

HOUSE BILL REPORT

2SSB 6220

As Passed House - Amended:

March 5, 2004

Title: An act relating to school employee duty to report suspected child abuse or neglect.

Brief Description: Regarding school employee duty to report suspected child abuse or neglect.

Sponsors: By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Esser, Winsley, T. Sheldon, Rasmussen, Kline and Keiser).

Brief History:

Committee Activity:

Education: 2/23/04, 2/26/04 [DPA].

Floor Activity:

Passed House - Amended: 3/5/04, 95-0.

Brief Summary of Second Substitute Bill (As Amended by House)

- Requires classified and certificated school employees to notify an appropriate school administrator if the employee has reasonable cause to believe a student has been the victim of physical abuse or sexual misconduct by another employee.
- Requires the school administrator, if he or she has reasonable cause to believe the conduct or abuse occurred, to cause a report to be made to law enforcement consistent with the administrator's mandatory reporting duties in the child abuse reporting statute.
- Requires the school administrator to notify all parties involved in a complaint during the process of making a reasonable cause determination.
- Requires all school employees to receive training regarding their reporting obligations.
- Clarifies that nothing in the child abuse reporting statute is changed.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 11 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, Hunter, McMahan, Rockefeller and Santos.

Staff: Sydney Forrester (786-7120).

Background:

For the purpose of reporting suspected child abuse or neglect, certain entities are deemed to be mandatory reporters who have a statutory duty to file a report with law enforcement or with the Department of Social and Health Services (DSHS) if they have reasonable cause to believe a child has suffered abuse or neglect. Among these mandatory reporters are "professional school personnel." This term is defined in the child abuse statute as including but not being limited to "teachers, counselors, administrators, child care facility personnel, and school nurses."

Summary of Amended Bill:

The education code is amended to require certificated and classified school employees to report to an appropriate school administrator if the employee has reasonable cause to believe a student has been the victim of physical abuse or sexual misconduct by another employee. School administrators are required to cause a report to law enforcement, consistent with their existing mandatory reporting duties for suspected child abuse or neglect, if the administrator find reasonable cause to believe the abuse or misconduct occurred. During the course of making a reasonable cause determination, the administrator must notify all parties involved in the complaint.

Within existing resources, school employees must receive training upon being hired and every three years thereafter regarding their reporting obligations.

Appropriation: None.

Fiscal Note: Requested on February 22, 2004.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This has been the law all along and affirms the duty of school employees. But one of the problems has been that these incidents are not adequately addressed. It is essential that these investigations leave the school house and go to Child Protective Services (CPS) or law enforcement. It's awkward, at best, for a school administrator to be investigating someone with whom he or she may have both a professional and personal relationship. Employees should be trained in their duties to report to CPS or to law enforcement. Training is critical to employees and will help everyone examine their own behavior and to notice misconduct.

(In support with concerns) It's also important employees understand the protections and time lines under the state whistle blower laws. Teachers and coaches who do report misconduct by other teachers or coaches risk being the target of complaints by others and may risk losing their own teaching certificate. It should not be assumed that all the entities involved in these investigations are acting ethically throughout the process. School districts are going to need funding to conduct proper training.

Testimony Against: None.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; Senator Benton; Abby Rice; Ben Anderson; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.

(In support with concerns) Jeanell Malone, self; Lucinda Young, Washington Education Association; and Dan Steele, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: (In support) Rainer Houser, Association of Washington School Principals; and Greg Williamson and Charlie Schreck, Office of the Superintendent of Public Instruction.