

Reporting of Suspected Abuse of a Child

Reporting

Any ESD employees 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 (DHS) or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The ESD employee should also immediately inform his/her supervisor, administrator or superintendent. If known, such 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, 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 may be made using the ESD's abuse reporting form which includes at a minimum:

1. The name and position of the person making the report;
2. The names and addresses of the child and the parents of the child or other persons responsible for the child's care and the age of the child;
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
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/or superintendent.

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

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

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 an ESD employee or former ESD employee convicted of a crime listed in Oregon Revised Statute (ORS) 342.143 are not exempt from disclosure under ORS 192.345 or 192.355. Therefore, if an ESD employee or former employee is convicted of a crime listed in ORS 342.143, the ESD 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 ESD shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or an ESD employee who is not the subject of the disciplinary record.

Failure to Comply

Any ESD 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. An ESD 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 ESD 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 ESD office and contact the ESD administrator, unless the administrator is the subject of the investigation. When a ESD Administrator or designee is notified that the DHS or law enforcement would like to interview a student on ESD property, the ESD Administrator or designee must request that the investigating official complete the appropriate form (See JHFE-AR(2) - Abuse of a Child Investigations Conducted on ESD Premises). The ESD 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 on ESD property, the ESD Administrator or designee shall make a private space available. The ESD Administrator or designee of the ESD may at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the ESD Administrator or designee shall refuse access to the student.

Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the ESD Administrator or designee. The officer shall sign the student out on a form to be provided by the ESD;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, ESD employees shall not notify parents;
3. The program supervisor or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. ESD 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.