

# **SCHOOL EMPLOYEE DUTY TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT**

## **DUTY TO REPORT**

Per RCW 28A.400.317, 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 school administrator shall cause a report to be made 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. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

## **PROFESSIONAL STAFF (CERTIFICATED STAFF AND ALL ADMINISTRATORS)**

Per RCW 26.44.030, when a professional school employee has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

## **SEXUAL MISCONDUCT**

1. Per WAC 180-88-060, sexual misconduct is any sexually exploitive act with or to a student. Sexually exploitive acts include, but are not limited to, the following:
  - (a) Any sexual advance, verbal, written or physical.
  - (b) Sexual intercourse, as defined in RCW 9A.44.010.
  - (c) Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student.
  - (d) Any activities determined to be grooming behavior for purposes of establishing a sexual relationship.
  - (e) The provisions of (a) through (d) of this subsection shall not apply if at the time of the sexual conduct the participants are married to each other.
2. Indecent exposure, as defined in RCW 9A.88.010.
3. Sexual harassment of another as defined under Board Policy 3412, 4730, 5503.
4. Commission of a criminal sex offense as defined in RCW 9A.44.
5. Sexual abuse or sexual exploitation of any minor as found in any dependency action under RCW 13.34 or in any domestic relations proceeding under RCW 26.

## **PHYSICAL ABUSE**

Per WAC 180-88-050, "physical abuse" means the willful action by an employee of inflicting or attempting to inflict bodily injury against another, or using physical force in excess of what is necessary to restrain a person from harming self or others. To constitute physical abuse, a school district must possess sufficient information to conclude that the employee engaged in the conduct and that it resulted in the employee leaving a position with the school district. [Exempt from this definition is the authorized use of physical restraints or aversive interventions consistent with WAC 392-172.

**I certify that I have read and understand of the above information regarding a school employee's duty to report suspected child abuse or neglect.**

\_\_\_\_\_  
Full Name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date