



May 18, 2017

TO: Representative Alissa Keny-Guyer, Chair  
House Committee on Human Services and Housing  
FR: Bob Joondeph, Executive Director  
RE: SB 268-A

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

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. That authority includes access to the facilities and otherwise confidential records. [ORS 192.517; 42 U.S.C. 15043(a)(2)(I) and (J); U.S.C 10805(a)(4); 29 U.S.C. 794e(f)] Schools are one of those facilities.

If DRO receives a complaint that a student with disabilities has been subjected to abuse or neglect in a school setting, we may initiate an investigation, if appropriate. There is no obligation, however, for DRO to be contacted when abuse is suspected or observed.

Under ORS 419B.010, there is a mandatory child abuse reporting duty for a wide range of individuals. These reports must go to DHS. If the report concerns abuse that takes place at a school or educational setting, DHS will normally not investigate. If DRO is informed of such a complaint concerning a student with a disability, we can work to ensure that an independent investigation occurs, if appropriate.

SB 268-A will assure that DRO may have access to reports and records contained in an abuse complaint concerning a student with a disability so that an appropriate, independent investigation of the complaint may take place. Some students with disabilities may be nonverbal or otherwise unable to reliably report victimization. SB 268-A will provide an additional layer of protection.

DRO thanks Senator Gelser and DHS representatives for working with us to find a workable way to provide extra protection for students with disabilities.