

### **Reporting of Suspected Abuse of a Child**

Any ESD employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse<sup>1</sup> shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (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 Oregon Revised Statute (ORS) 419B.010. Any ESD 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.

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

Any ESD employee who has reasonable cause to believe that another ESD employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another ESD 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.

The ESD will designate a licensed administrator and an alternate licensed administrator in the event that the designated licensed administrator is the suspected abuser for each school building to receive reports of suspected abuse of a child by ESD employees, contractors, agents, volunteers or students.

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

<sup>2</sup> "Contractor" means a person providing services to the ESD 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 ESD 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 ESD in a manner that requires the person to have direct, unsupervised contact with students.

If the Superintendent is the alleged perpetrator the report shall be submitted to the Chief Human Resources Officer who shall refer the report to the Board chair.

The ESD will post the name and contact information of the designees for each school building designated to receive reports of suspected abuse and the procedures the 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 suspect abuse is in addition to the requirements of reporting to the designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the ESD 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.

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

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

The initiation of a report in good faith, pursuant to this policy, 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. If a student initiates a report of suspected abuse of a child by an ESD employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the ESD or any ESD employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The ESD shall provide training each school year to ESD employees on the prevention and identification of abuse, the obligations of ESD 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 ESD shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending ESD-operated schools, and will be made available separately from the training provided to ESD employees. The ESD shall provide each school year information on the prevention and identification of abuse, the obligations of ESD employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The ESD shall make available each school year training that is designed to prevent abuse to students attending ESD-operated schools.

The ESD shall provide to an ESD employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the ESD, 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 ESD employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. An ESD employee, contractor or agent will not assist another ESD employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the ESD employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

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

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

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

The Superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

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Legal Reference(s):

ORS 339.370 - 339.400 ORS 418.257 - 418.259

ORS 419B.005 - 419B.050

OAR 581-022-2205

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](#)).