

REPORTING ABUSE, ABANDONMENT, OR NEGLECT

The personal safety and welfare of each child is of paramount concern to the Board of Trustees, employees, and patrons of Bonneville Joint School District No. 93. It is of particular importance that employees within the District become knowledgeable and thoroughly educated as to their legal and ethical responsibilities on observation and reporting of suspected child abuse, child abandonment, or child neglect.

1. Employee Responsibilities

- a. This policy shall be referenced in the employee handbook and should be reviewed annually at the commencement of each year. It is the responsibility of staff members to read and become informed of the contents, requirements, and expectations of Board policies referenced in the employee handbook.
- b. Any District employee having reason to believe that any child under the age of eighteen (18) has been abused, abandoned or neglected, or who observed the child being subjected to conditions or circumstances which had recently resulted in abuse, abandonment or neglect, shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the Department of Health and Welfare.
 - i. Employees are encouraged to consult with their school principal or direct supervisors, and other employees with direct knowledge of the student's well being, when determining whether there is sufficient reason to believe a child has been abused, abandoned, or neglected.

When making such determinations, individuals responsible for managing students' disability plans (i.e. IEPs, 504s) or medical plans should also participate in the consultation.

- c. Any employee who fails to report a reasonable belief of abuse, abandonment, or neglect, or who prevents another person from doing so, will be subject to disciplinary action up to and including termination.
 - i. Employees who fail to report may also be civilly liable for damages and pursuant to Idaho Code §16-605, may also be guilty of a misdemeanor.
 - ii. The Superintendent/designee shall report the employee's failure to the appropriate law enforcement agency when the circumstances warrant such actions.

2. Reporting Immunity

- a. 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, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.
- b. Any such participant shall have the same immunity in respect to participation in any judicial proceedings resulting from the report.
- c. Any person who reports in bad faith or with malice is not entitled to immunity from any civil or criminal liability that might otherwise be incurred or imposed.

DEFINITIONS

The following definitions are quoted from Idaho Code §16-1602. If any discrepancies exist between Idaho statute and this policy, the language in Idaho statute shall take precedence.

Abandoned: Failure of a parent/guardian to maintain a normal parental/guardian relationship with the 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 (1) year shall constitute prima facie evidence of abandonment.

Abuse: any case in which the child has been the victim of:

- conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive, or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence;
- sexual conduct including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depicting for commercial purposes, or other similar forms of sexual exploitation

Neglect: a child who is without proper parental/guardian care, control, subsistence, education, or medical or other care or control necessary for his/her well-being because of the conduct or omission of his/her parents, guardian, or other custodian or their neglect or refusal to provide them.

Adopted	<u>10-12-2005</u>	Reviewed	Revised	<u>08-13-2014</u>
				<u>11-07-2018</u>
				<u>11-08-2023</u>

Cross Reference: Safe and Secure Learning Environment #3555
Relationship Abuse Prevention and Response #3587

Legal References: Idaho Code § 16-16, et al. Child Protective Act