Board Policy 5260: Abused and Neglected Child Reporting

Status: ADOPTED

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The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees, and patrons of the School District. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities regarding observation and reporting of suspected child abuse, child abandonment, or child neglect. At the start of every year, the Superintendent shall review with staff the legal requirements concerning suspected child abuse.

“Abuse" is defined in I.C. § 16-1602 of the Idaho Code as any case in which a child has been the victim of conduct or omissions resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, or soft tissue swelling. Abuse is further defined in I.C. 16-1602 to include sexual conduct including rape; molestation; incest; prostitution; obscene or pornographic photographing, filming, or depiction for commercial purposes; or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child. Abuse also includes abandonment and neglect.

"Abandoned" is defined as the failure of the parent to maintain a normal parental relationship with their child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one year is evidence of abandonment. I.C. § 16-1602(2).

"Neglected" means a child:

> *Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his or her well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them with these items;*
>
> -I.C. *§ 16-1602(25).*

A District employee who has reasonable cause to suspect that a student may have been abused, abandoned, or neglected as defined above or who observes a child being subjected to conditions which would reasonably result in abuse, abandonment, or neglect shall report or cause to be reported such a case to local law enforcement or the Department of Health and Welfare within 24 hours.

Employees of the District shall notify their supervisor immediately of the case. The supervisor shall immediately notify the Superintendent or the Superintendent’s designee, who shall in turn report or

caused to be reported the case to local law enforcement or the Department of Health and Welfare. The District shall not conduct its own review or investigation of alleged abuse, abandonment, or neglect of a child in lieu of reporting to law enforcement as required by IC 16-1605. The District may conduct its own internal review or investigation and may take administrative or employment action in addition to reporting the alleged abuse, abandonment, or neglect.

Any person who has reason to believe that a child has been abused, abandoned, or neglected and, acting upon that belief, makes a report of abuse, abandonment, or neglect as required in Idaho Code § 16-1605 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports that a child has been abused, abandoned, or neglected in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed, per I.C. § 16-1606.

In addition, according to I.C. § 16-1607:

> *Any person who makes a report or allegation of child abuse, abandonment, or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made for the amount of actual damages sustained or statutory damages of five hundred dollars ($500), whichever is greater, plus attorney's fees and costs of suit. If the court finds that the defendant acted with malice or oppression, the court may award treble actual damages or treble statutory damages, whichever is greater.*

Any District employee who fails to report a suspected case of abuse, abandonment, or neglect to the Department of Health and Welfare or local law enforcement, or who prevents another person from doing so, may be civilly liable for the damages proximately caused by such failure or prevention, and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

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Legal References	Description
IC § 16-1602	Child Protection Act: Definitions
IC § 16-1605	Child Protective Act: Reporting of Abuse, Abandonment or Neglect
IC § 16-1606	Child Protective Act: Immunity
IC § 16-1607	Child Protective Act: Reporting in Bad Faith-Civil Damages

IC 33-145	Idaho Student Safety and Educator Disclosure Act

Other References	Description
ISBA Policy Services	https://www.idsba.org/member-services/policy/

Cross References

Code	Description
3545	Student Questioning and Arrests
3545	Student Questioning and Arrests
3545	Student Questioning and Arrests
4400	Relations with Law Enforcement and Child Protective Agencies
5275	Adult Sexual Misconduct