

STUDENTS

Child Abuse Reporting

When any district employee has reasonable cause to believe that a child has suffered abuse or neglect, he or she is required to report the abuse or neglect, or cause a report to be made, to child protective services or the proper law enforcement agency within forty-eight (48) hours. “Abuse or neglect” means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, as those offenses are defined by law, by any person under circumstances which indicate that the child’s health, welfare, and safety is harmed. Child abuse may include offenses by adults or minors.

Legal authorities have the responsibility to investigate reports of child abuse and neglect as they deem appropriate. Employees need not verify that a child has in fact been abused or neglected before making a report. Any conditions or information that may be reasonably related to abuse or neglect should be reported by the employee. An employee who has reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee shall report such abuse or misconduct to the appropriate school administrator.

To enable staff to identify and report suspected child abuse and neglect, the superintendent shall develop reporting procedures to be disseminated to staff.

The district will follow the child sexual abuse investigation protocols developed by Franklin County as they apply to the district. Employees will cooperate with child protective services and law enforcement agencies investigating cases of child abuse and neglect as allowed by law.

Cross Reference:	Board Policy 4411	Relations with the Law Enforcement and Child Protective Agencies
Legal References:	RCW 26.44.020	Child abuse – Definitions
	26.44.030	Reports – Duty and authority to make – Duty of receiving agency
	26.44.040	Reports – Oral, written -- Contents
	26.44.180	Investigation of child sexual abuse – Protocols – Documentation of agencies’ roles
	28A.400.317	Physical abuse or sexual misconduct by school employees – Duty to report – Training
	28A.620.010	Community education provisions – Purposes
	28A.620.020	Community education provisions – Restrictions – Classes on child abuse prevention encouraged
	WAC 388-15-005	Rules – Definitions – Child abuse or neglect
	388-15-009	What is child abuse or neglect?

Adoption Date: November 14, 2006

STUDENTSChild Abuse Reporting1. Reporting Requirement-All Employees

District policy requires all district employees, including classified and certificated employees and substitutes, to report suspected child abuse or neglect to the proper authorities. Under state law, professional school personnel (defined as teachers, counselors, nurses, and administrators) are required to make such reports according to timelines and procedures contained in the law. The law permits any other person, which includes classified employees, to make such reports as well. Because the protection of students is of paramount concern to the district, it is the district's expectation that all employees will follow the reporting requirements contained in this policy and procedure.

2. Reporting Procedures

- (a) When a district employee has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause such a report to be made, to the proper law enforcement agency or Child Protective Services (CPS). Such a report shall be made at the first opportunity, but no longer than forty-eight hours after there is reasonable cause to believe abuse or neglect has occurred.
- (b) The principal or other supervising administrator shall be notified when an employee reports suspected abuse or neglect to the authorities. Classified employees shall notify a supervising administrator or, if one is not available, the school counselor, prior to reporting suspected abuse or neglect to the authorities.
- (c) Any employee making a verbal report of suspected abuse or neglect to the authorities must submit a written report to the agency within twenty-four hours of the verbal report. A copy of the written report must be sent to the principal or supervising administrator and to the superintendent or designee. When making a report, an employee may request the assistance or guidance of a school counselor, nurse or administrator.
- (d) A report of suspected abuse or neglect to either law enforcement or CPS must contain the following information, if it is known to the employee:
  - (i) Name, address, and age of the child;
  - (ii) Name and address of the child's parent or guardian;
  - (iii) A description, including the nature and extent, of the alleged injury, neglect, or sexual abuse;
  - (iv) Any evidence of previous injuries;
  - (v) The identity of the alleged perpetrator(s), if known;
  - (vi) Any other information that may be relevant to determining the cause of the injury, neglect, or sexual abuse.
- (e) Physical abuse or sexual misconduct by a school employee: By law, every employee who has knowledge or reasonable cause to believe that a student has been the victim of physical abuse or sexual misconduct by a school employee shall report such abuse or

misconduct to the appropriate school administrator. The administrator can be the principal, assistant principal, or any district office-level administrator. The law then requires the administrator to make a reasonable cause determination and, if it is found that reasonable cause to believe sexual abuse or misconduct by an employee has occurred, report to the proper law enforcement agency or CPS.

3. Guidelines for Reporting

- (a) “Abuse or neglect” is defined in the law as the negligent treatment or maltreatment of a child by a person responsible for providing care to the child, or the sexual abuse, sexual exploitation, or injury of a child by any person which cause harm to the child’s health, welfare, or safety, excluding reasonable or moderate physical discipline as allowed by law (see RCW 9A.16.100). As defined by law, “abuse or neglect” can be inflicted “by any person” and, therefore, may include student-on-student abuse. Such cases are subject to the legal reporting requirements and this policy and procedure.
- (b) District employees are protected from liability when they, in good faith, report child abuse or neglect or participate in an investigation arising out of such a report. It is not the employee’s responsibility to conduct an investigation, gather facts, or determine whether child abuse or neglect has occurred. Such a determination is the responsibility of the law enforcement agency or CPS. The district will provide employees with examples of behaviors which may be indicators of child abuse or neglect. For the protection of students, any doubt about a student’s condition should be resolved in favor of making the report.
- (c) Employees may report suspected cases of child abuse or neglect to either the appropriate law enforcement agency or CPS. Usually if the alleged perpetrator of the abuse or neglect is a family member, the report should be made to CPS. However, if the employee has reasonable cause to believe the child has been the victim of a serious crime, or if the immediate safety of the child or others is in question, or if it is the first opportunity for the employee to make the report, the employee should make the report to the proper law enforcement agency.
- (d) Professional school employees, as mandatory reporters under the law, are subject to criminal penalties for knowingly failing to make a required report, or knowingly failing to cause such a report to be made. All employees are subject to disciplinary action by the district for failing to follow this policy and procedure.
- (e) A person who intentionally and in bad faith or maliciously knowingly makes a false report of alleged child abuse or neglect is subject to criminal penalties. It is a violation of district policy for any employee to intentionally make a false report of child abuse or neglect to any district employee or outside authorities, and any employee found to have done so is subject to disciplinary action.

4. Inter-agency Cooperation

District policy and state law require district staff to cooperate with state child protection agencies and law enforcement investigating reported child abuse or neglect. Such cooperation may include record sharing and interviewing staff and students. Protocols for cooperation have been

developed between the district and CPS. Child sexual abuse investigation protocols have also been adopted by law for Franklin County. District procedures are intended to be consistent with the inter-agency protocols and state and federal laws. Employees should be aware of the following:

- (a) Records: Although state law and inter-agency protocols allow for sharing of information between school districts, law enforcement, and child protection agencies, federal law imposes additional requirements. Federal law allows the district to disclose student “directory information” without consent if the parent/guardian has not opted out of such disclosure in writing. Other personally identifiable information from an education record may be provided if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The district may provide information pursuant to a lawfully issued subpoena, provided the parent or guardian has been notified in advance of the disclosure. All other disclosures of personally identifiable education information must have the consent of the parent or guardian.
  
- (b) Interviews: Students may be interviewed at school for a child abuse investigation by a law enforcement officer or a state child protective worker, provided the interview can be conducted without disruption to the functions of the school. State law requires the investigator to determine whether the child wishes a third party to be present during the interview. If the child so wishes, an administrator or designee shall attend the interview. If the child does not wish to have a third party present, the interview may still take place at school. An administrator should ask whether he/she may be present during the interview. School employees who attend an interview do so in the role of observer, and should not participate in the interview or take notes. Any concerns with the interview should be discussed with the interviewer outside the presence of the child.

By law, the law enforcement agency or CPS must notify the parent or guardian of the interview at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. The administrator or designee may notify the parent or guardian of the interview upon approval of the investigator. Any questions from a parent or guardian regarding a child interview or investigation must be directed to the investigating agency.

For requests by law enforcement to interview a student in cases which do not involve child abuse or neglect, see Board Policy and Procedure 4411.

- (c) Photographs: If signs of abuse, such as bruising, abrasions or cuts, are plainly visible, an administrator or school nurse may take a photograph of the injury for purposes of documenting in a report pursuant to this policy, if such action does not violate a student’s personal privacy. Examples of permissible photos include the face, head, neck, hands, arms, legs, and feet. A student may be asked, but may not be compelled, to voluntarily lift a pant leg to knee-height, move a shirt collar or turtleneck, or to roll-up a sleeve to shoulder height. A male student may be asked to lift his shirt. No student shall be asked to fully remove any article of clothing for purposes of this procedure. Exceptions to this procedure may be made for students with a physical, sensory, or mental disability only with the permission of the Director of Special Services or designee.

The photograph should be provided to the agency to whom the report of suspected abuse or neglect is made. If the photograph or a copy of the photograph is retained by the school, it should be kept with a copy of the written report that was submitted to the agency.

Annual Notification

The district will provide notification annually to all employees regarding the law and district policy on reporting suspected child abuse and neglect. The notification will contain information for staff on indicators of abuse, including physical, emotional, and sexual abuse, and physical neglect. The information will also include examples of boundary invasion behaviors and sexual grooming behaviors to increase staff awareness to protect students from inappropriate behavior by adults.