

# SENATE BILL REPORT

## 2SSB 6220

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As Passed Senate, February 13, 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:** 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: 1/20/04, 2/3/04 [DPS-WM].

Ways & Means: 2/9/04 [DP2S].

Passed Senate: 2/13/04, 48-0.

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

**Staff:** Heather Lewis-Lechner (786-7448)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6220 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Zarelli, Chair; Hewitt, Vice Chair; Parlette, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

**Staff:** Bryon Moore (786-7726)

**Background:** Under current law, school personnel who have reasonable cause to believe that a child has suffered abuse or neglect must report the incident or cause the incident to be reported to the appropriate law enforcement agency or the Department of Social and Health Services.

**Summary of Bill:** Reference to the mandatory child abuse or neglect reporting laws and school personnel's responsibilities under those laws are added to the education code. Within existing training programs and related resources, school employees are required to receive training regarding the reporting obligations in their orientation training when hired and then every three years.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There is a serious problem with teachers and school employees not knowing what the current laws are and what their responsibilities under those laws are. Parents are often not even contacted when there is a complaint and a meaningful investigation often does not occur. There is a need to reinforce what the reporting requirement is. This bill will increase the visibility of the requirement and give more training to ensure employees know their responsibilities. OSPI supports clarifying what is required of school personnel concerning reporting of child abuse and supports increased training. WASA is committed to continuing to work on these issues with our members and ensure that everyone has the training and the information they need on what their responsibilities are. We need to keep in mind that this is not an employment issue; yes, employee fairness should be kept in mind, but we must remember that we are talking about child abuse. There is a double standard right now in the system. If a school employee suspects child abuse by a parent, they report it to law enforcement or Child Protective Services as the law requires but when it's another school employee suspected, the report is only made to the principal and sometimes it stops there. As substituted, the legislation will have negligible fiscal impact, but it will ensure the needed training gets conducted.

**Testimony Against:** None.

**Testified:** PRO: Senator Kohl-Welles, prime sponsor; Senator Benton, sponsor; Abby Rice, citizen; Ed and Dianne Lundberg, citizens; Roland Thompson, Allied Daily Newspapers of WA; Michele L. Earl-Hubbard, citizen; Larry Davis, SBE; Debbie Sorrells, citizen; Greg Williamson, OSPI; PRO WITH CONCERNS: Lucinda Young, WEA; Barbara Mertens, WASA; Dan Steele, WSSDA.

Signed In/Did Not Testify: PRO: Randy Hathaway, WA School Personnel Assoc.

**House Amendment(s):** Clarification is added that the provisions apply to both certificated and classified school employees.

Instead of just referencing the mandatory abuse reporting laws, a new requirement is also created specifically for physical abuse or sexual misconduct allegations. School employees who have knowledge of or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct must report the abuse or misconduct to the school administrator. The school administrator then must follow the reporting requirements of the mandatory child abuse reporting laws and report to law enforcement if necessary.

During the process of making a reasonable cause determination and determining if a report shall be filed with law enforcement, the school administrator is required to contact all the parties involved in the complaint.

Clarification is added that nothing in this section changes any of the duties that are established under the mandatory child abuse reporting laws.