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**Family and Children's Ombudsman reports that school districts' child abuse reporting policies may violate state law**

**TUKWILA** – A report issued today by the Office of the Family and Children's Ombudsman (OFCO) recommends that local school districts review their child abuse reporting policies and procedures to ensure that they are in compliance with the state law requiring professional school personnel to report suspected child abuse and neglect. The recommendation is based on the ombudsman's survey of 130 school districts, which revealed that the policies of a significant number of the school districts are inconsistent with the state's mandated reporting law.

Under Washington law, professional school personnel who have reasonable cause to believe that a child has suffered abuse or neglect are required to report the incident, or to cause a report to be made, to law enforcement officials or Child Protective Services. Failure to make a mandated report is a criminal offense.

The ombudsman's report found that 30 of the school districts surveyed have a policy that requires school personnel to report suspected child abuse to the principal or other school official, who is authorized to determine whether a report then should be made to law enforcement or Child Protective Services. The report concluded that policies that place the reporting decision with the principal or other official are clearly inconsistent with the state's reporting law, and may subject school personnel to criminal liability if a mandated report isn't made.

The ombudsman's report also found that the policies of 17 school districts surveyed direct the principal or the principal's designee to interview the child about abuse-related concerns raised by school personnel, and require that a report be made to law enforcement or Child Protective Services only if there is "reasonable likelihood" of abuse or neglect. The report concluded that these policies violate the intent of the mandated reporting law which is to ensure that there will be professional involvement (i.e., police or Child Protective Services) to determine whether child abuse or neglect has occurred. According to the report, "having school officials interview children about possible abuse or neglect places them in an investigative role, which is contrary to the purpose of the mandated reporting law."

"These policies cause misunderstanding among teachers and other school personnel about their reporting obligations, which can and does result in children being left at risk of preventable harm," OFCO director Vickie Wallen said.

Wallen said that her office has observed these policies resulting in the filing of tardy and incomplete reports of abuse, and in one situation, the failure to make a required report.

The report recommends that school districts adopt the model child abuse reporting policy developed by the Washington State School Directors' Association. That policy makes clear that: 1) school personnel themselves are responsible for ensuring that suspected child abuse and neglect is reported; 2) school personnel need not verify that a child has been abused before making a report; 3) personnel who are unsure whether there is reasonable cause to report abuse should discuss the situation with Child Protective Services; and 4) any doubt about a child's condition should be resolved in favor of making the report.

In addition to making this recommendation, the report describes the DSHS Children's Administration response to recommendations made by the ombudsman in its 1997 report. According to the report, in response to the ombudsman's earlier recommendations, the Children's Administration:

- Will develop guidelines for addressing potential conflicts of interest resulting from an individual's dual role as a placement resource and a professional involved in the life of a foster child;
- Has developed a new complaint brochure that clearly describes the department's internal complaint process; will begin training new social workers on that process, and; has begun providing internal complaint information to regional managers;
- Is developing a "Child's Guide to Foster Care" that will include information about the ombudsman's office.

This is the third report issued by the ombudsman in recent months. In late December 1998, the ombudsman released a report on its review of the 1994-95 Wenatchee Child Sexual Abuse Investigations. In January 1999, the ombudsman released a report that found that one-third of Washington's children who are involved in child abuse and neglect proceedings do not have an advocate, known as a guardian ad litem, to represent them in court as required by state law.

OFCO's 1998 Annual Report, and other reports, may be obtained by contacting OFCO at 800-571-7321, or by accessing OFCO's web page at: [www.governor.wa.gov/ofco](http://www.governor.wa.gov/ofco).

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