

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3032

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Laurie Byerly, Doug Wilson
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Measure Description:

Requires Department of Human Services to notify school district, Teacher Standards and Practices Commission and Department of Education of report of alleged abuse occurring at school.

Government Unit(s) Affected:

Department of Human Services (DHS), Oregon Department of Education (ODE), school districts, Teacher Standards and Practices Commission (TSPC), local law enforcement agencies (LEAs)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 3032 requires the Department of Human Services (DHS) or a law enforcement agency to immediately notify the appropriate school district, the Teacher Standards and Practices Commission (TSPC) and the Oregon Department of Education (ODE) if the reported alleged child abuse occurred in a school. The Department of Human Services is directed to work jointly with law enforcement to determine the roles and responsibilities of each entity in their respective investigations. DHS is required to report the outcomes of investigations to the school district, the Teacher Standards and Practices Commission and the Oregon Department of Education. The bill takes effect January 1, 2014, and applies to child abuse investigations conducted on or after that date.

Note that the bill uses the phrase “if the alleged child abuse occurred in a school.” With this wording, it is unclear whether the bill intends for DHS to focus on cases of child abuse by a school employee or cases of alleged child abuse by parents or primary caregivers when on school premises. In addition, it is unclear whether “in a school” includes locations such as playgrounds, on buses en route to school events, or at school-sponsored events away from school grounds.

The Department of Human Services (DHS)

The number of reports required under the bill and the fiscal impact of this bill on the Department of Human Services are both indeterminate. Currently, the Department of Human Services' data systems do not have a category for alleged abuse in a school, so there is no historical information on the number of past cases falling under the bill's scope. Capturing this information going forward to enable reporting would require systems changes. DHS estimates the cost of system modification to be approximately \$122,318 Total Funds (\$55,936 General Fund). Additionally, for each applicable report of child abuse DHS conservatively estimates a minimum of 20 minutes per case will be needed to complete the three additional front-end and back-end reports.

In addition to system modification costs and the additional reporting workload, DHS is concerned that passage of this bill may result in an increase in the number of cases that DHS may need to investigate. Under current law and protocols, the Oregon Department of Education and the Teacher Standards and Practices Commission are authorized to investigate, and take appropriate action on certain cases of alleged child abuse by school employees. With its limited resources, the Department of Human Services gives priority to alleged cases of child abuse by parents or primary caregivers.

DHS notes that HB3113 (2007) added provisions similar to those in HB3032 for alleged child abuse occurring in a child care facility. DHS reports, that since the law change, the responsibility for conducting these child care facility investigations has fallen on the Department. Based on this trend, DHS believes that passage of HB3032 will result in the agency also taking on the investigation of cases of alleged child abuse in school. If the number of investigations resulting from of this bill is significant, DHS will need additional positions and General Fund resources. As a point of reference, DHS reports that the salary of a Child Protective Services position at step 2 is \$87,500 a year.

Oregon Department of Education (ODE) and school districts

The fiscal impact of this bill on the Oregon Department of Education is indeterminate contingent on the number of additional cases that DHS and local law enforcement agencies may report to ODE under this bill. The bill would result in the ODE receiving all reports of child abuse occurring in a school. Although the bill is silent on what ODE is required to do with these reports, ODE assumes the agency would need to review these reports to ascertain if the abuse involved the department or any of its programs, and take appropriate action under current law and protocols. If the number of additional cases that may be reported to ODE by DHS and local law enforcement agencies is more than expected, ODE may need additional position and General Fund resources to review the reports and take appropriate action.

Teacher Standards and Practices Commission (TSPC), and local law enforcement agencies

This bill is anticipated to have minimal impact on the Teacher Standards and Practices Commission, and local law enforcement agencies. TSPC anticipates using existing staff and resources to review reports from DHS and local law enforcement agencies.

The bill requires local law enforcement agencies and DHS to jointly determine roles and responsibilities in their respective investigations. The fiscal impact to local law enforcement is considered minimal because these requirements are already established practices in some jurisdictions.