

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2360

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

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

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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 child abuse occurring at school.

Government Unit(s) Affected:

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

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 2360 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 (TSPC) and the Oregon Department of Education. The bill takes effect January 1, 2016, and applies to child abuse investigations conducted on or after that date.

The Department of Human Services (DHS)

The fiscal impact of this measure is indeterminate. 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 cases of alleged child abuse by school employees, or licensed educators and candidates for educator licensure. Other cases of assault, sexual abuse allegations, or child on child abuse allegations would be viewed as crimes to be investigated by law enforcement agencies. With its limited resources, the Department of Human Services gives priority to alleged cases of child abuse by parents or primary caregivers. As written, 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 also take on cases of child abuse by school employees, licensees and candidates, or focus on cases of alleged child abuse by parents, primary caregivers, or peers when on school premises.

With this ambiguity, the number of investigations and amount of reporting required under the bill, and therefore the fiscal impact of this bill on the Department of Human Services are indeterminate.

At minimum, if this bill passes, DHS will need to modify OR-Kids (the computer system used for tracking Child Welfare information) to include a category for tracking alleged abuse in schools. DHS estimates the cost to do this work is \$74,162 Total Funds. 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.

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. DHS notes that HB 3113 (2007) added provisions similar to those in HB 2360 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 HB 2360 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 \$91,249 a year; the average cost for a completed investigation is \$846.

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 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 staffing 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.