

REPORTING ABUSE, ABANDONMENT, OR NEGLECT

1. Purpose Statement

- A. 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.

2. 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 promptly with their school principal, direct supervisor, school nurse, case manager, 504 coordinator, or other appropriate District personnel who may have direct knowledge of the student's disability, medical condition, behavior plan, or relevant circumstances.
 - ii. Such consultation shall be limited to obtaining information or support related to making the required report and shall not delay, prevent, or replace the obligation to report or cause to be reported suspected abuse, abandonment, or neglect to local law enforcement or the Department of Health and Welfare within twenty-four (24) hours.

- C. After making or causing the report to be made, the employee shall complete Form 5260F, Documentation of Report of Suspected Abuse, Abandonment, or Neglect, to document the date and time of the report, the agency contacted, the name of the person receiving the report, if known, and a brief summary of the basis for the report. Completion of the form shall not delay the required report.
- i. The District shall maintain a confidential administrative record documenting that a report of suspected child abuse or neglect was made, including the date of the report, the agency that received the report, and if available, the intake or case number associated with the report.
 - ii. Mandatory reporting documentation shall be maintained as a restricted District-level compliance record and shall not be placed in the student's cumulative file, academic record, special education file, health file, or discipline file unless directed by the Superintendent/designee or legal counsel.
 - iii. Any request for such documentation shall be referred to the District records custodian and legal counsel for review under applicable state and federal law before any disclosure is made.
- D. The District shall not conduct its own review or investigation of alleged abuse, abandonment, or neglect of a child in lieu of reporting to local law enforcement or the Department of Health and Welfare as required by Idaho Code § 16-1605. After the required report has been made, the District may conduct its own internal review or investigation and may take appropriate administrative or employment action.
- E. Formal investigations of alleged child abuse, abandonment, or neglect shall be conducted by the Idaho Department of Health and Welfare, child protective agencies, or local law enforcement. District employees and volunteers shall cooperate with those agencies in their investigatory capacities.
- F. 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 § 16-1605, 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.

3. 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. A person who knowingly makes a false report, or who reports in bad faith or with malice, may be subject to civil liability as provided by Idaho Code § 16-1607.

4. 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.

- A. 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.
- B. Abuse: any case in which the child has been the victim of:
 - i. 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;
 - ii. sexual conduct including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depicting for commercial purposes, or other similar forms of sexual exploitation
- C. 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.

5. Cross References

- A. Safe and Secure Learning Environment #3555
- B. Relationship Abuse Prevention and Response #3587

6. Legal References

- A. Idaho Code § 16-1602 — Child Protective Act: Definitions
- B. Idaho Code § 16-1605 — Reporting of Abuse, Abandonment or Neglect
- C. Idaho Code § 16-1606 — Immunity
- D. Idaho Code § 16-1607 — Reporting in Bad Faith—Civil Damages
- E. Idaho Code § 33-145 — Idaho Student Safety and Educator Disclosure Act

7. Adoption and Review

- A. Adopted: 10-12-2005 (Originally Policy #5210)
- B. Reviewed:
- C. Revised: 08-13-2014; 11-07-2018; 11-08-2023; 08/12/2026