

## Reporting of Suspected Abuse of a Child

Any district employee ~~who has~~having reasonable cause to believe that any child -district student with whom the employee has come in contact has ~~has~~ suffered abuse<sup>1</sup>, ~~as defined in state law,~~ shall orally report, or cause an oral report immediately by telephone or otherwise to the local office of the ~~to be made, to the~~ Oregon Department of Human Services (DHS) or its designee or to the ~~the local~~ law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that any adult or student with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator. The district employee shall immediately inform his/her supervisor or principal.

Abuse of a child by district employees, contractors<sup>2</sup>, agents<sup>3</sup>, volunteers<sup>4</sup>, or students will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

As mandatory reporters, all district employees are subject to this policy. Abuse of a child by district employees will not be tolerated. If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate ~~the director of human resources~~ a licensed administrator and an

<sup>1</sup> Includes the neglect of a child; abuse is defined in ORS 419B.005.

<sup>2</sup> “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

<sup>3</sup> “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

<sup>4</sup> “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive any reports made by district employees of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the [licensed administrator position title] who shall also report to the Board chair.

~~In the event the designated person is the suspected abuser, the superintendent shall receive the report of abuse. The district will post in each school building the name and contact information of the person designees for each school building designated to receive reports of suspected abuse and the designated to receive abuse reports, as well as the procedures the director of human resources designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee and a statement that the duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator. When the director of human resources takes action on the report, the person who initiated the report must be notified~~

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation JHFE-AR(1) – Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

Where there is reasonable cause to support the report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety. Where there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee’s personnel file. A substantiated report of abuse by a student shall be documented in the student’s education record.

~~Any district employee participating in the making of a report in good faith, in the making of a report, pursuant to this policy, may not adversely affect 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 person initiating the report or who may have been subjected to abuse-complainant. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or a student in good faith, the student will not be disciplined by the district-Board or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.~~

~~Upon request, the district shall provide records of investigations of suspected abuse of a child by a district employee or former district employee to law enforcement, Department of Human Services or Teacher Standards and Practices Commission.~~

The district shall ~~establish procedures to provide annual~~ provide training each year to district employees on training: 1) for district staff in the prevention and identification of abuse, of a child and on the obligations of district employees under ORS 339.388 and ORS 419B.005-419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training above described to contractors, agents, volunteers, and 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 each school year information on the prevention and identification of abuse, the obligations under Board policy to report abuse, and appropriate electronic communications with students to contractors agents, and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.; 2) ~~for parents, legal guardians and students attending district schools training on prevention, identification of abuse of a child including the obligation of district employees to report suspected abuse of a child, separate from district staff training.~~

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning of service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. [A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.]

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communication with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail, using mailing lists and/or other internet messaging to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is ~~[[strongly] [discouraged] [prohibited]].~~

The superintendent shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

| **Legal Reference(s):**

[ORS 339.370 to-339.400](#)

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

[OAR 581-022-2205](#)

~~0711~~ [ORS 418.746 to-418.751](#)

[Senate Bill 155 \(2019\)](#)

| 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 (9<sup>th</sup> Cir. 2011).

| **Cross Reference(s):**

| JHFF - Reporting Requirements Regarding Sexual Conduct with Students