

## **Reporting of Suspected Abuse of a Child**

### **Reporting**

Any district employees having reasonable suspicion or 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 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 also should immediately inform his/her supervisor, building principal, or assistant superintendent.

Any doubt about reporting a suspected situation is to be resolved in favor of the child and the report made immediately.

If known, such report shall contain the names and address of the child, the child's parents 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 child abuse report shall be made by the employee suspecting the abuse of a child. The written record may be made using the district's abuse reporting form which includes at a minimum:

1. The name and position of the person making the report;
2. The name, 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 that 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 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 or assistant superintendent.

When the district receives a report of suspected abuse of a child by one of its employees, and the assistant superintendent 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 of Abuse**

1. "Physical Abuse" – Any assault, as defined in ORS Chapter 163, 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 of the injury."
2. "Mental Injury" – 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. "Sexual Abuse" – Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS Chapter 163."
4. "Sexual Exploitation" – Contributing to the sexual delinquency of a minor, as defined in ORS Chapter 163, 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 ORS 167.002 or described in ORS 163.665 and 163.670, 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 other legitimate purposes; and allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS Chapter 167."
5. "Neglect" – 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 parent or guardian shall not, for this reason alone, be considered a neglected or maltreated child under this section."
6. "Threatened Harm" – Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare."
7. "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. In addition, failure to comply shall constitute just cause for district disciplinary action up to and including dismissal against the district employee who fails to report suspected abuse of a child or maintain confidentiality of records as required by this policy.

## **Cooperation with Investigator**

The district staff shall make every effort in suspected abuse of a child cases to cooperate with police agencies 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.

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



**Reporting of  
SCHOOL DISTRICT EMPLOYEES  
SUSPECTED OF ABUSE OF A CHILD**

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FOR POSTING

The 2005 Oregon State Legislature passed Senate Bill 755, which deals with district employees who are suspected of abuse of a child. SB755 requires the posting in each district building of the name and contact information for the person designated by the district to receive reports of suspected abuse of a child by district employees and the procedures the person will follow upon receipt of a report.

**Reporting**

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**Procedures**

Upon receipt of a report of suspected abuse of a child, the Assistant Superintendent will promptly investigate the report, and upon completion of the investigation will notify the person who initiated the report. If the district determines there is reasonable cause to support the report, the employee shall be placed on paid administrative leave. Depending upon the results of the investigation, the district may reinstate the employee, or take appropriate disciplinary action against the employee.