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## Reporting Suspected Abuse of a Child

### Reporting

Any school employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse<sup>1</sup> shall orally report or cause an oral report 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 school employee who has reasonable cause to believe that **any person**<sup>2</sup> 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 school employee who has reasonable cause to believe that another school employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another school 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 administrator is the alleged abuser the report shall be submitted to the designee who shall also make a report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; 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; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of the school administrator who received a copy of the written report.

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<sup>1</sup> Includes the neglect of a child; abuse is defined in ORS 419B.005.

<sup>2</sup> "Person" could include adult, student or other child.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a school employee, and there is reasonable cause to support the report, the public charter school shall place the school employee on paid administrative leave<sup>3</sup> 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 school takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the school determines that either 1) an employment policy was violated and the school will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the school against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the school may prohibit the contractor, agent or volunteer from providing services to the school. If the school determines there is reasonable cause to support the report of suspected abuse, the school shall prohibit the contractor agent or volunteer from providing services. The school 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<sup>4</sup> and a determination has been made by law enforcement or DHS that the report is unsubstantiated

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

If, following the investigation, the school decides to take an employment action, the school will inform the school 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 an appeal process administered by a neutral third party.

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

## **Definitions**

1. Oregon law recognizes these and other types of abuse:

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<sup>3</sup> The public charter school employee cannot be required to use any accrued leave during the imposed paid administrative leave.

<sup>4</sup> The public charter school will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

- 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 a 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 public charter school shall immediately provide requested documents or materials to the extent allowed by state and federal law.

### **Failure to Comply**

Any school employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A school 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 abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

### **Cooperation with Investigator**

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

1. Any investigation of abuse of a child 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. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on School Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the 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 of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

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

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, public charter school employees shall not notify parents or anyone else other than DHS or law enforcement agency, and any school employee necessary to enable the investigation;
3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. School 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 school from conducting its own investigation, unless another agency requests to lead the investigation or requests the school to suspend the investigation, or taking an employment action based on information available to the school before an investigation conducted by another agency is completed. The school will cooperate with agencies assigned to conduct such investigations.