

McMinnville School District #40

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Reporting of Suspected Abuse of a Child

Purpose of the Abuse of a Child Reporting Law

The Abuse of a Child Reporting Law (ORS 419B.005 to 419B.045) was enacted to identify children who are victims of abuse or neglect and to provide services needed to assist caretakers in resolving problems underlying such abuse or neglect. The purpose of the law is to facilitate the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, and preserve family life when consistent with the protection of the child by stabilizing the family and improving parental capacity.

Definition of Abuse of a Child

The victim of abuse of a child is an unmarried person, under the age of 18, who has been non-accidentally physically or mentally injured, negligently treated or maltreated, sexually abused or exploited, or who dies as a result of abuse or neglect.

Oregon law recognizes these types of abuse:

1. Physical abuse
2. Neglect
3. Mental injury or emotional maltreatment
4. Threat of harm
5. Sexual abuse
6. Sexual exploitation

Mandatory Reporters

According to the law, “Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a child, shall report or cause a report to be made...”

Because school employees have frequent contact with children and are in positions to observe and identify children who may be victims of abuse or neglect, they are included in the list of public officials who are mandatory reporters. The 1993 Legislature changed the law to require mandatory reporters, in both their official and personal capacities, to report suspected abuse of a child at any time they have cause to believe it is occurring.

The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the personnel director will follow upon receipt of a report.

Making a Report

The employee who has reasonable cause to believe a child is a victim of abuse shall make an oral report by telephone or in person to one of the following agencies within Yamhill County:

- Department of Human Services, Community Human Services (503) 472-4634
- Municipal Police Department (503) 434-7307
- County Sheriff's Office (503) 434-7506
- Oregon State Police (503) 472-2184

When making the report, the employee shall provide the following information if known:

- Name of the child;
- Names and addresses of the parents or guardians;
- The nature and extent of abuse, including any evidence of previous abuse;
- Any explanation given for injuries;
- Other pertinent information about the cause of the abuse;
- Information that might be helpful in identifying the abuser;
- Name and position of person making the report.

The employee is also required to complete the district Abuse of a Child Report Form and submit a copy to the building principal and a copy to the director of personnel.

Cooperation with the Investigation

Once a school employee has made an abuse report to the proper agency, a Child Protective Services worker from the Oregon Department of Human Services, Community Human Services, and/or a law enforcement official will assess the situation as soon as possible and complete the required investigation.

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

1. 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 the 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 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.

Staff Involvement in Abuse of a Child

When the district receives a report of suspected abuse of a child by one of its employees, and the personnel director/superintendent determines that there is reasonable cause to support the report, the district shall place the school 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 school employee.

If the allegations are against a school employee, a school volunteer, or other person closely associated with the schools, an internal investigation may also be done by school officials; however, school personnel should refrain from any internal investigation until the agencies have completed their investigation. If the Department of Human Services or a law enforcement agency is unable to determine whether abuse of a child occurred, the district may either reinstate the employee or take disciplinary action at the district's discretion. A substantiated report of abuse by an employee shall be documented in the employee's personnel file.

Confidentiality of Records

Documents, reports, and records compiled by school employees relative to abuse of a child are confidential and are not accessible for public inspection. However, such records shall be made available to any law enforcement agency or a child abuse registry in any other state for the purpose of subsequent investigation of abuse of a child.

The results of abuse of a child investigation shall not become part of the child's school records.

The reporter's identity will remain confidential to the full extent allowable by law. If court action is initiated, the reporting person may be called as a witness or the court may order that the reporter's name be disclosed. Only people with first-hand knowledge of the child's situation can provide testimony proving that abuse has occurred.

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 Report

Any district employee who fails to report suspected abuse of a child as provided by this policy and 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.

Immunity from Civil or Criminal Liability

Any district employee participating in good faith in the making of a report pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected abuse of a child by a district employee in good faith, the student will not be disciplined by the Board or any district employee. Intentionally making a false report of abuse of a child is a Class A violation.

Reporting to Teacher Standards and Practices Commission (TSPC)

TSPC requires that the Superintendent report within 30 days the name of any licensed employee when after appropriate investigation it is believed that the employee may have committed any act which may constitute one of the designated acts of gross neglect of duty or gross unfitness, which includes abuse of a child.