

CHILD ABUSE, NEGLECT, SEXUAL MISCONDUCT ANDEXPLOITATION PREVENTION

Child abuse, neglect, and exploitation are violations of student's human rights and an obstacle to their educational development. The board advises that staff members will be alert for any evidence of child abuse, neglect, sexual misconduct, or exploitation.

For purposes of this policy, the term “child” means anyone under the age of 18 and/or any current student of the district, including home-schooled students or any other person classified as a student in the district’s database and/or programs.

“Child abuse, neglect, sexual misconduct or exploitation” means:

- A. Inflicting physical injury on a student 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. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. Refer to RCW 9A.44.010 for definitions.
- C. Creating a substantial risk of physical harm to a student’s bodily functioning;
- D. Attempting, committing, or allowing any sexual offense against a student as defined in the criminal code. This definition also includes any communications with a student for immoral purposes or viewing, possessing, or distributing any sexually explicit images of a student. It also includes intentionally contacting, directly or through the clothing, the genitals, anus, breasts or any body part in a sexual manner of a student unless the contact is necessary for the student’s hygiene or health care. This also includes a student’s intentional or coerced contact with an individual’s genitals, anus, breasts or body part of another individual in a sexual manner;
- E. Committing acts that are cruel or inhumane regardless of observable injury. These acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a student’s pain or mental suffering;
- F. Assaulting or criminally mistreating a student as defined by the criminal code;

- G. Failing to provide food, shelter, clothing, supervision, or health care necessary to a student's health or safety;
- H. Engaging in actions or omissions resulting in a substantial risk to the physical or mental health or development of a student ;
- I. Failing to take reasonable steps to prevent the occurrence of the preceding actions

Students, staff members, family members, and any other adult can engage in child abuse, neglect, or exploitation. This may include incidents of student on student misconduct. Staff will report all incidents of abuse regardless of the age of the individual(s) who engages in such activities.

Subject to the definition above, staff member(s) should not focus on an individual's mental status to determine if they have committed child abuse, neglect, sexual misconduct, or exploitation. The law governing mandated reporting does not allow for exceptions for individuals with medical conditions that may mitigate the intent for committing child abuse, neglect, sexual misconduct or exploitation.

When feasible, the district will provide community education programs for prospective parents/guardians foster parents/guardians, and adoptive parents/guardians on parenting skills and on the problems of child abuse and methods to avoid child abuse situations. The district will encourage staff members to participate in in-service programs that address the issues surrounding child abuse.

The superintendent or designee will develop reporting procedures and provide to all staff members on an annual basis. The purpose is to identify and timely report all evidence of child abuse, neglect, or exploitation to the proper authorities. Staff members will receive training regarding reporting obligations under state law in their initial orientation training when hired and then every three (3) years thereafter.

All staff members who have knowledge or reasonable cause to believe that a student has been a victim of child abuse, neglect, sexual misconduct, or exploitation will report or the to the appropriate school administrator. The school administrator, if they have reasonable cause to believe that the neglect, exploitation, misconduct or abuse has occurred as required under RCW 26.44.030 will immediately make an oral report by telephone or otherwise to the proper law enforcement agency or the department as outlined under RCW 26.44.040.

Under state law, staff member(s) are free from liability for reporting a reasonable suspicion of child abuse, neglect, sexual misconduct, or exploitation. However, failing to report the incident may result in criminal liability regardless of whether the authorities determine the incident is provable in a subsequent legal proceeding.

Staff member(s) need not verify a report that a student has been abused, been neglected, experienced sexual misconduct, or been exploited. Any conditions or information that may be reasonably related to child abuse, neglect, sexual misconduct or exploitation will be

reported. Legal authorities have the responsibility for investigating each case and taking appropriate action under the circumstances.

Cross References:

3200 - Students Rights and Responsibilities
3205 - Sexual Harassment of Students Prohibited
3207 - Prohibition of Harassment, Intimidation and Bullying
3210 - Nondiscrimination
3211 - Transgender Students
3226 - Interviews of Students on School Premises
3245 - Students and Telecommunication Devices
3421 - Child Abuse, Neglect, and Exploitation Prevention
4020 - Confidential Communication
4230 - Contact with Students
4265 - Community Education Program
4310 - Relations with the Law Enforcement, Child Protective Agencies and the County Health Department
4314 - Notification of Threats of Violence or Harm
5010 - Nondiscrimination and Affirmative Action
5011 - Sexual Harassment
5015 - Staff and Private Use of Social Media
5253 - Maintaining Professional Boundaries between Employees and Students
5281 - Disciplinary Action and Discharge

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
RCW 28A.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
RCW 9A.44.010 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

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