



February 27, 2017

TO: Senator Sara Gelser, Chair  
Senate Committee on Human Services  
FR: Bob Joondeph, Executive Director  
RE: SB 268

Thank you for this opportunity to submit testimony in support of SB 268.

As Oregon's Protection and Advocacy agency, Disability Rights Oregon (DRO) has authority to investigate complaints of abuse or neglect in facilities in which individuals with disabilities receive services related to their disability. Schools are one of those facilities.

In 2012, DRO received a complaint from a school employee that the complainant had witnessed a teacher's aide physically punish a non-verbal child in a segregated special education classroom. The complainant had made a mandatory child abuse complaint to DHS and had reported to the school administration but was aware of no action being taken.

DRO investigated the incident and found probable cause to believe the abuse had occurred. We also learned that, while DHS was mandated to receive complaints of this kind, it never investigated them. DHS told us that if a teacher was alleged to be the abuser, DHS would refer the matter to the Teacher Standards and Practice Commission (TSPC). TSPC denied that it ever received referrals from DHS. We also learned that police very rarely investigated complaints of this type due to limited resources and expertise.

The fact remains that if child abuse occurs in school, it is a matter of mandatory reporting to DHS but DHS will not investigate it. If the alleged abuser is a teacher's aide, custodian, bus driver, administrative staff or other non-teacher, TSCP will not investigate. And police will rarely investigate. Particularly for a child with significant disabilities who is unable to report such experiences to school personnel, family, friends or professionals, this situation leaves them highly vulnerable and easily victimized.

SB 268 makes it clear that if DHS or law enforcement receives a report that child abuse occurred "at a school or in an educational setting or a report made by a school employee under ORS 339.388", it shall cause an investigation to be made to determine the nature and cause of the abuse.

DRO supports SB 268 as a means to assure that alleged abuse of vulnerable children will, in fact, receive an independent investigation.