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Moraga School District Entangled in Decades-Old Scandal

By Sophie Braccini

The Moraga School District (MSD) has been confronted with an outcry from parents and local residents over the past two weeks, requesting the full investigation of whether then Joaquin Moraga Intermediate School (JM) Principal Bill Walters and possibly other school officials failed in their legal obligation as mandated reporters under the Child Abuse and Neglect Reporting Act during the 1990s sexual misconduct scandal involving JM science teacher Dan Witters.

California Penal Code section 11164, known as the Child Abuse and Neglect Reporting Act, states that individuals working in close proximity to children have the legal obligation to contact Social Services or the local law enforcement agency if they suspect or have reasons to believe that a child has been abused or neglected. The law was first written to include teachers in 1974.

All personnel working in the proximity of children are "mandated reporters." They include teachers, administrators, teachers' aids and assistants, but also employees of day camps, recreational facilities, and social workers, to name a few. According to Lauren Brosnan, community outreach coordinator with Contra Costa Children's Protective Services, pending amendments to the law will also include sports coaches as mandated reporters.

The mandated reporter must report suspected abuse as soon as he/she becomes aware of it. The law specifies the reporter has to call social services or police immediately, or as soon as feasible, and needs to follow up with a written report within 36 hours. Contacting the hierarchy instead is not an option.

Failure to report as defined by Penal Code 11166(c) is characterized as a misdemeanor punishable by up to six months in county jail, a fine of \$1,000, or both.

According to Moraga Police Chief Bob Priebe, the chief of police at that time discussed the case (non-reporting of suspected child abuse by Walters) with the then district attorney. "Since nothing was done at that time in regards to mandated reporting, child endangerment or any other issues, any prosecution at this time would be precluded due to the statute of limitations," said Priebe in an e-mail.

Moraga parent Sam Shapiro, dean of instruction and teacher at Athenian School, met with MSD Superintendent Bruce Burns June 1. He said the School District should take two steps: "First, the District should continue to look into ways to prosecute Mr. Walters for his failure to protect children. Second, the School Board should mandate a zero tolerance for teachers and administrators who fail to abide by the law and do not report suspected abuse to the authorities."

Burns said that there are several steps in place in the MSD to make sure that all employees are aware of their responsibility for mandated reporting.

"[Mandated reporting] is indicated in the staff handbook, we talk about it during the first or second staff meeting," he said. While all MSD administrators were required to take the online training provided at mandatedreporter.ca.com this year, and they did, Burns said teachers did not take the Mandated Reporting class this year, but added, "All teachers and administrators took an on-line sexual harassment class this year."

Parents asking for a continued investigation with the possibility of prosecution of Walters, however, may have an uphill battle. "I know there is a great public outcry for prosecution," Priebe said in his e-mail, "but I can find nothing prosecutable at this time from our records."

Parents have asked the Moraga School District to answer their questions at the next public Board meeting on June 12.

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