



Contact:

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TO: Stanwood-Camano Board of Directors

FROM: Christine Del Pozo, Executive Director of Human Resources

SUBJECT: Second Reading, Board Policy 3421 Child Abuse and Neglect

DATE: January 16, 2024

TYPE: Action Required

The Washington State School Directors Association (WSSDA) has recommended updates to policy 3421, Child Abuse and Neglect. Policy 3421 was brought before the board for a first reading on January 2nd. The Board moved revised policy 3421 forward for a second reading.

Recommendation: We recommend the board approve the second reading of revised policy 3421 on Child Abuse and Neglect.

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and is prepared for the future of their choice

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CHILD ABUSE AND ~~NEGLECT PREVENTION AND~~ EXPLOITATION PREVENTION

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

For purposes of this policy, the term "child" ~~abuse, neglect or exploitation" shall~~ means: **anyone under the age of 18.**

"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.
- ~~A. Inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health, or loss or impairment of any bodily function.~~
- ~~B. Creating a substantial risk of physical harm to a child's bodily functioning.~~
- ~~C. Committing or allowing to be committed any sexual offense against a child as defined in the criminal code, or intentionally touching, either directly or through the clothing, the genitals, anus or breasts of a child for other than hygiene, childcare or health care purposes.~~
- ~~D. Committing acts, which are cruel or inhumane regardless of observable injury. Such acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a child's pain or mental suffering.~~
- ~~E. Assaulting or criminally mistreating a child as defined by the criminal code.~~
- ~~F. Failing to provide food, shelter, clothing, supervision or health care necessary to a child's health or safety.~~
- ~~G. Engaging in actions or omissions resulting in injury to, or creating a substantial risk to the physical or mental health or development of a child.~~
- ~~H. Failing to take reasonable steps to prevent the occurrence of the preceding actions.~~

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.

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.

~~Child abuse can include abuse by another minor and so may be included in incidents of student misconduct.~~

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.

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 shall also encourage staff to participate in in-service programs that address deal with the issues surrounding child abuse or neglect.

The superintendent or designee will shall develop reporting procedures, and provide them including sample indicators of abuse and neglect, and shall disseminate the procedures to all staff on an annual basis. The purpose is to identify and timely report as soon as possible to the proper authorities all evidence of child abuse or neglect to the proper authorities. Staff will shall receive training regarding reporting obligations during their initial orientation and every three years after initial employment.

~~All Classified and certified~~ staffs are legally responsible for reporting all suspected cases of child abuse or and neglect to the proper authorities and/or the appropriate school administrator. ~~A certificated or classified school employee who has 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 appropriate school administrator. The administrator shall report to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030.~~ Under state law, staff are free from liability for reporting a reasonable suspicion of child ~~instances of~~ abuse or neglect. However, failing to report the incident may result in ~~and are~~ criminally liability ~~le for failure to do so~~ regardless of whether the authorities determine the incident is provable in a subsequent legal proceeding.

Staff need not verify ~~that a report that a~~ child has in fact been abused or neglected. ~~Any conditions or information that may reasonably be related to abuse or neglect should be reported.~~ Legal authorities have the responsibility for investigating each case and taking such appropriate action ~~as is appropriate~~ under the circumstances.

~~If a Law Enforcement or Child Protective Services official is investigating an allegation of abuse or neglect of a student, the school should make the student available to the official, upon request. The Law Enforcement or CPS official should ensure that the child or the child's parent, when appropriate based on the child's age, grants consent for the interview. The school should contact parents at the earliest possible time. The building administrator, however, should consult with the official before contacting the parents regarding the investigation to ensure that such contact will not adversely impact the investigation. The building administrator should follow the official's recommendations regarding contacting the parents.~~

Cross Reference:	<u>Board Policy 3226</u>	<u>Interviews and interrogations of Students on School Premises</u>
	<u>Board Policy 4265</u>	<u>Community Education Program</u>
	Board Policy 4310	District Relations <u>hips</u> with the Law Enforcement and <u>other Government</u> Child Protective Agencies
	<u>Board Policy 5253</u>	<u>Maintaining Professional Staff/Student Boundaries</u>

Legal References:	RCW 13.34.300	<u>Relevance of f</u> Failure to cause juvenile to attend school as evidence <u>to under</u> neglect petition
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RCW 26.44.020	Child abuse —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 – <u>Investigations</u> - Interviews of children – Records – Risk assessment process
RCW 28A.620.010	Community education provisions —Purposes RCW
28A.620.020	Community education provisions —Restrictions – <u>Classes on parenting skills and child abuse prevention encouraged</u>
RCW 43.43.830	Background Checks--Access to children or v Vulnerable <u>p</u> Persons - <u>Definitions</u>
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
<u>WAC 110-30-0030</u>	<u>What is child abuse or neglect?</u>
WAC 388.15.009	Definition of child abuse, neglect or exploitation
AGO 1987, No. 9	Children – Child Abuse – Reporting by School Officials - Alleged Abuse by Student

Management
Resources:

Policy News, June 2015

Policy News, April 2010

Policy News, February 2007

Policy News, June 1999

Department of Children, Youth & Family:

(<https://www.dcyf.wa.gov/safety/what-is-abuse>)

Adoption Date: 12.89

Stanwood-Camano School District

Revision Date: 06.19.01; 12.07.10; 1.16.24