



Dear Members of the Senate Judiciary Committee:

I am writing to express my concern over the proposed amendments to ORS 419B.045 in Senate Bill 101. As the general counsel for the Beaverton School District I regularly provide advice to staff regarding the appropriate response to the Department of Human Services and law enforcement personnel who ask to interview the children in our care. School districts are in an unenviable position of balancing the interests of parents and the need to ensure the safety of children, and the proposed amendments would place school districts in an adverse position at times to those we serve.

As you may be aware, school districts are considered to be *in loco parentis* during the hours in which school children are in our care. This doctrine refers to the legal responsibility of our organization to take on some of the functions and responsibilities of a parent. At the same time, school personnel recognize that they are mandatory reporters of child abuse – and you will find no better champion for kids than our personnel. School personnel balance the obligation to ensure that children’s rights are protected and that their school day is not unnecessarily interrupted with an overriding desire to ensure the safety of children. The District has always supported our law enforcement and DHS partners in access to children when investigating allegations of child abuse.

Our policies require that these partners decide, based on their knowledge of the allegations or the exigency of the situation, whether or not to inform parents of their need to speak with the child. We have asked our partners to document this decision, as it is often the District left to explain to families why we would allow anyone other than our staff to interview or examine their child. In fact, on more than one occasion lawsuits have been filed naming the District for failing to either notify parents or to require the documentation from law enforcement regarding the decision not to notify parents. In addition to these formal lawsuits, we receive complaints annually from parents regarding the unfettered access that law enforcement and DHS has to their children. The proposed amendments further place the District in the position of bearing all of the risk and liability for the decisions of law enforcement and/or DHS actions. They leave districts with all of the legal duties associated with *in loco parentis*, but without any of the protections or safeguards.

One way to ameliorate our concerns would be to add provisions to the proposed amendments that would shield school districts from liability associated with law enforcement or DHS’s decision to investigate or interview children while at school without parental notification. This language would operate much like the protections that are currently in place for mandatory reporters of child abuse. Such protections would encourage cooperation without fear of reprisal or litigation. We would ask that the committee consider such changes at a minimum if moving forward with this legislation.

Respectfully,

Camellia Osterink
General Counsel
Beaverton School District

District Goal: WE empower all students to achieve post-high school success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.