

Waikiki Community Preschool

Article XII. Health and Safety

Crime Reporting Policy and Procedures

Policy

Waikiki Community Preschool's Crime Reporting Policy and Procedures complies with the Charter Contract and adopts Hawai'i Administrative Rules ("HAR") §8-19-19 to 21 as its own. The School requires a report to appropriate authorities from a teacher, official, or other employee of the School who knows or has reason to believe that an act has been committed or will be committed which:

- 1) involves actual or suspected child abuse or neglect pursuant to HRS §350-1.1; or
- 2) occurred or will occur on School property during School hours or during activities supervised by the School; and
- 3) involves crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, marijuana or marijuana concentrate, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft, or trespass.

The School has established procedures for reporting an incident and imposing appropriate disciplinary action for failure to report these incidents, including probation, suspension, demotion and discharge of School officials.

Definitions:

Class A offenses: Assault, Bullying (for students in grades 9-12); Burglary; Cyberbullying (for students in grades 9-12); possession or use of Dangerous instrument or substance; possession or use of Dangerous weapons; possession, use, or sale of Drug paraphernalia; Extortion; Fighting; possession or use of Firearms; Harassment (for students in grades 9-12); Homicide; possession, use, or sale of Illicit drugs; possession, use, or sale of Intoxicating substances; Property damage or vandalism; Robbery; Sexual assault; Sexual exploitation; Sexual harassment (for students in grades 5-12); Stalking; or Terroristic threatening.

Class B offenses: Bullying (for students in grades K-8); Cyberbullying (for students in grades K-8); Discrimination; Disorderly conduct; False alarm; Forgery; Gambling; Harassment (for students in grades K-8); Hazing; Inappropriate or questionable uses, or both of internet materials or equipment, or both; Retaliation; Sexual harassment (for students in grades K-4); Theft; or Trespassing.

Procedures

HAR §8-19-19 Reporting class A and class B offenses occurring in school.

- (a) Any teacher, official, or other employee of the department who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, official, or other employee of the department, or involving school property, shall promptly report the incident to the Center Director or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the School from reporting class C or class D offenses to the principal or designee.
- (b) Upon receiving a class A or class B offense report, the Center Director or designee shall conduct an investigation to determine whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The Director or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.
- (c) The Center Director or designee shall record the incident information into the required database system within five school days of the reported offense.
- (d) Center Director or designee shall notify the reporting teacher, official, or other employee, of the disciplinary action, if any, taken on the class offense(s) within five school days after the incident is reported in accordance with subsection (c).

HAR §8-19-20 Indemnity upon reporting class A and class B offenses.

Any teacher, official, or other employee of the School who in good faith reports as required under §8-19-19 shall be indemnified and held harmless in accordance with section 302A-1003, Hawaii Revised Statutes.

HAR §8-19-21 Failure to report class A or class B offenses occurring in school - consequences.

- (a) The Center Director shall furnish an annual written notice to all school employees that failure to report class A or class B offenses occurring on campus, or other department of education premises, on department of education transportation, or during a school sponsored activity or event on or off school property may result in disciplinary actions against responsible teachers, officials, or other employees of the School. Disciplinary actions may include:
 - (1) Oral warning;
 - (2) Written warning;
 - (3) Suspension without pay;
 - (4) Demotion; or
 - (5) Dismissal.

(b) Teachers, officials, or other employees of the School who fail to report class A or class B offenses as required by section 8-19-19 may be disciplined in accordance with the regulations and procedures of the School.

(c) Any teacher, official, or other employee of the School who is disciplined for failure to report class A or class B offenses occurring on campus, or school premises, on school transportation, or during a school sponsored event on or off property shall have the right to appeal the disciplinary action as provided by state law or the regulations and procedures of the School or applicable collective bargaining agreements.

Reporting Child Abuse and Neglect

1. Witnessing Child Abuse or Neglect:

Any School employee who witnesses a situation of active child abuse or neglect will comply with the following:

If the abuse or neglect is happening while the School employee is in the company of the family, and it appears any intervention would only escalate the situation, the following actions will be taken:

- 1) Ensure safety of the employee's location and call 911 - request immediate police assistance;
- 2) The School employee will remain in a safe location until the police arrive and will provide the police with information as requested;
- 3) Contact the Center Director immediately. If unable to reach the Center Director, contact Child Welfare Services directly and ask for an Intake Worker.

If the situation has subsided and the presence of a School employee is appropriate, the following actions must be taken:

- 1) Contact the Center Director and/or administrative staff immediately to determine whether the police and/or Child Welfare Services must be contacted. If unable to reach the Center Director/administrative staff, Child Welfare Services must be contacted regarding the employee's concerns.
- 2) The employee may stay with the family.
- 3) If the School employee must leave to fulfill other obligations, arrangements for the company of other supportive family members or friends may be made at the family's request.

2. Suspected or Reported Child Abuse and Neglect

Any School staff member that suspects, but does not observe, or is informed of or otherwise becomes aware of a substantial risk of child abuse or neglect must:

- A. Contact the Center Director immediately.

- B. The Center Director, with the School employee who received the information, will make a determination regarding whether an official report will be filed. If a report is determined to be necessary, the matter shall be immediately reported orally to Child Welfare Services or the police department while the written report is being completed. The family may be contacted for further information as needed. The concerned family member may be encouraged to file the report with CWS.

If it is determined that a CWS report is necessary and the Center Director considers it appropriate, the family may be notified prior to a report being filed.

The DHS Mandated Reporter Checklist form must be completed, adhering to the written procedures in the previous section. The form (Titled Mandated Reporter Checklist 2023) can be found at the DHS-CWS web site: <http://humanservices.hawaii.gov/ssd/home/child-welfare-services/>

If an incident recurs, or is reported or suspected again, an additional report must be filed with CWS.

3. Sharing Resources and Information with the Family

- A. Information regarding Child Welfare Services and the services available through this program will be shared with the family (if it is in the best interest of the child).
- B. Expectations of ensuing action by CWS and the contents of the required report to be filed by the School, will be shared with the family (if it is in the best interest of the child).
- C. The School employee will cooperate with the investigating CWS worker or police officer, providing them with information regarding the client and her/his family as requested.

4. Reporting

- A. After Child Welfare Services is contacted, the official Mandated Reporter Checklist must be completed by the employee, in conjunction with the Center Director, regardless of whether or not the case is accepted.
- B. The report must be completed within the same workday as the witnessed abuse, or the same day the decision was made to report the suspected abuse. The form must be submitted to the Department of Human Services, Child Welfare Service Branch.
- C. A copy of all reports related to the incident must be filed in the student's record or in the appropriate School file immediately. If appropriate, copies may also be provided to the family involved in the abuse or neglect situation.

Other appropriate School employees must be informed of all of the above actions within 24 hours.
- D. The witnessing employee, in conjunction with the Center Director, must complete a School Incident Report and attach a copy of the CWS report.

5. Follow Up

- A. The reporting employee or designee will be the official contact person for the CWS Intake Worker in follow up on the case.
- B. Results from the report will be shared with the appropriate School staff. Further follow up may be discussed with the Governing Board.
- C. A School employee who is determined appropriate, will communicate with the family and provide follow up to the level appropriate for the type of services being provided to the family.

Approved by the Office of the Attorney General:

Date: 5/19/25

Name: Jonathan Marchuk

Signature: *Jonathan Marchuk*