Child Abuse and Neglect Reporting

District employees are required to report to Child Protective Services (CPS) or law enforcement when they have reasonable cause to believe that child abuse or neglect has occurred and promptly inform their school/department administrator of the report.

Child abuse or neglect means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a person under the age of 18 by any person under circumstances which indicate that the child’s health, welfare and safety is harmed. The physical discipline of a child is not child abuse when it is reasonable and moderate and is inflicted by a parent, teacher or guardian for purposes of restraining or correcting the child. The age, size, and condition of the child and the location of the injury must be considered when determining whether the bodily harm is reasonable or moderate. Any use of force on a child by any other person is unlawful under Washington State criminal law and should be reported, unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child. Corporal punishment of students by district employees is prohibited.

RCW 9A.16.100 provides that the following actions are presumed unreasonable when used to correct or restrain a child:

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

Under WAC 388-15-009, 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.

Negligent treatment or maltreatment means an act or omission, 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 evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child’s health, welfare and safety. Evidence of substance abuse by a child’s parent, legal custodian, guardian, or caregiver shall be given great
weight when considering whether a clear and present danger exists. 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, failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety. *Failure to cause a child to attend school as provided by law may also be considered as contributing evidence of neglect.* Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

When there is reasonable cause to believe that a student has suffered abuse or neglect, district employees shall immediately contact CPS or the applicable local law enforcement agency, such as police or sheriff’s department and promptly inform their school/department administrator. When a report, disclosure or statement describing child abuse or neglect is made, reasonable cause is established. Initial contact with CPS or law enforcement may be by telephone. Such contact should be made at the first opportunity, but no longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The employee’s principal or supervisor shall also be informed of the report.

A district employee may wish to discuss the circumstances with CPS or law enforcement for assistance in determining if a report should be made. CPS or law enforcement has the responsibility of determining whether child abuse or neglect has in fact occurred. Doubt regarding whether to report should be resolved in favor of making the report. Once reasonable cause is established, school personnel should not continue to interview or question the child about the alleged abuse or neglect, deferring to trained interviewers from the investigating agency.

A written report shall be submitted promptly to the agency that received the telephone report. The report shall include:

1. The name, address and age of the child;
2. The name and address of the parent or person having custody of the child;
3. The nature and extent of the alleged abuse or neglect and the reasons for making the report;
4. Any evidence of previous abuse or other information that may relate to the cause or extent of the abuse or neglect;
5. The identity, if known, of the person alleged to have abused or neglected the child; and
6. Any other information that may be helpful in establishing the cause of the child’s death or injury.

If a disclosure of child abuse or neglect is made to a district employee, each person to whom the disclosure is made should document the disclosure.
If a district employee acts in good faith and without gross negligence in reporting child abuse or neglect pursuant to Policy 3421 and this regulation, and the employee’s judgment as to what constitutes reasonable cause to believe that a child has suffered abuse or neglect is challenged, the district shall provide for the legal defense of the employee. Pursuant to RCW 26.44.060, a district employee who, in good faith, makes a report or testifies about alleged child abuse or neglect in a judicial proceeding is immune from any liability arising out of such reporting or testifying. A person who intentionally and in bad faith or maliciously, knowingly makes a false report of alleged abuse or neglect may be charged with a misdemeanor.

Professional staff members are obliged by law to make reports of child abuse or neglect. The failure of a professional staff member to make or cause to be made a child abuse or neglect report as provided above and fails to do so may be charged with a gross misdemeanor. RCW 26.44.080. Professional staff members include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

A district employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse, sexual misconduct or boundary invasion by another district employee, volunteer, contractor or subcontractor, shall report such abuse or misconduct to his or her appropriate school/department administrator. The school/department administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that sexual misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school/department administrator shall contact all parties involved in the complaint and confer with law enforcement investigators and the human resources department regarding the scope and necessity of a school investigation.

Upon receiving a child abuse or neglect report, CPS or law enforcement personnel may interview the child or children involved. The primary investigating agency (CPS or law enforcement, including the prosecuting attorney) is responsible for ensuring that the interview and investigation are lawful, which may include interviewing children on school premises outside the presence of parents. Prior to permitting a student to be interviewed, proper identification of the interviewer as an employee of CPS or law enforcement shall be obtained. Parental notification of, and when appropriate, consent for, the interview is the responsibility of CPS or the law enforcement agency. A third party, such as a teacher, counselor or principal, may be present during the interview, unless the child objects or the interviewer determines the third party may jeopardize the course of the investigation. In addition, pursuant to RCW 26.44.060, CPS or the investigating law enforcement agency shall have access to all relevant records of the child in the possession of the district or its employees.

Pursuant to RCW 26.44.050, a law enforcement officer may take a child into custody without a court order. A CPS employee must be accompanied by a law enforcement officer or have a court order to take a child into custody. Proper identification of these individuals as CPS or law enforcement personnel must be obtained before the child is released and a record containing this information shall be maintained.
District employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and every three years thereafter. The training required shall take place within existing training programs and related resources. The District’s guidance department shall develop and implement an instructional program for students regarding protecting themselves and resources for students who may be subjected to abuse or neglect. Staff development activities for district employees are authorized which include, but are not limited to potential indicators of abuse or neglect, legal rights and responsibilities of staff, and interaction with CPS and law enforcement.

Legal References:  

RCW 13.34.300 Failure to cause juvenile to attend school as evidence under neglect petition
26.44.020 Child abuse-Definitions
26.44.030 Reports-Duty and authority to make-Duty of receiving agency
26.44.070 Central registry of reported cases of child abuse
28A.620.010 Community Education provisions-Purposes
28A.620.020 Community Education provisions-Restrictions
43.43.830(6) Background checks-Access to children or vulnerable persons
28A.320.160 Alleged sexual misconduct by school employee-Parental notification-Information on public records act
28A.400.317 Physical abuse or sexual misconduct by school employees-Duty to Report-Training

WAC 388-15-009

Approved: 10/03/00
Revised: 02/05/08