

## **BEND-LA PINE SCHOOLS**

Administrative School District No. 1

Deschutes County, Oregon

### **ADMINISTRATIVE REGULATION**

Name: Reporting of Suspected Child Abuse

Section: Students

Code: GBNAB/JHFE-AR

#### **Reporting**

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse, including neglect of a child as defined in ORS 419B.005, shall orally report or cause an oral report to be immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee, or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person** (could include adult, student or other child) with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any district employee who has reasonable cause to believe that another district employee, contractor<sup>1</sup>, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the Superintendent is the alleged perpetrator the report shall be submitted to the Deputy Superintendent who shall refer the report to the Board Chair. If an individual board member is the alleged perpetrator the report shall be submitted to the Superintendent who shall refer the report to the district's legal counsel.

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 Recording form, which includes at minimum:

1. The name and position of the person making the report;
2. The name of the student;
3. The name and position of any witnesses;
4. Description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser;
5. A description of how the report was made (i.e., phone or other method);
6. The name of the agency and individual who took the report;
7. The date and time that the report was made; and
8. The names of the district administrator who received a copy of the written report.

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<sup>1</sup> Contractor means a person providing services to the district under contract in a manner that requires the person to have direct, unsupervised contact with students.

## **Definitions**

1. Oregon law recognizes these and other types of abuse:
  - a. Physical;
  - b. Neglect;
  - c. Mental injury;
  - d. Threat of harm;
  - e. Sexual abuse and sexual exploitation.
2. Child means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
3. A substantiated report means a report of abuse that law enforcement agency or DHS determines is founded.

## **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.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

## **Failure to Comply**

Any district employee who fails to report a suspected child abuse as provided by this regulation 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 regulation, the employee will be disciplined up to and including dismissal.

## **Actions Following Receipt of a Child Abuse 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 designee that received the report.

When the district designee receives a report of suspected child abuse by a district employee, and there is a reasonable cause to support the report, the district shall place the district employee on paid administrative leave and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either:

1. An employment policy was violated and the district will take appropriate employment action against the employee, or
2. An employment policy has not been violated and no action is required by the district against the employee.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school.

employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The district shall maintain the written record of each reported incident of abuse of a child, action taken by the district, and any findings as a result of the report. The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

### **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 DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. Upon notification that DHS or law enforcement would like to interview a student at school, the school administrator or designee must request that the investigating official fill out the DHS / Law Enforcement Protocol Investigation of Child Abuse form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification, the administrator or designee shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the school office and contact the school administrator or designee. The law enforcement official shall sign the student out in accordance with district procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents/guardians or anyone other than DHS or law enforcement agency and any school or district employee necessary to enable the investigation;
3. The school or district administrator or designee 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.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

### **Training**

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 – 419B.050 and as directed by GBNAB/JHFE-BP: Suspected Abuse of a Child Reporting Requirements.

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