

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

### **Reporting**

To facilitate the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, it is the policy of this public charter school that all public charter school employees shall promptly comply with the statutory requirements concerning the reporting of a suspected abuse. In particular, all public charter school 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, Community 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 public charter school employee should also immediately inform his/her regional administrator.

If known, such report shall contain the names and addresses 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.

The public charter school will designate the director to receive reports of abuse of a child by school employees and specify the procedures to be followed upon receipt of a abuse report. In the event the designated person is the suspected abuser, the regional administrator shall receive the report of abuse. The public charter school will post in the school or online the name and contact information of the person designated to receive abuse reports, as well as the procedures the executive director will follow upon receipt of a report. When the executive director takes action on the report, the person who initiated the report must be notified.

When the public charter school receives a report of suspected abuse of a child by one of its employees or by students, and the executive director determines that there is reasonable cause to support the report, the public charter school 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 Department of Human services or a law enforcement agency is unable to determine whether the abuse of a child occurred the public charter school may either reinstate the employee or take disciplinary action at the public charter school's discretion.

## **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**

Documents, reports and records compiled by public charter school employees pursuant to the provisions of the Child Abuse Act are confidential and are not accessible for public inspection. The director or designee shall make such records available to any law enforcement agency, the Department of Human Services, the Teacher Standards and Practices Commission or a child abuse registry in any other state for the purpose of subsequent investigation of abuse of a child, and to any physician, at the request of the physician, regarding any child brought to the physician or coming before the physician for examination, care or treatment. However, prior to the disclosure of a disciplinary record the executive director or designee shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or school employee who is not the subject of the disciplinary record.

## **Failure to Comply**

Any public charter school 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 public charter school 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 public charter school 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. 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 administrator or representative shall make a conference space available. The administrator 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 administrator 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, public charter school employees shall not notify parents;
3. The administrator or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. Public charter school 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.

### **Immunity from Liability**

Any public charter school 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 by a public charter school employee or a student in good faith, the student will not be disciplined by the Board or any public charter school employee.