

## **Child Abuse, Neglect, and Exploitation Prevention**

### **Reporting Responsibilities**

Staff are expected to report every instance of suspected child abuse, neglect or exploitation. Since protection of children is the paramount concern, staff should discuss suspected evidence with the school administrator/designee or school nurse.

A staff member may wish to discuss the circumstances with an employee of Child Protective Services (CPS) for assistance in determining if a report should be made. CPS has the responsibility of determining the fact of child abuse or neglect. Any doubt about the child's condition will be resolved in favor of making the report.

The following procedures are to be used in reporting instances of suspected child abuse:

1. When there is reasonable cause to believe a student has suffered abuse or neglect, staff shall complete the Child Abuse Report Form (copy attached).
2. The staff member with reasonable cause to believe abuse has occurred shall notify the administrator/designee.
3. The staff member with reasonable cause to believe abuse has occurred must insure that an oral referral is made to CPS or the appropriate law enforcement agency within forty-eight (48) hours.
4. Following the phone report to CPS or the appropriate law enforcement agency, the Child Abuse Report Form shall be completed and distributed.

School districts must, at the first opportunity but in all cases within forty-eight (48) hours of receiving a report alleging sexual misconduct by a school employee, notify the parents/guardians of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents/guardians with information regarding their rights under the public records act, RCW 42.56, to request the public records regarding school employee discipline. This information shall be provided to all parents/guardians on an annual basis. Professional school personnel mandated to report child abuse, neglect or exploitation may request that their identity remain confidential. To do so, notify a CPS intake person when the report is made and indicate the same on the District Child Abuse Report form.

### **Child Protective Services/Law Enforcement Investigation**

1. Ask for identification of the CPS caseworker. Call and verify that a caseworker is a worker for CPS if you have questions or if identification is not proper or complete.

2. Get the names and phone numbers of the CPS worker and/or law enforcement officer and record on the building copy of the Child Abuse Report Form.

3. School staff should cooperate and facilitate an interview of a child by CPS or law enforcement regardless of whether the referral was or was not initiated by school staff.

### **Child Abuse or Neglect**

Child abuse or neglect means 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. An abused child is a child who has been subjected to child abuse or neglect as defined below. Physical Abuse Physical abuse means the non-accidental infliction of physical injury or physical mistreatment on a child. Physical abuse includes, but is not limited to, such actions as:

1. Throwing, kicking, burning, or cutting a child;
2. Striking a child with a closed fist;
3. Shaking a child under the age of three (3);
4. Interfering with a child's breathing;
5. Threatening a child with a deadly weapon; and/or

6. Doing any other act that is likely to cause, and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child's health, welfare or safety.

Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate, and inflicted by a parent or guardian for purposes of restraining or correcting the child. The age, size, and condition of a child and the location of any inflicted injury shall be considered when determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's/guardian's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

### **Sexual Abuse and Exploitation**

Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide childcare for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purpose of providing hygiene, child care, and medical treatment or diagnosis.

Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in:

- a. Prostitution;
- b. Sexually explicit, obscene or pornographic activity to be photographed, filmed or electronically reproduced or transmitted; or
- c. Sexually explicit, obscene or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

### **Neglect**

Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard for the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, and safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, or safety. Negligent treatment or maltreatment includes, but is not limited to:

- a. Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves;
- b. Actions, failures to act, or omissions that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or
- c. The cumulative effects of a pattern of conduct, behavior or inaction by a parent or guardian in providing for the physical, emotional and developmental needs of a child, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, and duties, when the result is to cause injury or create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child.

### **Student Interviews and Parent/Guardian**

Notification Student interviews and parent/guardian notification will be conducted in accordance with Policy/Procedure 4411, Working Relationships with Law Enforcement, Child Protective Services and the County Health Department. Where notification is to occur, the principal or designee shall attempt to notify the parent/guardian before the interview commences unless to do so would pose a health or safety risk for the student, or if specifically directed not to do so by the law enforcement officer or child protective services worker conducting a child abuse/neglect investigation.

### **Taking a Child into Custody**

A law enforcement officer, upon proper identification, may exercise his/her legal authority to remove a student from school when he/she considers it appropriate under the law and if

he/she assumes responsibility for the student. The law enforcement officer is not required to have a warrant in order for the principal or designee to release the student into custody, but shall be requested to sign a school district form stating that he/she is removing the student from school. A CPS worker is required to have a court order for the school to release custody of the student. However, if the CPS worker is accompanied by a law enforcement officer who has placed the child into protective custody, no warrant or court order shall be required.

In the event a student is taken into custody, the principal or designee will immediately notify the parent or guardian, unless directed not to do so by the law enforcement officer or CPS worker. Cross Reference: Board Policy 3421 Child Abuse and Neglect

Cross References:                   3226 – Interviews and Interrogations of Students on School Premises  
  4265 – Community Education Program  
  4310 - District Relationships with Law Enforcement and other Government Agencies

Legal References:                   RCW 13.34.300 Relevance of failure to cause juvenile to attend school as evidence 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  
  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  
  RCW28A.620.020 Restrictions – Classes on parenting skills and child abuse prevention encouraged  
  RCW 43.43.830 Background checks – Access to children or vulnerable persons - Definitions  
  WAC 388-15-009 What is child abuse or neglect?  
  AGO 1987, No. 9 Children – Child Abuse – Reporting by School Officials – Alleged Abuse by Student

Management Resources:           2015 – June Policy Issue  
  2010 – April Issue  
  Policy News, February 2007 Physical Abuse and Sexual Misconduct Notice Requirements  
  Policy News, June 1999 23% of districts out-of-compliance on child abuse policies

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