



April 13, 2015

TO: Rep. Alissa Keny-Guyer, Chair
House Committee on Human Services and Housing
FR: Bob Joondeph, Executive Director
RE: HB 2360

Disability Rights Oregon (DRO) is Oregon's federally-funded *Protection and Advocacy* office that provides legal-based advocacy services to Oregonians with disabilities.

DRO supports HB 2360 as a step toward providing greater safety from abuse for school students who are incapable to raising complaints about how they are treated.

ORS 419B.010 requires any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child to immediately report or cause a report to be made to DHS or local law enforcement.

ORS 419B.020 states that if the Department of Human Services or a law enforcement agency receives a report of child abuse, the department or the agency shall immediately cause an investigation to be made to determine the nature and cause of the abuse of the child. If the alleged abuse occurs in a child care facility, DHS and law enforcement must coordinate their efforts, the Child Care Division must be notified of the complaint and the results of the investigation must be reported to the Child Care Division.

In the 2013 legislative session, DRO testified in favor of then HB 3032. That bill was substantially the same as the present HB 2360. DRO endorsed the same level of coordination of investigation for alleged abuse occurring in schools as the law provides for alleged abuse occurring in child care facilities. Our concern arose due to an incident of alleged abuse of a non-verbal student in a segregated special education classroom that was not, in our estimation, adequately investigated or resolved.

The 2013 bill helped to encourage a conversation between DRO and DHS regarding the question of how abuse complaint information is shared between DHS, TSPC and ODE. As a result, DHS amended two administrative rules to assure that child abuse complaint information regarding a teacher or a school administrator is shared with TSPC. DRO greatly appreciates the willingness of DHS to make these changes.

We remain concerned, however, about abuse complaints involving non-teacher personnel such as special education aides, volunteers and transportation providers. We understand that if abuse of child by such personnel is reported to DHS, DHS will not conduct an investigation and there is no requirement of coordination to assure that an investigation will be conducted either by law enforcement, a school or some other independent public agency.

DRO's core concern is about highly vulnerable, special education students who may experience difficulties in communication. For these students, a careful investigation of alleged abuse is necessary to maintain safety, assure proper behavioral interventions and protect personnel from unsubstantiated complaints.

Thank you for the opportunity to submit this testimony.