

Reporting of Suspected Child Abuse

Definitions

1. "Abuse" means
 - a. Any assault or 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.
 - b. 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.
 - c. Sexual abuse, including but not limited to rape, sodomy, sexual abuse, sexual penetration with a foreign object and incest, as those acts are defined in ORS chapter 163.
 - d. Sexual exploitation, including but not limited to:
 - (1) 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, or sexual abuse involving a child, but not including any conduct which is part of any investigation conducted pursuant to ORS419B.020 or which is designed to serve educational or other legitimate purposes; and
 - (2) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS chapter 167.
 - e. Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care, that is likely to endanger the health or welfare of the child.
 - f. Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
 - g. Buying or selling a person under 18 years of age as described in ORS 163.537.
 - h. Abuse does not include reasonable discipline unless the discipline results in one of the conditions described in (a) above.
2. "Child" means an unmarried person who is under 18 years of age.
3. "School employee" means any certificated or classified person employed by the school in the normal course of his/her duties.

4. “Law enforcement agency” means:
 - a. Any city of municipal police department;
 - b. Any county sheriff’s office;
 - c. The Oregon State Police;
 - d. A county juvenile department.

School Employees Must Report

School employees who have reasonable cause that child abuse has taken place must promptly report suspicions to Department of Human Services (DHS) or law enforcement officials. The reporting employee shall in all cases notify the principal or superintendent that a report has been made.

The employee will make an oral or faxed written report to the Department of Human Services or local law enforcement. If the report is written, a copy of the report will be maintained and forwarded to the district’s special programs director. If the report is oral, the employee will complete the attached reporting form as a record of the report, which will also be forwarded to the district’s special programs director. The reports will be maintained in a secure location and will not become part of any student’s educational record.

If the principal or supervisor or superintendent is informed that a child abuse report has been filed by an employee (including themselves) naming an employee as the possible perpetrator, the principal or supervisor shall report the matter to the superintendent’s office (or, if the superintendent is the suspected individual, then to the Board chair). The superintendent shall confer with the district’s legal counsel, with DHS/law enforcement officials, and with the reporting employee and shall conduct a district investigation that does not interfere with the DHS/law enforcement investigation. When the district receives a report of suspected child abuse by one of its employees, and the district determines that there is reasonable cause to support the report, the district shall place the school employee on paid administrative leave until: (a) The Department of Human Services or a law enforcement agency determines that the report is unfounded or that the report will not be pursued; (b) the Department of Human Services or a law enforcement agency determines that the report is founded and the district takes the appropriate disciplinary action against the school employee; or © the district concludes its own investigation into the matter and takes appropriate action. If the Department of Human Services or a law enforcement agency is unable to determine, based upon a report of suspected child abuse, whether child abuse occurred, the district may reinstate a school employee placed on paid administrative leave or, if the district’s investigation produces information that substantiates that the employee has engaged in child abuse, may take appropriate disciplinary action against the employee.

Investigation of Report

The oral report to Department of Human Services or the local law enforcement agency shall contain the following information (if known):

1. Names and addresses of the child and his/her parents or other persons responsible for his/her care.
2. Child’s age/birthdate.

3. The time of occurrence and the nature and extent of the abuse (including any evidence of previous abuse).
4. The explanation given for the abuse.
5. The identity of the perpetrator, if known.
6. At the conclusion of the interview, the investigator shall inform the principal or designee that the interview has been concluded, and confer as to the immediate disposition of the child, and any further action required of/or information needed by the school personnel.
7. School personnel shall NOT notify or inform the child's parents or other persons responsible for the child's care that the child is the subject of a child abuse investigation. Parental notification shall be the sole responsibility of the child abuse investigator.

District personnel will cooperate with law enforcement agencies when such agencies request educational records from the district, pursuant to "Conditions for Disclosure in Health and Safety Emergencies" as set forth in the Family Educational Rights and Privacy Act (FERPA). Documents, reports and records compiled by district employees pursuant to the provisions of the Child Abuse Act are confidential and are not accessible for public inspection. The principal or designee shall make such records available to any law enforcement agency or a child abuse registry in any other state for the purpose of subsequent investigation of child abuse, 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. Upon request from a law enforcement agency, the Department of Human Services, or the Teachers Standards and Practices Commission, the district shall provide the records of investigations of suspected child abuse by a school employee.

Immunity from Liability

District employees who in good faith and on the basis of reasonable grounds make a child abuse report are protected from any civil or criminal liability in connection with such a report. However, they may be required to testify in court regarding their observations notwithstanding the provision of ORS 44.040, when the law enforcement agency obtains and serves a subpoena on the school employee. The initiation of a report in good faith about suspected child abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant. Neither the Board nor any school employee will discipline a student for the initiation of a report in good faith about suspected child abuse by a school employee.

CHILD ABUSE/NEGLECT REFERRAL

Person initiating this referral must:

Report incident Immediately by telephone to law enforcement agency (LEA) or Department of Health & Human Services (DHHS) Washington County at (503) 648-8951.

Alleged Victim: Interpreter Needed Yes No Disability _____

_____ Male Female
Last Name First MI Age Date of Birth

School _____ Grade _____

Parent/Guardian _____

Address/City/State/Zip Code _____ Phone _____

Information Gathered: Be as detailed and factual as possible without soliciting further information. Include what was said regarding where, when, people involve, people reporting and relationship to victim. Note type of abuse (physical, sexual, emotional neglect) and indicators (use reverse side if necessary).

Information Gathered by: Name _____ Position _____
Date _____ Time _____

(Notification of Parent is responsibility of DHHS or LEA)

Reported to: (indicated which agency)

Department of Health & Human Services (DHHS) involvement:

Date: _____ Time: _____

Name of contact at DHHS: _____

Law enforcement agency involvement:

Date: _____ Time: _____

Officer's Name: _____

Child taken into protective custody: Yes No

Signature of Law Enforcement Agency/DHHS Agent Taking Child

Person who made call _____ Date: _____

Principal _____ Date: _____

*****DO NOT FILE IN CHILD'S SCHOOL RECORD*****