

Policy Introduction

~~OSBA Model Sample Policy~~ Parkrose School District 3

Code: GBNAA/JHFF-AR
Adopted: 2.24.20
Revised/Reviewed:

OSBA Summary (same as GBNAA/JHFF, GBNAA/JHFF-AR, GBNAB/JHFE, GBNAB/JHFE-AR, JHFE/GBNAB, JHFE/GBNAB-AR, JHFF/GBNAA, JHFF/GBNAA-AR)
Recent revisions to ORS 339 affecting reporting of child abuse and sexual conduct were adopted by the 2021 Legislature. The passing of these bills revised the definition of ‘sexual conduct’ and ‘licensed administrator’ as it relates to reporting and helps define the persons who can be designated to receive and respond to these reports. Additionally, a new definition was added for ‘commission licensee’ to distinguish between district employees suspected of sexual conduct that shall be reported to and investigated by TSPC and those that shall be reported to and investigated by ODE. The effective date of these changes are immediate.
Additionally, because of the requirements of staff involved in child abuse reporting, a second code has been added to model policy JHFE and its administrative regulations. This policy can now be inserted into section G (if desired) of the board’s policy manual and support informing staff of these reporting requirements.

Suspected Sexual Conduct Report Procedures and Forms *

The district posts in each school building the names and contact information of the ~~district employees~~ ⁽¹⁾ ~~in each school building~~ designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When ~~the a designee~~ designated licensed administrator² receives a report of suspected sexual conduct that may have been committed by a ~~person licensed~~ commission licensee³ ~~through Teacher Standards and Practices Commission (TSPC)~~, the designee shall notify ~~Teacher Standards and Practices Commission (TSPC)~~ as soon as possible. ~~When the designee~~ The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a ~~person who~~ school employee, contractor, agent or volunteer that is not ~~licensed through TSPC~~, the designee shall notify the Oregon Department of Education (ODE) a ~~commission licensee~~ as soon as possible.

¹ ~~{Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building. ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building, in the respective school building. A “licensed administrator” is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}~~

² A “licensed administrator” is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.

³ ~~“License” includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.~~ “Commission licensee,” as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

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If the superintendent is the alleged perpetrator the report shall be submitted to the **Director of Human Resources** ~~[insert licensed administrator position title]~~ who shall refer the report to the Board chair.

The district will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave⁴ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC⁵ or ODE⁶ determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required. ~~The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.~~

When the designee receives a report of suspected sexual conduct by a contractor^{7}, an agent or a volunteer, the district ~~[may]~~ ~~[shall]~~ prohibit the contractor, agent or volunteer from providing services to the district. ~~¶~~ If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services. ~~¶~~ ~~[The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.]~~

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

~~[An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective~~

⁴ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ TSPC investigates reports on commission licensees.

⁶ ODE investigates reports on persons who are not commission licensees.

⁷ {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

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bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.†

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

†A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.†

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. †The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement, if applicable.† [If not applicable, †The employee may appeal the employment action taken through an appeal process administered by the School Board-a neutral third party.†]

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the district shall create a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Training

The district shall provide information and training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;

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4. Obligations of district employees under adopted board policies to report suspected sexual conduct; and
5. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.

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~~[Name of School District]~~ Parkrose School District

SUSPECTED SEXUAL CONDUCT REPORT FORM

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

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~~[Name of School District]~~ Parkrose School District

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____