

**NOTICE REQUIRED TO BE GIVEN TO ALL NEWLY HIRED SCHOOL EMPLOYEES
UNDER ORS 339.374(9)**

_____ [Name of School] (“School”) does not tolerate child abuse or sexual conduct by its employees.

MEANING OF CHILD ABUSE AND SEXUAL CONDUCT

Child abuse has the meaning given that term in ORS 419B.005 (1) and (2):

(1)(a) **“Abuse”** means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child’s health or safety.

(b) “Abuse” does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) **“Child”** means an unmarried person who is under 18 years of age.

Sexual conduct has the meaning given that term in ORS 339.364.370(9):

(9)(a) *“Sexual conduct” means any verbal or physical conduct by a school employee that:*

(A) Is sexual in nature;

(B) Is directed toward a kindergarten through grade 12 student;

(C) Has the effect of unreasonably interfering with a student’s educational performance;

and

(D) Creates an intimidating, hostile or offensive educational environment.

(b) “Sexual conduct” does not include abuse.

DISCLOSURE OF INFORMATION.

Pursuant to ORS 339.374 the school must provide the following information upon the request of an education provider with whom you, as an employee or former employee, apply for employment:

- The dates of your employment with the School;
- Whether you were the subject of any substantiated reports of child abuse or sexual conduct related to your employment with the School;
- The dates of any substantiated reports;
- The definitions of child abuse and sexual conduct used by the school when the School determined that any reports were substantiated;
- The standards used by the School provider to determine whether any reports were substantiated and
- Any disciplinary records required to be released as provided by ORS 339.388 (7) [if you were convicted of a crime precluding the issuance of a teaching license pursuant to ORS 342.143], to the extent this provision may be applicable to the School.

If you are convicted of one of the crimes listed in ORS 342.143 and the School was your employer when the crime was committed, the School may be required to disclose the disciplinary records to any person upon request.