

HOUSE BILL REPORT

HB 2597

As Passed House:
February 10, 2016

Title: An act relating to sexual abuse response plans.

Brief Description: Requiring school districts to include sexual abuse as a topic in plans addressing students' emotional or behavioral distress.

Sponsors: Representatives Orwall, Magendanz, Reykdal, McBride, Lytton, Caldier, Frame, Rossetti, S. Hunt and Pollet.

Brief History:

Committee Activity:

Education: 2/1/16, 2/4/16 [DP].

Floor Activity:

Passed House: 2/10/16, 97-0.

Brief Summary of Bill

- Requires school districts to include specific provisions for possible sexual abuse in required plans for the recognition, initial screening, and response to emotional or behavioral distress in students.
- Modifies the minimum content requirements for school district plans for the recognition, initial screening, and response to emotional or behavioral distress in students.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 21 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Griffey, Hargrove, Harris, Hayes, S. Hunt, Kilduff, Klippert, Kuderer, McCaslin, Orwall, Pollet, Rossetti and Springer.

Staff: Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Student Emotional or Behavioral Distress Plans.

Legislation adopted in 2013 requires school districts to adopt a plan for the recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, and youth suicide. School districts are required to annually provide the plan to all district staff.

The plan must satisfy numerous minimum content requirements, including addressing:

- identification of training opportunities in recognition, screening, and referral that may be available for staff;
- how staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;
- protocols and procedures for communication with parents; and
- how the district will provide support to students and staff after an incident of violence or youth suicide.

In adopting the plan, school districts may consider a model school district plan developed at the direction of the Legislature by the Office of the Superintendent of Public Instruction and the School Safety Center Advisory Committee.

Alleged Sexual Misconduct by a School Employee - Notification and Reporting Obligations.

School districts must, at the first opportunity but in all cases within 48 hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. In complying with this notification requirement, districts must provide parents with information regarding their rights under Washington's Public Records Act to request the public records regarding school employee discipline. This information must also be provided by the district to all parents on an annual basis.

A 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 is required to report the abuse or misconduct to the appropriate school administrator. If the administrator has reasonable cause to believe that the misconduct or abuse has occurred, he or she must cause a report to be made to the proper law enforcement agency. During the process of making a reasonable cause determination, the administrator must contact all parties involved in the complaint.

School districts are required to provide employees training regarding their statutory reporting obligations related to physical abuse or sexual misconduct by school employees in their orientation training when hired and again every three years.

Summary of Bill:

Provisions governing the plan for the recognition, initial screening, and response to emotional or behavioral distress in students that school districts must adopt are modified. In addition to recognizing, screening, and responding to emotional or behavioral distress in students for possible substance abuse, violence, and youth suicide, the plan must also include provisions for indicators of possible sexual abuse.

The minimum content requirements that a plan must satisfy are modified to specify that the plans must address:

- protocols and procedures for communication with parents and guardians, including specific parental notification requirements for alleged sexual misconduct by a school employee;
- how the district will provide support to students and staff after allegations of sexual abuse;
- how staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and
- how the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct to the appropriate school administrator.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is about being prepared when incidents happen. The number of incidents of sexual abuse, which comes in different forms, is unclear. In the central Puget Sound area, there was an incident related to grooming and sexual abuse of a student that received national attention. How do policy makers, at a system level, make sure that we have a plan in place, if there is any grooming or other inappropriate behavior? And if this behavior does occur, how does one make sure that kids are being kept safe and that parents are informed? This bill builds on suicide prevention legislation adopted previously and is another effort to keep our schools safe for students.

This legislation requires the addition of sexual abuse identification reporting to existing law. The Washington Education Association appreciates that districts must have a plan and then give specific directions to all staff as to how to respond to reporting requirements. Past experience shows that training the entire school building staff is very important, as every person has a slightly different relationship with the kids. There is no funding from the state for training on these issues.

Schools and teachers play an important role in keeping children safe. Teachers are a critical part of the child's safety net because they are uniquely positioned to notice signs that a child might be being abused at home or in the school. Almost 10 percent of children will have some kind of inappropriate sexual conduct with a person at school by the time they are 18 years old. The bill is a necessary part of strengthening protections of children against abuse. Schools already have plans detailing how to respond to emotional distress, and this bill adds responses to possible sexual abuse to the planning process. This bill will help ensure that schools are never caught off guard and will help to inform parents and provide them with

information that can help them protect their child during a traumatic time. This bill ensures that school personnel will receive the necessary training to identify and respond to signs of abuse and is an important step in ensuring that child safety is always a top concern.

(Opposed) None.

Persons Testifying: Representative Orwall, prime sponsor; Lucinda Young, Washington Education Association; and Bridgid Normand, Committee for Children.

Persons Signed In To Testify But Not Testifying: None.