

Superintendent Procedure 3421SP
Child Abuse, Neglect and Exploitation Prevention

Approved by: s/S. Enfield Date: 4/4/12

Dr. Susan Enfield, Interim Superintendent



Duty to Report

The State of Washington imposes a duty on professional school personnel to report suspected cases of child abuse, neglect, and exploitation to the proper authorities.

All school employees have a duty to report suspected cases of child abuse, neglect, and exploitation by any person to the appropriate school administrator.

Child abuse, neglect and exploitation are violations of children's human rights and an obstacle to their educational development. The Board directs that all employees shall be alert for any evidence of such abuse, neglect or exploitation.

Penalty for Failure to Report

Every professional school personnel who is required to report child abuse, neglect, or exploitation, and who knowingly fails to do so, shall be guilty of a gross misdemeanor.

Every District employee who fails to report suspected cases of child abuse, neglect, or exploitation to their appropriate school administrator shall be subject to discipline.

Liability

Anyone who in good faith makes a report or gives testimony with regard to possible child abuse and neglect is immune from civil or criminal liability.

Definitions

“CPS” means Child Protective Services.

“Department” means the State Department of Social & Health Services.

“Child abuse or neglect” means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

“Negligent treatment or maltreatment” means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to knowingly or

intentionally permitting a child to be exposed to, ingest, inhale, or have contact with a dangerous substance. 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:

1. 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;
2. Actions, failures to act, or omissions that result in injury to or that create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or
3. 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.

“Physical abuse” means the non-accidental infliction of physical injury on or physical mistreatment of 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 age three;
4. Interfering with a child's breathing;
5. Threatening a child with a deadly weapon;
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, and safety.

“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 purposes 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:

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

“Abandonment” means when a parent or guardian is responsible for the care, education, or support of a child and:

1. Deserts the child in any manner whatsoever with the intent to abandon the child;
2. Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene, and medically necessary health care; or
3. Forgoes for an extended period of time parental rights, functions, duties, and obligations despite an ability to exercise such rights, duties, and obligations.

“Professional school personnel” is broadly defined as teachers, counselors, administrators (including departmental and area supervisors), school nurses, child care facility personnel, and other professional or certificated personnel.

Reporting Responsibilities

All District employees are required to report every instance of suspected child abuse, neglect, or exploitation. Since protection of children is the paramount concern, employees should discuss any suspected evidence with the school principal regardless of whether the condition is listed among the indicators of abuse, neglect, or exploitation. Professional school personnel are reminded of their legal obligation to make such reports to law enforcement or CPS. The following procedures are to be used in reporting instances of suspected child abuse, neglect, or exploitation:

- A. Reporting Procedures for Professional School Personnel where Suspected Abuse, Neglect, or Exploitation is by Household Member - Professional school personnel who have reasonable cause to believe that a child has suffered abuse, neglect, or exploitation by a member of the student’s household, shall contact CPS at the first opportunity and in no case longer than forty-eight (48) hours after the finding of possible abuse, neglect, or exploitation. If this agency cannot be reached, the report shall be submitted to the police, sheriff, or prosecutor's office. Professional School Personnel shall also advise the principal and the District’s Safety and Security Department regarding instances of suspected abuse, neglect, or exploitation, and reports of suspected abuse, neglect, or exploitation to state authorities. In his/her absence, the report shall be made to the principal’s supervisor.

An employee may wish to discuss the circumstances with an employee of 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 shall be resolved in favor of making the report.

- B. Reporting Procedures for Professional School Personnel where Suspected Abuse, Neglect, or Exploitation is by Non-Household Member - Professional school personnel who have reasonable cause to believe that a child has suffered abuse, neglect, or exploitation by a non-member of the student’s household, shall contact law enforcement at the first opportunity and in no case longer than forty-eight (48) hours after the finding of possible abuse, neglect, or exploitation. Professional school personnel shall also advise the principal and the District’s Safety and Security Department regarding instances of suspected abuse, neglect, or exploitation, and reports of suspected abuse, neglect, or exploitation to state authorities.

- C. Reporting Procedures for All Non-Professional School Personnel where Suspected Abuse, Neglect, or Exploitation is by any person (including school employees) – All employees who have knowledge or reasonable cause to believe that a student has been a victim of abuse, neglect, or exploitation by any person, shall report the incident to the appropriate school administrator. If the school administrator has reasonable cause to believe that the misconduct or abuse has occurred, he or she shall report the incident to law enforcement and the District’s Safety and Security Department. The District shall within forty-eight (48) hours of receiving a report alleging abuse, neglect, or exploitation by a school employee notify the parents of a student alleged to be the victim, target or recipient of the misconduct.
- D. All oral reports of suspected child abuse, neglect, or exploitation must be followed by a written ‘Child Abuse and Neglect Report’ form, a copy of which is on the last page of this procedure. Upon request, the written report shall be submitted promptly to the agency where the oral report was made. The report shall include:
1. The name, address and age of the child;
 2. The name and address of the child’s parents, stepparents, guardians, or other persons having custody of the child;
 3. The nature and extent of the suspected abuse, neglect, or exploitation;
 4. Any evidence of previous injuries, or any other information that may relate to the cause or extent of the abuse, neglect, or exploitation;
 5. The identity, if known, of the person accused of inflicting the abuse; and
 6. The date of the report, the name of the person the report was made to and the name of the person making the report.

A copy of the ‘Child Abuse and Neglect Report’ form should be forwarded to the District’s Safety & Security Department.

Child Abuse Recognition

Sample indicators of abuse or neglect which may be observable or non-observable are described in this section by kind of abuse and neglect. The presence of one indicator does not necessarily mean that the child has been abused and neglected. The repeated presence of an indicator or several indicators, the degree of severity, statements by the child, and the attitude of the parents may all be signs that something is wrong. The examples provided do not prove that abuse and neglect has actually occurred but may provide evidence for further investigation.

Sample indicators of physical abuse:

- A. Bilateral bruises, extensive bruises, bruises of different ages, patterns of bruises caused by a particular instrument (belt buckle, wire, straight edge, coat hanger, etc.).
- B. Burn patterns consistent with forced immersion in a hot liquid (a distinct boundary line where the burn stops), burn patterns consistent with a spattering by hot liquids, patterns caused by a particular kind of implement (electric iron, etc.) or instrument (circular cigarette burns, etc.).

- C. Lacerations, welts, abrasions.
- D. Injuries inconsistent with information offered by the child.
- E. Injuries inconsistent with the child's age.
- F. Injuries that regularly appear after absence or vacation.

Sample indicators of emotional abuse:

- A. Lags in physical development.
- B. Extreme behavior disorder.
- C. Fearfulness of adults or authority figures.
- D. Revelations of highly inappropriate adult behavior, i.e., being enclosed in a dark closet, forced to drink or eat inedible items.

Sample indicators of sexual abuse:

Sexual abuse, whether physical injuries are sustained or not, is any act or acts involving sexual molestation or exploitation, including but not limited to incest, rape, carnal knowledge, sodomy or unnatural or perverted sexual practices. Indicators include:

- A. Child having difficulty sitting down.
- B. Child refusing to change into gym clothes (when he/she has been willing to
 - A. change in the past).
- C. Sexually transmitted disease in a child of any age.
- D. Evidence of physical trauma or bleeding to the oral, genital or anal areas.
- E. Child running away from home and not giving any specific complaint about what
 - B. is wrong at home.
- F. Pregnancy.

Sample indicators of Neglect:

Physical Neglect Indicators:

- A. Lack of basic needs (food, clothing, shelter).
- B. Inadequate supervision (unattended).
- C. Lack of essential health care and high incidence of illness.
- D. Poor hygiene on a regular basis.
- E. Inappropriate clothing in inclement weather.
- F. Abandonment.

Some Behavioral Indicators of Abuse:

- A. Wary of adult contact.
- B. Frightened of parents.
- C. Afraid to go home.
- D. Habitually truant or late to school.
- E. Arrives at school early and remains after school later than other students.
- F. Wary of physical contact by adults.
- G. Shows evidence of overall poor care.
- H. Parents describe child as “difficult” or “bad.”
- I. Inappropriately dressed for the weather — no coat or shoes in cold weather or long sleeves and high necklines in hot weather (possibly hiding marks of abuse).
- J. Exhibit behavioral extremes: crying often or never, unusually aggressive or withdrawn and fearful.
- K. Inappropriately sexualized behaviors for the child’s developmental age.

NOTE: Behavioral indicators in and of themselves do not prove abuse has occurred. Together with other indicators they may warrant a referral.

Child abuse as defined by the statutes can be inflicted “by any person” and may include student-on-student abuse. These cases also require reporting to CPS or law enforcement. Child abuse in this and all other cases requires two elements. First, there must be injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment. Second, there must be harm to the child’s health, welfare or safety.

Interviews of Suspected Abused, Neglected, or Exploited Child

A. If a CPS investigator, unaccompanied by law enforcement, requests to interview the suspected abused, neglected, or exploited child at school, the principal or his or her designee shall obtain the child’s consent before making the student available for an interview. The principal or his or her designee shall ask the child if he or she has a school person who he or she would like to be present during the interview. The principal or his or her designee shall document the questions asked and the student’s answers regarding consent. Due to the potential risk to the child’s safety in some instances of reported abuse/neglect, the principal or his or her designee shall consult with CPS and/or law enforcement before notifying the parent of the proposed interview.

B. If a law enforcement official, without a warrant or court order and without exigent circumstance (i.e. reasonable belief of imminent physical harm to the child or to others), requests to interview the suspected abused or neglected student under thirteen (13) years of age, the principal or his or her designee shall contact the parent and notify them of the request. Absent a warrant, court order or exigent circumstances, law enforcement officers must obtain parental consent before the student will be made available for an interview. A child thirteen (13) years of age or older may give consent. The principal or his or her designee shall document the questions asked and the answers given regarding consent.

District employees who have questions regarding a request by law enforcement to interview a child at school, should consult with the District’s Safety and Security Department or the General Counsel’s Office.

Training

All employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and every three years thereafter.

Approved: April 2012

Revised:

Cross Reference: Policy No. 3421