

PROPOSED REVISION



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STUDENTS

Child Abuse, ~~and~~ Neglect ~~and~~ Exploitation

The board recognizes that child abuse, or neglect, including ~~and~~ exploitation are violations of children's human rights and an obstacle to their educational development and directs that staff will be alert for any evidence of such child abuse, or neglect, including ~~or~~ exploitation.

For the purposes of this policy, the term "child" means anyone under the age of 18. child abuse, neglect or exploitation shall mean, the injury, sexual abuse, or sexual exploitation of a child by any person under circumstances which indicate that the child's health, welfare or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

Child abuse or neglect means:

- A. Injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety;
- B. Sexual abuse or sexual exploitation by any person under circumstances which cause harm to the child's health, welfare, or safety; or
- C. The negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child.

The board requires that professional school personnel meet their legal obligation under [RCW 26.44.030](#) to report to Child Protective Services (CPS) or the proper law enforcement agency within forty-eight (48) hours when they have reasonable cause to believe that a child has suffered abuse or neglect. Professional school personnel shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

Children (including other students), family members, and any other adult can engage in child abuse or neglect. This may include incidents of student-on-student misconduct. Staff should report all incidents of suspected child abuse or neglect regardless of the age of the person who engages in it.

Staff should not focus on a person's mental status to determine if they have committed child abuse or neglect. The law governing mandated reporting does not allow for exceptions for people with medical conditions that may mitigate the intent for committing child abuse or neglect.

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When feasible, the district will provide community education programs for prospective parents, foster parents, and adoptive parents on parenting skills and on the problems of child abuse or neglect and methods to avoid child abuse or neglect situations. The district will also encourage staff to participate in in-service programs that address the issues surrounding child abuse or neglect.

All ~~school~~ staff, ~~certificated and classified~~, who have knowledge or 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 school administrator. The school administrator shall report to the proper law enforcement agency if the administrator has reasonable cause to believe that misconduct or abuse has occurred as required under [RCW 26.44.030](#).

Staff shall refer to [Procedure 3421P](#) including completion of the written Child Abuse Report form when they have reasonable cause to believe abuse or neglect has occurred.

Legal responsibility for ensuring a report is filed rests with the person who has the reasonable cause to believe abuse or neglect has occurred. Any person who is required to report per [RCW 26.44.030](#) and [RCW 26.44.040](#) and who knowingly fails to report is guilty of a gross misdemeanor per [RCW 26.44.080](#). Any person who, in good faith, reports abuse/neglect or testifies as to alleged abuse/neglect in a judicial proceeding is immune from any liability arising out of such reporting/testifying.

The superintendent will develop reporting procedures and provide them to all staff on an annual basis. The purpose is to identify and timely report all evidence of child abuse or neglect to the proper authorities. ~~School employees~~ Staff shall receive training regarding their reporting obligations upon hire and every three (3) years thereafter.

Cross references:	Board Policy 2145	Suicide Prevention
	Procedure 3421P	Child Abuse, Neglect and Exploitation
	Board Policy 4411	Working Relationships with Law Enforcement, the Department of Children, Youth, and Families, and the Local Health Department
	Board Policy 5253	Maintaining Professional Staff/Student Boundaries

Legal references:	RCW 13.34.300	Relevance of failure to cause juvenile to attend school to neglect petition
	RCW 26.44.020	Definitions
	RCW 26.44.030	Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information—Filing dependency petitions—Investigations—Interviews of children—Records—Risk assessment process

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RCW 26.44.060	Immunity from civil or criminal liability—
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	against state not affected—False report, penalty
RCW 28A.320.160	Alleged sexual misconduct by school employee—
	Parental notification—Information on public
	records act
RCW 28A.400.317	Physical abuse or sexual misconduct by school
	employees—Duty to report—Training
RCW 28A.620.010	Purposes
RCW 28A.620.020	<u>Restrictions—Classes on parenting skills and</u>
	<u>child abuse prevention encouraged</u>
RCW 43.43.830	Background checks—Access to children or
	vulnerable persons—Definitions
WAC 110-30-0030	What is child abuse or neglect?
AGO 1987, No. 9	Reporting by School Officials—Alleged Abuse by
	Student
2 SSB 6220, Chapter 135, Laws of 2004	
<u>Department of Children, Youth & Family</u>	
<u>(https://www.dcyf.wa.gov/safety/what-is-abuse)</u>	

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