset the arbitrary value of the temporary housing, since we have no way of collecting rent.

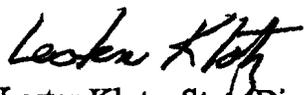
LSVI will, however, issue appropriate income tax documents to the individuals involved and amend its report to the Division of Administration as required. We simply did not perceive the makeshift lodging as "providing housing" to an employee, but rather temporarily assisting in an emergency, for which we received in-kind services.

Mr. Bill Lynch  
April 4, 2001  
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Mr. Klotz was informed of the arrangements and concurred in the effort to assist and document, but he can not be held responsible for failure to report under PPM 73 and applicable tax laws.

Should you require further information, please contact Mr. Klotz at 342-3538.

Sincerely,



Lester Klotz, State Director  
Special School District



Cecil J. Picard  
State Superintendent of Education

LK:CJP:dad

c Dr. Richard Day