

**JHFE. REPORTING OF SUSPECTED ABUSE OF A CHILD**

**Adopted: 4/2018, 12/2018**

**Who Reports**

Any district 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 (DHS) 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 should also immediately inform his/her supervisor, principal or superintendent. If known, such 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, 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. The Office of Senior and Disabled Services (Oregon Department of Human Services) or local law enforcement shall be contacted for students with disabilities who are over the age of 18. Any school 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 school employee with whom the volunteer works or the school principal.

Abuse of a child by District employees will not be tolerated. As District employees are subject to District policy and this accompanying administrative rule, if a District employee is a suspected abuser, reporting requirements remain the same.

The Superintendent or designee shall receive reports of abuse of a child by school employees and specify the procedures to be followed upon receipt of an abuse of a child report.

**Content of Report**

A written record of the abuse report shall be made by the employee suspecting the abuse of a child. The written record will be made using the district's abuse reporting form, which includes at a minimum:

1. The name and position of the person making the report;
2. The names and addresses of the child and of the parents of the child or other persons responsible for the child's care and the age of the child;
3. The name and position of any witness to the report;
4. A description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser;
5. A description of how the report was made (i.e., phone or other method);
6. The name of the agency and individual who took the report;
7. The date and time that the report was made; and
8. The names of persons who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. The school district shall maintain records of each reported incident of abuse of a child, action taken by the school district, and any findings as a result of the report.

**Bethel School District #52**  
**Administrative Rule**

When the district receives a report of suspected abuse of a child by one of its employees, and the Human Resources Director determines that there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave until DHS 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 district employee. If DHS or a law enforcement agency is unable to determine whether the abuse of a child occurred, the district may either reinstate the employee or take disciplinary action at the district's discretion.

**Definitions**

Oregon law recognizes these types of abuse:

- a. Physical;
- b. Neglect;
- c. Mental injury;
- d. Threat of harm;
- e. Sexual abuse and sexual exploitation.

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

**Failure to Comply**

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

**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 a district employee or former district employee convicted of a crime listed in Oregon Revised Statute (ORS) 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a district employee or former employee is convicted of a crime listed in ORS 342.143, the district 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 district 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.

**Cooperation with Investigator**

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

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials, as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator or designee is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (see Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny

**Bethel School District #52**  
**Administrative Rule**

the interview based on the investigator's refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification, the administrator shall refuse access to the student.

Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. 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 abuse of a child, 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.

## **Child Abuse Investigations Conducted on District Premises**

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator or designee must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency, or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

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Investigator Name (Printed)

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Name of Agency

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Name of Worker's/Investigator's Supervisor

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Supervisor Contact Information

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Investigator Position and Badge or ID Number

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Student Name

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School

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Investigator Signature

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Date

☐ Investigator refused to sign. District staff should not deny entry based on refusal to sign.

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### **FOR COMPLETION BY DISTRICT STAFF**

- ☐ Student not available for interview
- ☐ Student refused to be interviewed
- ☐ Administrator participated in interview

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Name of Administrator Notified

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Name of Office Staff Involved

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Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

- ☐ Copy sent to Special Services Director