



February 4, 2019

TO: Senator Rob Wagner, Chair
Senate Committee on Education
FR: Bob Joondeph, Executive Director
RE: Support for SB 155

Disability Rights Oregon (DRO) is the Protection and Advocacy program for Oregon. advocating for the rights, safety and dignity of Oregonians with disabilities, DRO supports passage of SB 155 as an important step to protect the safety and education of students with disabilities.

In the 2013 legislative session, DRO supported a bill that would have required Child Protective Services to assure that reports of abuse of children with disabilities in school would be investigated. We testified that children in special education environments are particularly vulnerable to abuse because they may be nonverbal or otherwise have difficulty in communicating. We cited many examples of children who had been subjected to physical or verbal abuse by teacher's aides, bus drivers or custodial workers. Although state law requires that this type of abuse be reported to CPS, no investigatory action is taken by that agency. Law enforcement rarely investigates due to resource and expertise limitations and the state Teacher's Standards office only investigated complaints against licensed educators.

The bill was not passed due to fiscal concerns.

In the 2017 session, DRO again supported a similar bill, SB 268. Once more, CPS cited a high fiscal impact for assuring that investigations be conducted of alleged abuse of these vulnerable children. The bill, however, moved forward with a significant amendment that removed any obligation by CPS to investigate but provided DRO with access to child abuse complaints regarding children with disabilities in a school or educational setting. It became effective on January 1, 2018.

DRO did not have the resources to systematically investigate the complaints we received in 2018. Our records show that we received 47 abuse complaints from state and local offices in 2018. Most complaints involved:

- * Children coming home with unexplained bruises
- * Concern of inadequate supervision leading to injury from other students
- * Concern of inadequate supervision leading to inappropriate sexual behavior
- * Use of inappropriate physical intervention or restraint by school personnel
- * Inappropriate use of isolation of youth
- * Failure to respond to medical needs of youth

DRO has worked to support passage of bills that provide standards for the use of isolation and physical restraint of students with disabilities. It is unclear how well those standards are followed in each school district. One component of oversight is to investigate complaints of improper use of physical interventions and isolation. While DRO has authority under federal and state law to investigate complaints of abuse or neglect, we do not have the resources to expand our work to address the flow of complaints generated by SB 268.

We believe that SB 155 offers a new approach to assure that all students, including those who have limited verbal abilities or other impediments that interfere with their ability to report physical, sexual or emotional abuse, are protected in our schools.

Thank you for this opportunity to submit testimony in support of SB 155.