



Code: **JHFE-AR**
Adopted: 8/27/96
Revised: 5/29/01, 12/2010

Reporting of Suspected Child Abuse

Reporting

Any ESD employees 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 Oregon 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 ESD employee should also immediately inform his/her supervisor, administrator or superintendent.

If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the child abuse report shall be made by the employee suspecting the child abuse including at a minimum:

1. The name and position of the person making the report;
2. The name and position of any witness to the report;
3. A description of how the report was made (i.e., phone or other method);
4. The name of the agency and individual who took the report;
5. The date and time that the report was made; and
6. The names of persons who received a copy of the written report.

The written record of the child abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee's supervisor and/or human resource director.

When the ESD receives a report of suspected child abuse by one of its employees, and the human resource director determines that there is reasonable cause to support the report, the ESD shall place the ESD employee on paid administrative leave until the Department of Human services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the ESD employee. If the Department of Human services or a law enforcement agency is unable to determine whether the child abuse occurred the ESD may either reinstate the employee or take disciplinary action at the ESD's discretion.

The written record of each reported incident of child abuse, action taken by the ESD and any findings as a result of the report shall be maintained by the ESD.

Definitions

1. Oregon law recognizes these types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;
 - d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.

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

Confidentiality of Records

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

The disciplinary records of an ESD employee or former ESD employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if an ESD employee or former employee is convicted of a crime listed in ORS 342.143, the ESD that is or was the employer of that employee when the crime was committed shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the ESD shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.

Failure to Comply

Any ESD 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. An ESD 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.

Cooperation with Investigator

The ESD staff shall make every effort in suspected child abuse cases to cooperate with investigating officials as follows:

1. Any investigation of child abuse will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When a program supervisor or representative is notified that the Department of Human Services or law enforcement would like to interview a student at school or on ESD property, the program supervisor or representative must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student or law enforcement must direct the ESD employee to present the child for the interview. Failure to meet one of these criteria may result in the program supervisor's or representative's refusal to allow the student interview on school or ESD property. If the student is to be interviewed at the school or on ESD property, the program supervisor or representative shall make a conference space available. The program supervisor or representative of the ESD may 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 program supervisor or representative. The officer shall sign the student out on a form to be provided by the ESD school;

2. When the subject matter of the interview or investigation is identified to be related to suspected child abuse, ESD employees shall not notify parents;
3. The [program supervisor] or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. ESD 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.

Child Abuse Investigations Conducted on ESD Premises

Any investigation of child abuse will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When a [program supervisor] or representative is notified that the Department of Human Services or law enforcement would like to interview a student at school or on ESD property, the [program supervisor] or representative must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the program supervisor's or representative's refusal to allow the student interview on school or ESD property.

I, _____ (Name) of _____ (Agency) declare that I have the authority to conduct this student interview based on the following:

1. • Warrant (attach copy)
2. • Court order (attach copy)
3. • Exigent circumstances
4. • Parental consent

Parent or guardian's name: _____

Date consent granted: _____

5. • Law enforcement directed ESD to present the child for the interview and directed the ESD employee not to contact the child's parents or guardian.
6. • This interview is not considered a "seizure" pursuant to *Greene v. Camreta* (9th Cir. Dec. 10, 2009).

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

- Student not available for interview
- Student refused to be interviewed

Name of school/ESD official (program supervisor/designee) receiving this form

This form should be placed in a separate file and not in student's educational record file.