

Legislative Fiscal Office

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Joint Committee on Ways and Means

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Rep. Dan Rayfield, House Co-Chair

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Rep. David Gomberg, House Co-Vice Chair
Rep. Greg Smith, House Co-Vice Chair

To: Education Subcommittee

From: Tim Walker, Legislative Fiscal Office

Date: June 6, 2019

Subject: SB 155 A – Relating to interpersonal boundary invasions affecting youth
Work Session Recommendations

The measure requires all investigations involving suspected sexual conduct by school employees or other individuals interacting with children in school-related settings to be conducted by either the Teacher Standards and Practices Commission (TSPC) or the Oregon Department of Education. The Department of Human Services (DHS) is required to investigate reports of child abuse tied to school-related settings. In addition, regardless of setting, the bill makes DHS responsible for investigating all third-party reports of child abuse that are not investigated by a law enforcement agency.

Recommended Changes

The -A21 amendment outlines specific budget distributions for TSPC, ODE, and DHS.

LFO recommends adoption of the -A21 amendment.

MOTION: I move adoption of the -A21 amendment to SB 155 A. (VOTE)

Final Subcommittee Action

LFO recommends that SB 155 A, as amended by the -A21 amendment, to be moved to the Ways and Means Full Committee.

MOTION: I move SB 155 A, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 155 - A21

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*Prepared by: Tim Walker
Reviewed by: Laurie Byerly, Doug Wilson
Date: 06/06/2019**Measure Description:**

Requires investigations of all reports involving suspected abuse or suspected sexual conduct by school employees , contractors, agents and volunteers.

Government Unit(s) Affected:

Department of Education (ODE), Department of Human Services (DHS), Education Service Districts (ESD), School Districts, Teacher Standards and Practices Commission (TSPC)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact:

	2019-21 Biennium	2021-23 Biennium
General Fund	\$4,607,502	\$5,557,476
Federal Funds	\$392,329	\$0
Other Funds	820,749	1,084,153
Total Funds	\$5,820,580	\$6,641,629
Positions	21	18
FTE	15.21	18.00

Analysis: The measure requires all investigations involving suspected sexual conduct by school employees or other individuals interacting with children in school-related settings to be conducted by either the Teacher Standards and Practices Commission (TSPC) or the Oregon Department of Education. The Department of Human Services (DHS) is required to investigate reports of child abuse tied to school-related settings. In addition, regardless of setting, the bill makes DHS responsible for investigating all third-party reports of child abuse that are not investigated by a law enforcement agency.

Teacher Standards and Practices Commission (TSPC)

TSPC will be required to investigate sexual conduct investigations of their licensees within 90 days and anticipates needing three investigators (3.00 FTE) to cover the additional workload and compressed timeframes. TSPC estimates the cost of the additional investigative resources at \$525,000 in 2019-21 for the increased workload. In addition to the costs of the positions, TSPC indicates the need for: (1) \$60,000 for the cost of travel since TSPC will be needing to collect information that districts collected as part of their investigations; and (2) \$40,000 for attorney services from the Department of Justice relating to the enforcing TSPC subpoenas. TSPC is required to implement the requirements of this bill on January 1, 2020. The bill as amended has TSPC using fee revenues for their responsibilities under the bill. The agency may require a further fee increase to meet requirements of the bill.

Oregon Department of Education (ODE)

ODE states that it would need five positions (3.21 FTE) in 2019-21 to: (1) create a training program for education programs under their direct control like the School for the Deaf, (2) develop and manage a pool of contract investigators for investigations of school employees and others not licensed by TSPC, (3) develop contested a case process and administrative rules, (4) respond to additional background check workload including developing or purchasing a registry, (5) pay for Department of Justice representation in contested case hearings, and (5) writing substantial evidence determinations and final orders. Database development and training development will be limited duration positions and would not continue into the 2021-23 biennium. The agency would depend on contract investigators to conduct the 25 estimated complaints they will receive each year. Each investigation is estimated to last 70 hours based on other investigations the agency current performs. One position would be required to manage the intake process and perform background checks. A limited duration position would be required to deliver the training to education programs. Two positions would be required to develop and administer the contested case process as well as to oversee the contract investigations. ODE estimates that half of the investigations will require a contested case hearing that could cost between \$2,000 and \$200,000 depending on the complexity of the case. Finally, \$100,000 is estimated for the purchase of a data base system as well as a limited duration position for purchasing and installing the database. ODE estimates \$1,621,607 General Fund in 2019-21 (5 positions/3.21 FTE) and \$2,228,247 General Fund in 2021-23 (3 positions/3.00 FTE).

Department of Human Services (DHS)

The DHS Office of Training, Investigations, and Safety (OTIS) will be required to investigate reports of abuse involving a child and a person who is a school employee, contractor, agent, or volunteer. DHS must notify TSPC and ODE within three business days of the report. Based on conducting 100 investigations annually, OTIS projects needing \$952,451 General Fund, \$820,749 Other Funds, and 6 positions (4.50 FTE) to take on this new body of work. The cost estimate includes three investigator positions, a manager, administrative support, and a compliance/hearing specialist.

The DHS Child Welfare (CW) program will be required investigate reports of third party (these are usually nonfamilial interactions; a person not residing with, caretaking of, or without continued access to a child) abuse. Under current practice these reports among the approximately 40,000 calls per year that are closed at screening; some of these are third party reports handed off to law enforcement, but DHS does not currently have a way to identify if or when law enforcement investigates a report. With this bill, DHS will have to obtain this information and investigate all abuse reports not handled by law enforcement.

Based on an assumption that 4,000 more abuse reports (10% of the 40,000 being screened out) each year could require an investigation, CW the program estimates it will cost \$1,116,115 General Fund, \$392,329 Federal Funds, and 7 positions (5.25 FTE) in the 2019-21 biennium to manage this additional work. The estimate of 4,000 additional reports translates into each of these seven child protective services positions having to complete 11 assessments per week.

In addition, system changes will be required for the agency's Centralized Abuse Management and OR-Kids systems; these are estimated to cost \$748,658 total funds (split 50/50 between general and federal dollars).

The -A21 amendment outlines specific budget distributions for TSPC, ODE, and DHS.