

Child Abuse Reporting

All staff working in the school will be required to participate in annual training in the prevention and identification of abuse of a child and the obligations of reporting. Any employee who has reasonable cause or reasonable suspicion to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by a student with whom the employee is in contact has abused a child, will immediately notify the Oregon Department of Human Services or the local law enforcement agency. The school employee shall also immediately inform the school director. If a district employee is a suspected abuser, reporting requirements remain the same. The Board and school director will implement such regulations when necessary to accomplish the intent of this policy and to comply with state law. School staff shall receive training each school year in the prevention and identification of child abuse and on the obligations of school employees under ORS 419B.005 to report suspected child abuse. Oregon law recognizes abuse as physical, neglect, mental injury, threat of harm, sexual abuse or sexual exploitation. Failure to report the suspected abuse of a child or to comply with the confidentiality of records requirements is a violation punishable by law and by district disciplinary action, up to and including dismissal. A staff member who, based on reasonable grounds, participates in the good faith reporting of an abuse of a child shall have immunity from any liability, civil or criminal actions, that might otherwise be incurred or imposed as provided by law.

H.B. 2062 requires the following: In addition to mandatory reporting of child abuse, the law imposes a requirement that all school employees must report "sexual conduct" to a district-designated individual, so that an investigation can be conducted. This reporting obligation exists if the employee has "reasonable cause to believe" that another school employee has engaged in "sexual conduct." "Sexual conduct" is defined as misconduct that does not constitute child abuse, but is commonly referred to as "grooming behavior." The law defines "sexual conduct" as "any verbal or physical conduct by a school employee that (a) Is sexual in nature; (b) Is directed toward a kindergarten through grade 12 student; (c) Has the effect of unreasonably interfering with a student's educational performance; and (d) Creates an intimidating, hostile or offensive educational environment." Examples of sexual conduct may also include (but not be limited to): Staff performing back rubs on a student, kissing students, touching students frequently, commenting on students' bodies or appearance in a sexual manner, exchanging romantic gifts or communications with a student, showing obscene or suggestive photos to the student, videotaping or photographing a student in revealing or suggestive poses, discussing/writing about sexual topics unrelated to curriculum with students, making sexual jokes, gestures, and innuendoes or engaging in inappropriate banter with students (e.g., discussion of student's dating behavior), sharing your own sexual exploits or marital difficulties, intentionally invading the student's privacy, using e-mail, text-messaging, or instant messaging to discuss sexual topics with individual students, or dating students.

END OF POLICY

Legal Reference(s):

[ORS 338.115](#)

[ORS 339.370 to-339.400](#)

[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011)