

**Greater Albany SD 8J**  
**Administrative Regulation**

Code: **JHFE-AR**  
Adopted: 3/12/01  
Revised: 12/12/05, 8/13/07, 5/11/09,  
8/05/09; 5/24/12; 3/13/17

**Reporting of Suspected Abuse of a Child**

**Reporting**

Any district employee having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse, 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.

If known, such report shall contain the names and addresses of the child, the child's parents or guardians<sup>1</sup> or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which 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.

A written record of the abuse report shall be made by the employee suspecting the abuse of a child. The written record shall include at a minimum:

1. The name and position of the person making the report;
2. The name and address of the child, the parents or other person responsible for the child's care;
3. The name and position of any witness to the report;
4. A 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

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<sup>1</sup>As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

8. The names of persons who received a copy of the written report.

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 employee's supervisor and the human resources director.

When the district receives a report of suspected abuse of a child by one of its employees, and the human resources director determines that there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave until the Department of Human 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 district employee. If the Department of Human Services or a law enforcement agency is unable to determine whether the abuse of a child occurred the district may either reinstate the employee or take disciplinary action at the district's discretion.

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 shall be maintained by the district.

### **Definitions**

1. Oregon law recognizes these 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.

### **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 abuse of a child 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 abuse of a child 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 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 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. Documentation must be recorded on the "DHS/Law Enforcement Student Interview Record" form (attached to this AR). 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 is identified to be related to suspected child abuse of a child, district employees shall not notify parents or guardians;
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**

ORS 339.377 requires school district to provide training on abuse of a child to staff, students and parents on a yearly basis. This training is to include information on the prevention and identification of abuse of a child and on the obligation of school employees to report abuse of a child. Further, GAPS Board Policy JHFE requires the district to establish written procedures for providing these mandatory annual trainings.

The Greater Albany Public Schools District plan is that it will be the responsibility of each school to plan and conduct these trainings. The Human Resources Department will arrange to provide training to administrators. The HR department will also provide materials and contact information useful in conducting these trainings. The building principal or site administrator will be responsible for arranging training for staff at each location.

It is recommended that student training be accomplished through classroom activities, larger groups presentations or assemblies. This would likely look different at each level. For example, at high schools health classes might be the logical location for this training while at the elementary school, it is more likely to occur in classrooms.

Parent trainings can be arranged through Parent Clubs, invitations to assemblies, or other appropriate activities. Again, each school should arrange this. District-facilitated presentations may be available during the year.

There are a variety of community agencies willing to be involved in these trainings. This includes, but is not limited to, ABC House, DHS, Linn County Health Department, and the Albany Police Department.

**DHS/Law Enforcement Student Interview Record – Potential Child Abuse or Neglect**

Student name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

School: \_\_\_\_\_ Date of interview: \_\_\_\_\_

**Part 1: To Be Completed by Interviewing Agents**

**Interviewing agents:**

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Agency: \_\_\_\_\_

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_

Agency: \_\_\_\_\_

Will parent/guardian be contacted?  Yes  No By whom: \_\_\_\_\_

**Rationale for interview:**

- Warrant (Please attach)
- Court Order (Please attach)
- Parental Consent (Person contacted and date/time): \_\_\_\_\_
- Exigent Circumstances (Briefly explain): \_\_\_\_\_
- Other as directed by law enforcement officer (Briefly explain): \_\_\_\_\_

**Part 2: To Be Completed by School Personnel**

**Administrator notified:**

Name: \_\_\_\_\_ Date/time: \_\_\_\_\_

- Check if administrator not notified because he or she is the subject of the investigation.

**Interviewers were informed of student's disabling conditions, if any:**

Person providing information: \_\_\_\_\_ Date/time: \_\_\_\_\_

Disabling conditions (write "n/a" if none): \_\_\_\_\_

**Were there school staff members present for the interview?** (not required by law, but may be present at investigator's discretion)

Staff member(s) present: \_\_\_\_\_

(Staff members who were present during the interview are not authorized to reveal any information from the interview without court authorization!)

**Time and location of interview:**

Location: \_\_\_\_\_

Time interview began: \_\_\_\_\_ Time interview ended: \_\_\_\_\_

- Check if student taken into custody

This form should be placed in a separate file and not in student's educational record file.