Kentucky youth Advocates

Understanding Overreporting in Public Schools:

The Influence of Mandatory Reporting Policies on Educators and the Impact on Louisville Families

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A SPECIAL THANK YOU TO CASEY FAMILY PROGRAMS

Introduction

In 2024-2025, nearly 55,000 child abuse and neglect reports were made to Kentucky's Department for Community Based Services (DCBS), which houses Child Protective Services (CPS).[1] As a universal mandated reporting state, every adult is legally required to report to CPS if they suspect child abuse or neglect has occurred.[2]

Professionals, defined in this context as people who encounter children as a regular part of their jobs, are consistently the highest reporting sources nationally.[3] However, a growing body of research and data suggest that mandatory reporting laws may not be producing the intended outcomes of keeping children safe, as shown by the low report acceptance and substantiation rates.[4] Instead they are contributing to the harmful effects of system involvement on families, such as parents isolating socially and being fearful of seeking help in the future[5] and children experiencing emotions ranging from shock at a sudden intervention, feelings of betrayal by the person who made the report, and helplessness and concern for their family.[6]

With support from Casey Family Programs, Kentucky Youth Advocates (KYA) has synthesized information from various sources on the occurrence of overreporting to CPS and how it impacts Louisville families. This white paper will focus on reports emanating from Jefferson County Public Schools (JCPS) and include the following:

1. An examination of the extant research on mandatory reporting outcomes as well as innovative solutions implemented by states in recent years to inspire solutions that can be adapted for Kentucky.
2. Quantitative data analysis from a survey of Jefferson County Public School (JCPS) teachers to ascertain perceptions of and experiences with mandatory reporting requirements.
3. A summary of nuanced recommendations stemming from the research literature and data collected in Louisville for consideration in balancing the need to address overreporting while ensuring children are safe and supported.

KYA believes this white paper will be of interest to any professional who is a mandated reporter, especially educators in public and private schools and the departments that develop and mandate reporting requirements, as well as leadership and frontline workers within CPS and DCBS. This white paper can also offer new understanding for state policymakers with interest in refining the mandatory reporting statutes in the future.

Brief History of Mandatory Reporting Laws in the U.S.

In 1962, C. Henry Kempe's groundbreaking medical study, The Battered-Child Syndrome[7], was published. This report was largely attributed with raising widespread awareness of the prevalence and consequences of physical child abuse and "[galvanizing] the American public to take action" towards prevention.[8] Heavily influenced by public attention, engaged medical professionals and advocacy groups, with support from states' Governors and other elected officials in the executive branches, the country was primed to address child abuse in a more comprehensive way.[9]

In the early 1960s, Ohio created one of the first mandatory reporting laws for medical professionals who believed a child's injuries were the result of abuse or neglect[10], and by 1967 every other state in the nation had followed suit. Utah, Nebraska, and Tennessee were the only states to initially create universal mandatory reporting (UMR) laws that required every adult to report suspected abuse, emphasizing the "moral obligation of citizens to come to the aid of neglected, abused, and exploited children."[11]

To ensure their efforts were effective, the Nebraska state legislature also expanded their definition of child abuse to include abusive behaviors committed against children "knowingly, intentionally, or negligently."[12]

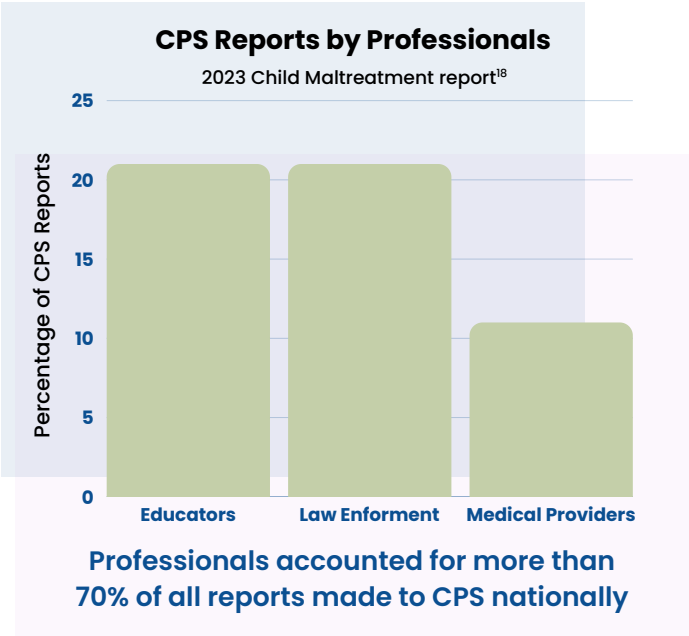
By the end of the 1970s, every state had either delineated in statute which professions were mandated reporters or adopted a UMR law.[13] It's worth noting that the Federal Child Abuse Prevention and Treatment Act (CAPTA) was enacted in 1974, and while this legislation left the development of mandatory reporting policies up to the states, there were financial incentives awarded to states that passed such legislation.[14]

Today, the Kentucky Revised Statute (KRS) requires anyone who has a "reasonable cause to believe that a child is dependent, neglected, or abused" to make a written or verbal report to DCBS, law enforcement, or the Commonwealth's or County Attorneys Offices.

- **KRS 620.030(2)(a):** Enumerates several professions that are mandated reporters, including medical, clinical, educational, and law enforcement professions.[15]
- **KRS 620.050(3):** Clarifies that privileged communication only applies to clergy-penitent and attorney-client communication, all reports remain confidential with minimal exceptions, and civil and criminal immunity are afforded to anyone deemed to be acting in good faith.[16]
- **KRS 620.990:** Enacts penalties for anyone who is found to have intentionally violated mandatory reporting laws by failing to make a report of suspected abuse or neglect.[17]

A Look at Overreporting and the Impact on Families

At their best, schools provide a safe space for students to learn from trusted teachers, grow and engage with their peers, and be immersed in an environment that can positively influence the trajectory of their lives. And for children whose home life isn't always safe or stable, school can offer a temporary reprieve.



Teachers' proximity to their students allows them to notice changes in their behavior, demeanor, or physical appearance over time and to provide support for academic and personal challenges that could make being in school more difficult. This proximity is also why teachers are one of the highest reporting sources. According to the 2023 Child Maltreatment report, professionals accounted for more than 70% of all reports made to CPS nationally, with educators and law enforcement making just over 21% respectively, nearly double that of medical providers at 11%.[18]

The impact of mandatory reporting isn't widely understood by the general public or even professionals outside of the child welfare system. When a parent is reported to CPS, a case file is created, even when the report doesn't meet acceptance criteria, and that information can be used against the parent if subsequent reports are made.[19] For added context, after a report is made to CPS, their staff assesses the information, collects more if needed, and determines if it meets their acceptance criteria for further investigation. Reports are not accepted, or screened out, if acts of abuse or neglect have not been alleged, if the victim is over the age of 18, or if the alleged abuse was perpetrated by someone other than a parent or caregiver.[20]

In Jefferson County (SFY 2024), 19,372 reports were made to DCBS[21] and 4,612 (23.8%) of them were made by educators.[22] Only 4,788 (24.7%) of the total reports met the acceptance criteria and 15% of them were ultimately substantiated. The remaining 14,584 (75%) reports were screened out.[23]

Research describes high numbers of reports resulting in low substantiation rates as an indicator of overreporting[24] and the "heightened surveillance" of families within certain demographic groups – including low-income, racial and ethnic minorities, and single-parent households – as potential drivers.[25]

Conversely, some researchers have argued that it is unlikely that the higher percentage of unsubstantiated reports in jurisdictions like Jefferson County are actual false reports. Instead, they contextualize substantiation as "a metric of the severity of allegations and quality of evidence, among other factors, [that] may bear no relation to future risk or need for services" and not an "unimpeachable assessment of truth." [26] Research using nationally representative data finds that maltreatment recurrence[27] and problematic outcomes for children[28] are similar for families with unsubstantiated and substantiated cases. The main difference between these families is that those with unsubstantiated cases are less likely to receive any services to meet basic needs and support behavioral health so as to prevent future child abuse and neglect.

Mandatory reporting policies were established to prevent incidences of child abuse and neglect from going undetected, to create opportunities for prevention, and to ultimately keep kids safe. However, after more than 60 years since the first mandatory reporting laws went into effect, there's little evidence to suggest that they've improved abuse recognition or prevention outcomes.[29] Instead, as one researcher has argued, it compels educators and other professional mandatory reporters to consider the "risk to ourselves and our institutions of not reporting - either through fears of liability or failure to protect – or the risk to children and families of either making or failing to make a report."[30]

Studies show that most mandated reporters do not report because they believe there's an imminent risk of danger to the child, rather they report so that the families will receive needed services.[31] Other research shows that about one-third of mandated reporters don't report every incident that could rise to reasonable suspicion, and another 20% don't report out of concern that they'll break trust with families who may subsequently avoid needed services.[32] However, this modified use of discretion arguably creates space for unconscious bias to enter the decision-making process[33] and may be one of the contributing factors to disproportionality and disparities.

Multiple studies, and Kentucky data, have also shown disproportionate contact with the child welfare system for parents and children of color, raising the potential for bias and its influence on reporting behaviors and outcomes. One national study estimated the lifetime prevalence of involvement with the child welfare system and found that Black children accounted for more than half of all investigations across all maltreatment types.[34] Among substantiated cases of child abuse and neglect emanating from schools in Jefferson County in CY 2024[35]:

- Black children made up 36% of reports and 29% of the youth population,
- Multi-racial children made up 26% of reports and 7% of the youth population, and
- White children made up 38% of reports and 60% of the youth population.

This means that White children are likely underreported for child abuse and neglect, leaving many of them vulnerable, while Black children are overreported and negatively impacted by unnecessary involvement with the child welfare system.

Researchers[36] have argued that child welfare systems have become increasingly overloaded as calls to hotlines increase and additional laws and policies are added to increase detection of child abuse and neglect so as to prevent fatalities or serious injury and defend against criticism of such incidences on their watch. Thus, the time it takes to investigate and manage open cases continues to rise, making workload and stress major contributors to the high rates of turnover in child welfare systems.[37]

JCPS Educator Survey Analysis

Methodology

Kentucky Youth Advocates developed an open survey administered virtually through Survey Monkey to Jefferson County Public School educators to understand experiences of a convenience sample of teachers regarding their perceptions of mandatory reporting requirements in schools. The survey was promoted through the Jefferson County Teachers Association newsletter and direct outreach to partners and stakeholder groups for several weeks to offset potential survey fatigue or reluctance due to the topic.

In total, 68 teachers responded to the survey[38], all were between the ages of 21 and 68 with years of teaching experience ranging from 1-42 years. Nearly all respondents were full time and most were teaching in ECE/elementary school or high school. The survey responses were analyzed and grouped into the following categories: school policies, confidence in and experience with recognizing and reporting abuse, and supporting families.

Kentucky Mandatory Reporting Laws and Policies

The survey data showed that the vast majority of this small sample of respondents understood their duty to report with one educator sharing, “if, at any time, a staff member suspects or witnesses an event that compromises the emotional or physical safety of a student, it should be reported immediately.” When asked about school policies, several respondents reported being required to notify school personnel before or after making a report, typically an administrator or a counselor. Several educators shared that their school allows them to seek support from an administrator, counselor, or Family Resource Youth Services Center (FRYSC) worker about the reporting process.

Educator Confidence in Recognizing and Reporting Abuse

Nearly 75% of respondents said they have made a report to CPS – 91% reported feeling very or somewhat confident about making a report to CPS and 87% reported feeling very or somewhat confident about recognizing situations that may require a report to CPS. The slightly higher confidence rates in reporting suggest that laws, policies, or information on how to report are mostly effective but there may need to be more emphasis on what to report. When asked if educators ever felt obligated to make a report to CPS, even if they were unsure or did not think it was warranted, more than two-thirds of respondents said they had. The reasons cited included state law (51.5%), school policy (36%), and a supervisor or other school employee (27%). One respondent also mentioned that educators could lose their jobs for failing to report.

Research shows that the language used in mandatory reporting education encourages professionals to report when they’re in doubt and to refrain from investigation. However, this framing could discourage professionals from learning the signs of abuse, consulting with someone prior to reporting and, perhaps most importantly, may promote reporting to CPS as the only appropriate response instead of an optional response under certain circumstances.[39]

Overwhelmingly, educators cited concerns for the child's well-being as a factor that generally influenced their reporting decisions. And when asked about the impact of reporting on their relationship with a parent or caregiver, 55% of respondents said they had been at least somewhat concerned about that. Nearly one in five (19%) reported experiencing an actual change in their relationship with the parent or caregiver after making a report and 10% said they experienced a change that negatively affected their ability to help the family in the future.

Educator Confidence in Recognizing and Reporting Abuse

Educators were asked if they've ever had to discuss their concerns about a student's well-being with the parent or caregiver and 67% said they have. Several educators elaborated, saying "it strengthened communication and gave insight into the child's home circumstances", that they "felt a lot of sympathy for the parent [because] it was a difficult situation", and that the "parent took the [feedback] well…and helped us in the long run". Another educator shared that they "often seek outside help" from medical professionals or counselors, as needed to appropriately support families. When asked about prevention, 74% of the educators believe they play a role in preventing child abuse with another 19% believing that's true some of the time.

Recommendations

Increase access to free, comprehensive child abuse and neglect recognition education for educators.

The JCPS educator survey indicated a need to improve confidence in recognizing signs and symptoms of potential abuse and neglect, which is consistent with larger survey findings on the topic. An analysis of mandated reporting training curricula identified several opportunities to improve the content[40] and counteract disproportionality[41] in the following areas:

- Including examples (and not just definitions) of physical, sexual and psychological abuse and physical neglect into the curriculum.
- Including information on ways attribution errors could introduce bias into decisions to report.
- Exploring and discussing barriers to reporting, which could include how to navigate parents' reactions to reports being made and concerns about making the situation worse for the child.
- Exploring and discussing the potential impact of reporting on the mandated reporter.
- Identifying ways to support families when concerns arise about the child's well-being. Examples include learning about local resources, incorporating helplines as an additional option to access necessary supports for families, and using messaging that promotes collective responsibility to ensure every child is healthy, safe, and thriving.
- Exploring and discussing symptoms of poverty that do not inherently constitute neglect to ensure clarity and alignment with Kentucky law, which defines neglect as intentionally not providing for a child when financially able to do so.[42]
- Examining the trauma associated with child welfare system involvement on parents and children, including generational trauma.

In addition, inclusion of targeted topics like understanding the 'reasonable suspicion' threshold, preventing system involvement, and understanding cultural parenting norms could be beneficial.

Develop a decision-making tool for educators to reference before making a report to CPS.

Researchers have suggested using an ethical decision-making model, not as a means of investigation but "to get to the threshold of reasonable belief" through "critical thinking and reflective practice." When analyzing KRS mandatory reporting language, having a 'reasonable cause to believe' that abuse or neglect occurred is not defined, and that's an important distinction to make as it can be interpreted both objectively and subjectively.[43] This ambiguity combined with the threat of professional or legal consequences for failure to report could be a contributing factor to educators overreporting behaviors.

In addition, consultation is encouraged, with one study citing the skills and knowledge school social workers have related to assessing families, communities, and the child welfare system as justification for consulting with them about student well-being concerns and solutions.[44]

Clarify the role of Child Protective Services.

When asked if JCPS educators believe that CPS is equipped to effectively address concerns about a child's well-being, 40% said sometimes/it depends on the situation and 26% responded no. Research has identified a perception among professional mandatory reporters that CPS is a comprehensive service provider equipped to address families' immediate needs regardless of the presence of abuse. This lack of clarity is further enhanced in Kentucky as DCBS has expanded their own role in primary and secondary prevention and alterative responses to investigations. While these interventions show promise, DCBS may continue to be seen as the 'catch all' for supporting families even when they partner with community organizations. It's also worth noting that the language used in Kentucky unintentionally perpetuates confusion, as well. For example, the Department for Community Based Services – which provides family support, child care, food benefits, and cost-assistance programs in addition to housing child and adult protective services – is commonly referred to as CPS.

A promising strategy utilized in several other states to provide prevention services, emotional support for families, and alternatives to CPS for professional mandatory reporters when a child is not at imminent risk of harm are warmlines. Warmlines are designed to provide assistance, referrals, and support to people in need thereby promoting help-seeking behaviors and mitigating risk factors for potential abuse.[45]

Outcomes can improve when mandatory reporters can identify opportunities to support families through community-based referrals – which could include treatment, support groups, counseling, or concrete supports among others – or by connecting parents to a FRYSC or a school social worker. Clarifying CPS' role as investigators of child abuse and neglect (and likely reducing the volume of reports received) and separating opportunities to support families, when appropriate, is critical to preventing subsequent abuse or abuse from ever happening.

Conclusion

Child abuse and neglect are complex issues that require multi-faceted and adaptable solutions. By enhancing training curriculum and increasing access to child abuse and neglect education for educators, developing a decision-making tool for educators to reference prior to making a report, and clarifying CPS' role and opportunities for school personnel to support parents and caregivers, we can increase reporter confidence in recognizing and appropriately responding to concerns about a student's well-being and improve outcomes for Louisville families.

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