

Reporting of Suspected Abuse of a Child

Any ESD employee who has reasonable cause or reasonable suspicion to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by any adult or by any student with whom the employee is in contact will immediately notify the Oregon Department of Human Services or the local law enforcement agency. The ESD employee shall also immediately inform his/her, Program Administrator or Assistant Superintendent if the direct supervisor is not available.

Abuse of a child by ESD employees or by students will not be tolerated. All ESD employees are subject to this policy and the accompanying administrative regulation. If an ESD employee is a suspected abuser reporting requirements remain the same. The ESD will designate the Assistant Superintendent to receive reports of abuse of a child by ESD employees and specify the procedures to be followed upon receipt of an abuse report. In the event the designated person is the suspected abuser, the Superintendent shall receive the report of abuse. The ESD will post in each program the name and contact information of the person designated to receive child abuse reports, as well as the procedures the Assistant Superintendent or Superintendent will follow upon receipt of a report. When the Assistant Superintendent takes action on the report, the person who initiated the report must be notified.

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

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

Any ESD 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, in good faith, initiates a report of suspected abuse of a child by an ESD employee or a student, the student will not be disciplined by the Board or any ESD employee. Intentionally making a false report of abuse is a Class A violation.

The ESD shall establish written procedures to provide annual training: 1) for ESD staff in the prevention and identification of abuse and on the obligations of ESD employees under ORS 419B.005 as directed by Board policy to report suspected abuse of a child; 2) for parents and legal guardians of students attending ESD programs on the prevention, identification of abuse and the obligation of ESD employees to report suspected abuse of a child, separate from ESD staff training; and 3) training designed to prevent abuse of a child available to students attending ESD Programs.

The Superintendent will implement such administrative 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 418.746](#) - 418.751

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

Green 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 (9th Cir.2011)