

REPORTING CHILD ABUSE AND NEGLECT

Definitions

“Abuse or neglect means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child’s health, welfare, and safety is harmed.” (RCW 26.44.020(12)) This definition should “not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child’s health, welfare and safety” (RCW 26.44.010), nor does it cover reasonable and moderate force authorized in advance by the parent/guardian. (RCW 9A.16.100)

I. Definitions of Terms

- A. Alleged abuser, as broadly defined in this procedure, refers to any individual or group of individuals, including, but not limited to, parents, spouses, siblings, other relatives, district employees, students, volunteers, community members and/or other individuals interacting with the child or vulnerable adult.
- B. Child abuse or neglect means injury, sexual abuse, or negligent treatment or maltreatment of a child or vulnerable adult by an alleged abuser under circumstances that indicate that the child’s or vulnerable adult’s health, welfare, and safety are endangered.
- C. Negligent treatment or maltreatment means an act or non-action that shows a serious disregard of consequences of such magnitude as constitutes a clear and present danger to the child’s or vulnerable adult’s health, welfare and safety.
- D. Parent means a parent, guardian or person having legal custody of a child or vulnerable adult.
- E. Sexual misconduct as used in this policy means:
 - 1. Any sexually exploitive act with or to a child or vulnerable adult. Sexually exploitive acts include, but are not limited to, the following:
 - a. Any sexual advance, verbal, written or physical including the sharing of inappropriate sexual materials.
 - b. Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a child or vulnerable adult except to the extent necessary and appropriate to attend to the hygienic or health needs of the child or vulnerable adult.

c. Any activities determined to be grooming behavior for purposes of establishing a sexual relationship.

2. Indecent exposure of one's private body parts.

3. Commission of a criminal sex offense as defined under the law of the State of Washington.

II. Immunity for Good Faith Reporting

Any person participating in good faith in the making of a report pursuant to law or testifying as to alleged abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

III. Penalty for Failure to Report

Every person who is required to make, or to cause to be made, a report, pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make or to fail to cause to be made such a report, shall be guilty of a gross misdemeanor.

IV. Employee Responsibilities

A. Duty to Report

Every district employee, whether certificated or classified, is required to immediately report as set forth in this section those cases in which the employee has reasonable cause to believe a child or a vulnerable adult has suffered abuse or neglect, by an alleged abuser, to the principal or designee. A report also must be made when an employee has reason to believe a child or vulnerable adult has been a victim of physical abuse or sexual misconduct by another school employee.

B. Time and Agency for Report

The employee and the principal (or supervising administrator if the employee does not work in a school) or designee shall jointly report the suspected abuse or neglect case within 48 hours after there is reasonable cause to believe that the child or vulnerable adult has suffered abuse or neglect to the proper law enforcement agency or the Child/Adult Protective Services section of the Department of Social and Health Services (CPS/APS). If a principal or supervising administrator or designee is not available, the report shall be made by the employee who shall document the notification and provide the information to the principal or supervising administrator at the first opportunity. In the event an emergency situation arises, the Bainbridge Island Police Department and/or the Kitsap County Sheriff's Department shall be immediately notified.

C. Inspection of Child

Inspection of a child suspected of being physically abused or neglected may be conducted by the school nurse.

D. Submission of Oral and Written Reports

The employee and the principal (or supervisor if the employee does not work in a school) or designee shall jointly submit an oral report of the suspected abuse or neglect to the proper law enforcement agency, CPS or APS. In the event the designee is not an administrator, e.g., a school counselor, the designee shall inform the principal (or supervisor) or an associate principal of the oral report.

1. The oral report shall be followed by a “Child Abuse or Neglect Report” (Exhibit P3421) signed by the employee and the principal or associate principal.
2. Copies of the form shall be distributed to the proper law enforcement agency, CPS, and/or APS, with a copy to be filed in the principal’s or associate principal’s office and a copy sent to the administrator for Human Resources. The copy sent to the administrator of Human Resources shall be forwarded in a sealed envelope through inter-district mail.

Oral Reporting Resource Telephone Numbers

Reporting Regarding Children

Child Protective Services
 Kitsap County Office
 1-800-762-4902

Bainbridge Island Police Department
 911

Kitsap County Sheriff
 911

Reporting Regarding Vulnerable Adults

Adult Protective Services
 Home and Community Services Office
 1-360-473-2192

Bainbridge Island Police Department
 911

Kitsap County Sheriff
 911

E. Notification of Parent

If the alleged abuser is a school employee, the principal (or supervising administrator) or the administrator for Human Resources shall immediately notify the parent.

V. Interview of Suspected Abused or Neglected Child

If the investigating law enforcement official or CPS/APS investigator deems it necessary to interview the suspected abused or neglected child at school, then the principal or designee shall arrange for the interview to occur. The investigating law enforcement agency or CPS/APS will determine if parent contact is necessary. If parent contact is necessary, the investigating law enforcement agency or CPS/APS shall make such contact.

VI. Interview of Witness

If the investigating law enforcement official, or CPS/APS investigator requests to interview a student or students at school as witness(es) to verify that a child is being abused or neglected, the principal or designee will make a reasonable effort to notify the parent prior to the interview, provided that such notification, in the opinion of the law enforcement agency or CPS/APS will not hinder the investigation.

VII. Time Requirements of Reporting

All reporting requirements set forth in this regulation must be jointly completed by the employee and the principal (or supervising administrator) or designee at the building within 48 hours after there is reasonable cause to believe that the child or vulnerable adult has suffered abuse or neglect. If it appears the principal or supervising administrator, or respective designee, will not be available within the 48 hours reporting time requirement, the report shall be made by the employee who shall document the notification and provide the information to the principal or supervising administrator at the first opportunity.

VIII. Request for Records

Upon a request by an investigating law enforcement official or CPS/APS investigator for education records of a child who is the subject of a child abuse investigation, school personnel shall provide copies of any education records requested.

Legal Reference: RCW 9A.16.100
 RCW 26.44