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## Reporting of Suspected Abuse of a Child

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It is the policy of this District that all District employees shall promptly comply with the statutory requirements concerning the reporting of a suspected child abuse.

### Definitions

1. "Abuse" means:

- a. Any assault, as defined by ORS chapter 163, of 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. Rape of a child which includes but is not limited to, rape, sodomy, unlawful sexual penetration 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 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 (Definitions for ORS 167.002 to 167.027 or described in ORS 163.665 (Definitions for ORS 163.670 to 163.693 and 163.670 (Using child in display of sexually explicit conduct, sexual abuse involving a child or rape of a child but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 (Duty of department or law enforcement agency receiving report) and which is designed to serve educational or other legitimate purpose; and
  - (2) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in Oregon Revised Statutes.
- e. Negligent treatment or maltreatment of a child including, but not limited to, the failure to provide adequate food, clothing, shelter or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parents/guardians shall not, for this reason alone, be considered a neglected or maltreated 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 describe in ORS 163.537 (buying or selling a person under 18 years of age).
- h. Permitting a person under 18 year of age to enter or remain in or upon premises where methamphetamines are being manufactured.

- i. Unlawful exposure to a controlled substance, as defined in ORS 475.005 (Definitions for ORS 475.005 to 475.285 and 475.840 to 475.980), that subjects a child to a substantial risk of harm to the child's health or safety.

"Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

2. "Child" means an unmarried person who is under 18 years of age.

3. "Public or private official" means:

- a. Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric physician and surgeon including any intern or resident;
- b. Dentist;
- c. District employee including any licensed or classified person employed by the district;
- d. Licensed practical nurse or registered nurse;
- e. Employee of the Department of Human Resources, Oregon Health Authority, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program;
- f. Peace officer;
- g. Psychologist;
- h. Member of the clergy;
- i. Social workers;
- j. Optometrist;
- k. Chiropractor;
- l. Certified provider of foster care, or an employee thereof;
- m. Attorney;
- n. Licensed professional counselor;
- o. Firefighter or emergency medical technician;
- p. A court appointed special advocate, as defined in ORS 419A.004 (Definitions);
- q. A child care provider registered or certified under ORS 657A.030 (Criminal History Registry) and 657.250 (Definitions for ORS 657A.030 and 657A.250 to 657A.450) to 657A.450 (Assistance to staff of facility);
- r. Member of the Legislative Assembly;
- s. Physical, speech or occupational therapist;
- t. Audiologist;
- u. Speech-language pathologist;
- v. Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission;
- x. Pharmacist;
- y. An operator of a preschool recorded program under ORS 657A.255 Preschool Recorded Program
- z. An operator of a school-age recorded program under ORS 657A.257 School-age Recorded Program.

4. "Law enforcement agency" means:

- a. Any city or municipal police department;

- b. Any county sheriff's office;
- c. The Oregon State Police;
- d. A county juvenile department.

### **District Employees Must Report**

Any District employee 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 Department of 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 District employee must also immediately inform his/her supervisor or building principal, and a written report must be submitted to the Public Safety Office. If the report involves a District employee as the abuser, the supervisor must also immediately notify the Chief Human Resource Officer. District employee-student privilege shall not be a ground for excluding evidence regarding a child's abuse in any judicial proceeding resulting from a report made.

A reasonable cause to believe that abuse exists does not require absolute proof or physical/visual evidence, only a suspicion of abuse.

### **District Volunteers Expected to Report**

Any District volunteer having reasonable cause to believe that any child with whom the volunteer comes in contact has suffered abuse is expected to report this belief to the District employee with whom he/she works or the principal.

### **Failure to Comply**

Any district employee who fails to report a suspected child abuse as provided by this policy and the prescribed 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 child abuse or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

### **Content of Report**

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

1. Names (including previous names) and addresses of the child and his/her parents or other persons responsible for his/her care;
2. Child's age and birth date;
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;
6. The primary and other sources of information regarding the abuse and any other information the reporter believes might be helpful in the investigation.

### **Investigation of Report**

The Oregon Department of Human Services or the law enforcement agency is responsible for an immediate investigation of child abuse reports. In carrying out that responsibility, they may conduct an interview with the child at school or off site.

The District staff shall make every effort in suspected child abuse 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 suspected child abuse, 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.
5. If a child is placed in protective custody, the Oregon Department of Human Service should promptly make reasonable efforts to ascertain the name and address of the child's parents/guardians. If the name and address can be ascertained, they should notify the parents/guardians that the child is in protective custody.

### **Confidentiality of Records**

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, 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 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. However, prior to the disclosure of a disciplinary record the principal or designee shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.

### **Immunity from 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 child abuse 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 child abuse by a district employee in good faith, the student will not be disciplined by the Board or any District employee.