

SENATE BILL REPORT

HB 2597

As of February 23, 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: Passed House: 2/10/16, 97-0.

Committee Activity: Early Learning & K-12 Education: 2/22/16.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Emotional or Behavioral Distress Plan. Current law requires school districts to adopt a plan for 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. The school district must annually provide the plan to all district staff.

At a minimum, the plan must address:

- identification of training opportunities in recognition, screening, and referral that may be available for staff;
- how to use the expertise of district staff who have been trained;
- how staff should respond to suspicions, concerns, or warning signs of emotional or behavioral distress in students;
- identification and development of partnerships with community organizations and agencies for referral of students;
- protocols and procedures for communication with parents;
- how staff should respond to a crisis situation where a student is in imminent danger to himself or herself or others; and
- how the district will provide support to students and staff after an incident of violence or youth suicide.

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.

Obligation to Report. When any professional school personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she must report such incident, or cause a report to be made, to the proper law enforcement agency or to the Department of Social and Health Services.

A certificated or classified 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 must report such abuse or misconduct to the appropriate school administrator. The school administrator must cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred, as required under current law.

Certificated and classified school employees must receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

Parental Notification. 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. School districts must provide parents with information regarding their rights under the Public Records Act to request the public records regarding school employee discipline. This information must be provided to all parents on an annual basis.

Summary of Bill: The plan that school districts must adopt for recognition, initial screening, and response to emotional or behavioral distress in students must include indicators of sexual abuse.

The following are added as minimum requirements for the plan:

- parental notification requirements regarding sexual misconduct allegations;
- 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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Sexual misconduct unfortunately occurs in schools. This bill keeps kids safe and supported in schools. This bill builds on existing plans and will identify key next steps. There needs to be clear protocols after sexual misconduct allegations and training for school staff. School staff need to be trained in their mandatory reporting obligations, not asking leading questions, and taking detailed notes when there is a report of sexual misconduct. Schools are in the unique position of being able to recognize early signs of possible abuse in and out of school.

Persons Testifying: PRO: Representative Orwall, Prime Sponsor; Seth Dawson, The Child Advocacy Centers of Washington; Melanie Smith, Committee for Children.

Persons Signed In To Testify But Not Testifying: No one.