

Reporting of Suspected Child Abuse

Administrative Rules:

1. Definitions

a. Abuse means:

- (1) Any assault, as defined in Oregon statute, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given for the injury.
- (2) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.
- (3) Rape of a child, which includes, but is not limited to, rape, sodomy, unlawful sexual penetration, and incest as those acts are defined in Oregon statute.
- (4) Sexual abuse as defined in Oregon statute.
- (5) Sexual exploitation, including, but not limited to:
 - (a) Contributing to the sexual delinquency of a minor, as defined in Oregon statute, and any other conduct which allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording, or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in Oregon statute, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or legitimate purposes; and
 - (b) Allowing, permitting, encouraging, or hiring a child to engage in prostitution, as defined in Oregon statute.
- (6) Negligent treatment or maltreatment of a child, including, but not limited to, the failure to provide adequate food, clothing, shelter, or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's guardian shall not, for this reason alone, be considered a neglected or maltreated child under this section.
- (7) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

b. A child means an unmarried person who is under 18 years of age.

- c. A law enforcement agency for the purposes of reporting suspected child abuse means:
 - (1) Local branch of the State Department of Human Services;
 - (2) City or Municipal Police Department;
 - (3) County Sheriff's Office;
 - (4) Oregon State Police.

2 Mandatory Reporting Requirements

- a. CESD personnel having reasonable cause to believe that a child with whom the employee comes in contact has suffered abuse shall immediately report the suspected abuse by telephone or cause a report to be made to a law enforcement agency. To the extent possible, employees working in local school districts or non-local school district programs shall use the child abuse reporting procedure of that agency. However, nothing in this policy is intended to delay or obstruct the report to be made as it is recognized that the person suspecting the abuse is responsible for reporting.
 - (1) Investigation by education personnel prior to submitting a report should not go beyond that necessary to support a reasonable belief that a reportable problem exists.
 - (2) Personnel shall not notify or inform the person(s) suspected of child abuse that the child is the subject of a child abuse report or investigation. Parental notification shall be the sole responsibility of the child abuse investigator, not CESD personnel.
 - (3) Personnel are required to notify an CESD supervisor of the report of suspected abuse immediately. Program staff assigned to a local district school or non-local school district are also requested to notify the principal or program director.
 - (4) CESD shall post in each of the CESD buildings the name and contact information of the Director of Human Resources, who is designated to receive reports of suspected child abuse by employees, and the procedures the Director will follow upon receipt of a report.
- b. The oral report to the State Department of Human Services or the local law enforcement agency shall contain the following, if known:
 - (1) The names and addresses of the child and the parents of the child, or other persons responsible for care of the child;
 - (2) The child's birth date and age;
 - (3) The nature and extent of the abuse including any evidence of previous abuse;
 - (4) Any explanation given by caretakers for the abuse;
 - (5) Any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.
- c. A written record of the child abuse report shall be made by the employee suspecting the child abuse. The written record may be made using a CESD child abuse reporting form or by using procedures consistent with the facility in which the education program is located, when applicable. At a minimum, the written report shall contain the following:
 - (1) The name and position of the person making the report;
 - (2) The name and position of any witness to the report;

- (3) A description of how the report was made (i.e., by 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;
 - (6) The name(s) of persons who received a copy of the written report.
- d. The written record of the child abuse report shall not be placed in the student's education record. A copy of the written report shall, however, be retained by the employee suspecting abuse and a copy shall be provided to the employee's supervisor at CESD. Personnel assigned to specific program sites may also provide copies of the written report to the administrator or others specified in the procedures of the facility in which the education program is located. Although not required by law or this policy, employees may follow-up the oral report by forwarding a copy of the written report to the Department of Human Services or the law enforcement agency to which the oral report was made.

3. Failure to Comply

Any CESD 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 CESD 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

4. Investigation

- a. The State Department of Human Services or the law enforcement agency is responsible for investigation of child abuse reports. The on-site program administrator will work cooperatively with the investigator to determine whether a representative of the school, including CESD personnel, shall participate in the interview with the child. If there is some disagreement about whether CESD personnel shall be allowed to be present during the investigation, the Board recognizes that the State Department of Human Services has jurisdiction over all cases of child abuse. Staff shall be directed that the investigating agency's authority may supersede that of the public school. Personnel shall disclose confidential information from an education record upon request of a law enforcement agency investigating a report of child abuse.

5. Immunity from Liability

- a. Personnel who in good faith and on the basis of reasonable grounds make a child abuse report shall have immunity from any civil or criminal liability in connection with such a report. If court action is initiated, the reporting person may be called as a witness, in which case the person testifying shall also have immunity from liability.
- b. Personnel reporting child abuse, acting within the scope of employment, will be covered by CESD's liability insurance.