

### **Reporting**

Any district employee having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse by another school employee or by a student, or that any person with whom the employee comes in contact has abused a child, shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Oregon Department of Human Services, or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The district employee shall also immediately inform the building principal. In the event that that building principal is the suspected abuser, the district employee shall instead immediately inform the superintendent or designee.

The employee suspecting the child abuse shall make a written record of the child abuse report. The written record may be made using Bend-La Pine Schools child abuse reporting form, which includes at minimum:

1. The name and position of the person making the report
2. The name and position of any witnesses to the report
3. A description of how the report was made (i.e., phone or other method)
4. The name of the agency and individual who took the report
5. The date and time that the report was made; and
6. The names of person who received a copy of the written report

The written record of the child abuse report shall not be placed in the student's educational record. The employee making the record shall retain a copy of the written report and a copy shall be provided to the employee's supervisor and the superintendent or designee.

When the district receives a report of suspected child abuse by one of its employees, and the superintendent or designee determines that there is a reasonable cause to support the report, the district shall place the district employee on paid administrative leave until the Department of Humans Services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the school district employee. If the Department of Human Services or a law enforcement agency is unable to determine whether the child abuse occurred the district may either reinstate the employee or take disciplinary action at the district's discretion.

The district shall maintain the written record of each reported incident of child abuse, action taken by the district, and any findings as a result of the report.

### **Definitions**

1. Oregon law recognizes these types of abuse:
  - a. Physical assault and physical injury caused by other than accidental means;
  - b. Mental injury;
  - c. Rape;

- d. Sexual abuse;
  - e. Sexual exploitation;
  - f. Negligent treatment or maltreatment;
  - g. Threatened harm;
  - h. Buying or selling a person under 18 years of age;
  - i. Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured;
  - j. Unlawful exposure to controlled substance, as defined in ORS 475.
2. Child means an unmarried person who is under 18 years of age.

### **Confidentiality of Records**

The name, address, and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

The disciplinary records of a district employee or former district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a district employee or former employee is convicted of a crime listed in ORS 342.143, the district that is or was the employer of that employee when the crime was committed shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.

### **Failure to Comply**

Any district employee who fails to report a suspected child abuse as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected child abuse or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

### **Cooperation with Investigator**

The district staff shall make every effort in suspected child abuse cases to cooperate with investigating officials as follows:

1. Any investigation of child abuse will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. Failure to meet one of these criteria may result in the administrator's refusal to allow the student interview on school property. If the student is to be interviewed at the school, the principal or representative shall make a conference space available. The principal or representative of the school may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the office and contact the principal or representative. The officer shall sign the student out on a form to be provided by the school.
2. When the subject matter of the interview or investigation involves suspected child abuse, district employees shall not notify parents;

3. The principal or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

### **Training**

District staff shall receive training each year in prevention and identification of child abuse and on the obligations of district employees under ORS 419B.005 and under policies adopted by the board to report child abuse. In addition, annually parent and legal guardians of students attending district schools will be provided separate training on the prevention, identification of child abuse and obligations of school employees to report child abuse. Also, annual training designated to prevent child abuse will be made available to students attending district-operated schools.

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