

EDUCATION DIVISION MANDATORY REPORTING POLICY

Authority: Lummi Nation Code of Law: Title 8 Children's Code
Lummi Nation Code of Law: Title 43 Education Code
Public Law 101-630: Indian Child Protection and Family Violence Prevention Act
Washington State Title 26.44 Abuse of Children and RCW 26.44.040 Reports

Resources: Mandatory Reporting Education Division Employee Agreement
Mandatory Reporting Procedure
Lummi Nation School
JOM Department
Early Learning

Purpose: The policy describes the mandatory reporting requirements the Education Division will impose to protect the health, safety, and wellbeing of all children within the care of the Education Division. The Education Division believes all children have an inherent right to safe schools, daycare facilities, and afterschool centers where they are exposed to an environment where they can grow, learn, and prepare for their adult life. The Education Division is tasked to ensure children abandonment, abuse, exploitation, and neglect, is reported as soon as possible so they can be protected from further harm.

Scope: This policy applies to all departments within the Education Division and all employees of the Division.

Policy: Any person identified as a Mandatory Reporter who knows or has reasonable suspicion that a child has been abused must report the information to the child protective services agency and Lummi law enforcement (Indian Child Protection and Family Violence Prevention Act).

1. All employees fall within the definition of mandatory reporter according to Lummi Code of Laws (8.06.040) which states, "Any person involved in the delivery of any health or social service on the Lummi Reservation... including education workers." The Education Division interprets this definition to mean, teachers, administrators, support staff, maintenance, bus drivers, tutors, kitchen staff, etc.... are required to report suspected instances of child abuse or neglect.
 - a. Mandatory reporters are not required to have proof or investigate an incident when it occurs. As long as they have reasonable cause to believe a child has been abused or neglected, the reporter must file the incident.
2. Failure to report can result in disciplinary action issued by the administration of the Education Division.
 - a. Lummi Law (8.06.050) can issue a criminal investigation for failing to report, this may result in a fine of not more than \$500 and up to 10 days in jail.

- b. Washington State (RCW 70.124.060) can issue an investigation resulting in a misdemeanor for knowingly failing to make a report.
 - c. The BIE (Public Law 101-630, Sec 2258) can issue an investigation that could result in a Class B misdemeanor for failing to make a report.
3. In addition to the requirements outlined in this policy, requirements of the Education Division's Mandatory Reporting Procedures must be followed:

Procedures:

Lummi Nation School

In cases of suspected child abuse or neglect, the following steps shall be followed:

1. The mandated reporter immediately informs the LNS Principal or Delegated Administrator on campus.
2. Immediately after informing the LNS Principal, the mandated reporter will make an oral report to Washington Child Protective Services by calling 1-866-ENDHARM (1-866-363-4276).
 - a. The reporter must be prepared to give the following information:
 - i. Reporter name and address
 - ii. Child's name and address and the name of the educational institution
 - iii. Nature of abuse
 - iv. Any known history of abuse or exhibited behaviors
 - v. Identity of alleged perpetrator, if known
 - vi. Any other helpful information related to the incident
3. The mandated reporter must then fill out a SCAN Report, and fax the completed form to Lummi Law Enforcement to fax number 360-380-6992 and Child Protective Services.
 - a. Digital copies of the report are available on LNS Staff Shared SharePoint under 'SCAN report'
 - b. Paper copies of the report are available in the teachers copy room behind the LNS front office, and the transportation office.
4. If the suspected perpetrator is an LNS employee, the School Administrator will notify the alleged offender and ensure that the employee is immediately segregated from all contact with children. The School Administrator will make the determination to place the employee on administrative leave or reassignment to a position in which they have no contact with children pending the outcome of the investigation.
5. The School Administrator will submit a report as required by the BIE to the Program Administrator at the Seattle Office of the Education Resource Center.