

SENATE COMMITTEE ON EDUCATION AND WORKFORCE

February 28, 2005
3:00 P.M.

Hearing Room D
Tapes 35 - 37

MEMBERS PRESENT: Sen. Vicki Walker, Chair
Sen. Charles Starr, Vice-Chair
Sen. Ryan Deckert
Sen. Jeff Kruse
Sen. Bill Morrisette

STAFF PRESENT: Marjorie Taylor, Committee Administrator
Dawn Tusso, Committee Assistant

MEASURES/ISSUES HEARD:
Child Abuse Reporting – Informational Meeting
SB 749 – Public Hearing
SB 755 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 35, A		
005	Chair Walker	Calls meeting to order at 3:00 p.m.
015	Chair Walker	Opens informational meeting on child abuse reporting.
<u>CHILD ABUSE REPORTING – INFORMATIONAL MEETING</u>		
016	Jim Green	Oregon School Boards Association. Submits Oregon School Boards selected sample policy (EXHIBIT A). Suggests that this policy be adopted by all schools.
031	Chair Walker	Asks if there is a way to inquire among all of the districts as to whether or not they have a policy in place.
033	Green	Replies that the districts could be surveyed. Thinks that all of the districts have some sort of policy in place.
045	Green	Refers to (EXHIBIT A, Page 1). Says that bracketed information is optional language for school districts to use. Talks about administrative regulations.
072	Sen. Kruse	Asks if it would be appropriate for the school to receive a report from the Department of Human Services (DHS) stating whether or not the alleged allegations of a person were founded or unfounded.
081	Chair Walker	States that it is addressed in SB 749.
083	Sen. Kruse	Understands but would like Green's opinion.
084	Green	Responds.
100	Ron Naso	Superintendent, North Clackamas School District. Submits child abuse reporting protocol for North Clackamas School District (EXHIBIT B). Mentions SB 749 and SB 755. Says that some of the language in SB 749 and SB 755 is confusing. Discusses current abuse reporting.
142	Chair Walker	Asks for clarification on the mandatory reporting process. Asks if there are policies and what the policies are.
145	Naso	Replies yes and explains the policy.

146	Chair Walker	Asks if the law says that a person must contact DHS or law enforcement. Confirms that their policy says to report to DHS.
147	Naso	Replies yes.
165	Sally Leet	Principal, Oak Grove Elementary School. States that the mandatory reporter is the first person who has received information about possible abuse.
185	Chair Walker	Asks for further clarification of who the mandatory reporter is.
188	Sally Leet	Replies that the person that a child discloses information to first is the primary reporter.
196	Naso	Reports a feeling that if abuse is reported to the principal, that the principal will decide whether or not to make a report. Explains that they try to make it clear to the employees that that cannot happen.
203	Sally Leet	States that it is not the school's job to judge the report. Explains that when a child discloses information, the school makes sure there is some validity to the disclosure but always does follow-up.
212	Naso	Clarifies that the 31 cases discussed earlier have not been cases of students or parents reporting teachers being abusive.
214	Sally Leet	Clarifies that the reports are primarily incidents that have happened in the community.
220	Sen. Morrisette	Asks who has the personal interaction with the student in situations where a person feels that a student may have been abused.
233	Sally Leet	Replies that if a teacher notices something that could be reportable, the teacher might send a note, someone else will talk with the child, and that person will report the case.
249	Sen. Morrisette	Asks if it is part of their procedure.
253	Sally Leet	Replies yes.
255	Sen. Kruse	Asks if they could potentially be reporting cases regarding students that do not belong to their school. Asks how those situations are handled.
263	Sally Leet	Replies rarely. Gives example of the scenario described.
272	Sen. Kruse	Asks if they get feedback from DHS after a report has been made.
274	Sally Leet	Replies no.
282	Deputy Jeff Green	Deputy, Clackamas County Sheriff's Office. Offers background information regarding experience in the field. Talks about his role in child abuse reporting.
375	Chair Walker	Mentions SB 372. Asks if there is a gap in mandatory reporting training.
406	Deputy Green	Replies that there is a gap in some aspects. States that DHS has a mandatory reporting video tape training resource.
TAPE 36, A		
012	Chair Walker	Asks if he has ever reported someone for failure to report an abuse allegation. Asks if those cases have ever been prosecuted.
015	Deputy Green	Replies yes to both parts of the question.
019	Chair Walker	Asks if there is threat of suspension of a license for failure to report.
020	Deputy Green	Replies no.
023	Chair Walker	Asks if it is discretionary on the part of the police department.
025	Deputy Green	Replies yes.
026	Sally Leet	Talks about consistency in reporting abuse and the issue of school districts doing the actual investigations.

035	Chair Walker	Replies that she would like to hear Leet's comments when the public hearing on SB 749 is opened.
040	Green	States that the number of abuse reports involving school employees is minimal.
047	Chair Walker	Asks if he feels that there are gaps in the law in the way that the policies are administered currently.
050	Green	Replies no.
065	Kathryn Nove	Director, Employee Relations, Salem-Keizer School District. Submits written testimony and abuse reporting policies and procedures (EXHIBIT C). Confirms that the district has adopted the policy as discussed by Jim Green and that the administrative rules have been adopted as well.
074	Chair Walker	Asks when the policies were adopted.
076	Nove	Replies that they have been in place for many years.
077	Chair Walker	Asks about date at the bottom of the page (EXHIBIT C, Page 2).
079	Nove	Replies that the date reflects the most current updates made.
080	Nove	Discusses policies in place. Talks about yearly mandatory training for all staff. States that the duty to report is the responsibility of the individual employee and that the administrators are available to help. Talks about school resource officers. Talks about reporting process.
156	Chair Walker	Asks if the schools do the investigation via the school resource officers.
163	Nove	Responds that the school resource officers do the investigation. Stresses that they are Salem police officers. Talks about training tool used for procedures and protocols for mandatory reporting.
197	Chair Walker	Asks if the training occurs every year.
200	Nove	Replies that the training is done every fall and that employees hired after the training receive the training as well.
228	Chair Walker	Asks what the school district is going to do differently now.
235	Nove	Replies that a committee will be meeting to discuss training ideas for parents and community members.
248	Chair Walker	Asks if it would be similar to the training that staff receives.
250	Nove	Replies yes but that it would probably be expanded to include types of abuse instances that could be encountered in the community.
262	Chair Walker	Asks if the students receive any training about abuse.
269	Nove	Replies that she is not prepared to provide information regarding student training. Offers to submit the information to the committee at a later date.
281	Chair Walker	Replies that she would like the information. Mentions some resources available to students.
295	Nove	Apologizes for not having the information today. Assures that training is happening but is not able to provide specific examples at this time.
300	Chair Walker	Asks Sally Leet about training available to students.
307	Sally Leet	Replies that, at North Clackamas High School, they have counselors that have received training and that they provide child abuse prevention programs. Explains in detail. Mentions kids on the block program aimed at younger children.
334	Chair Walker	Asks how often the training happens with the students.
336	Sally Leet	Replies that it usually happens before the holidays each year.
345	Chair Walker	Asks how long the training has been happening.

347 Sally Leet Replies that the trainings have been happening since the district has had counselors available to provide the trainings.

358 Chair Walker States that it is a good example of why counselors are needed in the schools.

365 Una Swanson Program Manager, Child Protective Services (CPS), DHS. Submits child welfare case worker flow chart for CPS assessment and pamphlet on what can be done about child abuse **(EXHIBIT D)**. Talks about the job of child welfare screeners at DHS and the process they go through. Talks about what types of reports they respond to immediately.

TAPE 35, B

005 Swanson Refers to question asked earlier regarding whether or not DHS reports back to the mandatory reporter after investigating the report. Discusses actions taken by DHS when abuse has been reported.

028 Chair Walker Discusses alleged failings of DHS that have been reported. Mentions article where Una Swanson was quoted saying that she would like to work to educate mandatory reporters about their responsibility. Asks Swanson to speak to that.

039 Swanson Responds by discussing mandatory reporting trainings done by DHS.

061 Chair Walker Asks if DHS would be interested in training the legislative assembly.

063 Swanson Replies yes.

070 Chair Walker Asks about the independent review being done on the child welfare system to look at what types of information should be included in case records. Says it is important in the issues being discussed today. Asks how a reporter knows that DHS has followed through with an investigation.

082 Swanson Replies that the work done by the child protective services is guided by statute and by the Oregon administrative rules. States that one of the rules requires that the child protective services assessment worker report back to the person who made the report if they are able to find them.

102 Chair Walker Asks if DHS asks the caller his or her name when the person makes a report.

107 Swanson Repeats question for clarification and replies yes.

122 Nove Reports on trainings available to students at the schools.

161 Chair Walker Closes informational meeting and opens a public hearing on SB 749 **(EXHIBIT E)**.

SB 749 – PUBLIC HEARING

172 Julie McFarlane Supervising Attorney, Juvenile Rights Project. Submits written testimony **(EXHIBIT F)**. Testifies in opposition to SB 749 in its current form. Suggests amendment as listed in written testimony **(EXHIBIT F, Page 4)**.

263 Chair Walker States that it is a good suggestion. Thanks McFarlane for bringing it to the committee's attention.

263 McFarlane States that she did not receive a call back from the Department of Human Services (DHS) in the instance of reporting abuse.

273 Sen. Kruse Asks how the percentage of the number of cases unreported is produced.

275 McFarlane Explains in detail.

290 Sen. Kruse Comments on the number.

307 Una Swanson Program Manager, Child Protective Services, DHS. Submits

written testimony (**EXHIBIT G**). Testifies in opposition to SB 749 in its current form. Discusses concerns with SB 749 in its current form.

375 Deputy Jeff Green Deputy, Clackamas County Sheriff’s Office. Testifies in opposition to SB 749 in its current form. Describes training required to provide investigations and explains how the lack of training could harm the criminal investigation process.

TAPE 36, B

005 Chair Walker Thinks that his comment is appropriate for an internal investigation. Believes that there should be an internal investigation to make sure that there is follow through. Asks if Deputy Green would be satisfied if the change was made.

014 Deputy Green Replies that he would be pleased with the definition she described. Explains differences in detail.

022 Sen. Kruse Feels that they are dealing with two different things now. Asks if there is a different protocol that districts use to deal with personnel matters.

026 Ron Naso Superintendent, North Clackamas School District. Replies yes if it involves an employee and explains the process in detail.

052 Sen. Kruse Says he would like to see examples of the district’s protocols.

059 Naso Asks for clarification on section two, number four, on line 17 of SB 749.

068 Chair Walker Clarifies.

072 Naso Supports the comment made in SB 749 where it designates district employees and other persons but says that the phrase “other persons” needs to be better defined.

082 Sally Leet Principal, Oak Grove Elementary School. Testifies on SB 749. Mentions the 31 reports discussed earlier.

088 Chair Walker Asks if the resources available have helped their district be more proactive.

090 Sally Leet Replies yes.

097 Naso Comments that it only takes one incident to make everyone look at their policies.

109 Deputy Green States that the term “investigation” may not be a good fit for SB 749.

116 Chair Walker Asks if he would agree with the amendment that McFarlane recommended.

122 Naso Replies yes.

125 Sen. Kruse Asks if we are going to have a work session on SB 749 today.

126 Chair Walker Replies no.

128 Sen. Kruse Asks question regarding language in SB 749.

140 Chair Walker Responds to question. Envisions that trainings be available through the schools.

152 Sen. Kruse Comments on SB 749 and trainings. Says that there needs to be a balance and that proper training would help achieve that balance.

175 Chair Walker Closes public hearing on SB 749 and opens public hearing on SB 755.

SB 755 – PUBLIC HEARING

178 Marjorie Taylor Committee Administrator. Gives overview of SB 755 (**EXHIBIT H**). Introduces submitted -1 amendment to SB 755 (**EXHIBIT I**).

193 Chair Walker Explains reason for -1 amendment.

205 Ron Naso Superintendent, North Clackamas School District. Testifies in opposition to SB 755 in its current form. Discusses concerns with

		SB 755.
248	Andrea Meyer	Legislative Director, American Civil Liberties Union - Oregon. Testifies on SB 755.
316	Chair Walker	Explains current problem and reason for SB 755.
350	Meyer	States that the schools must comply with the law.
366	Chair Walker	Asks for a copy of a case law and the citation referenced.
371	Meyer	Replies that it would make a change. Explains changes. Continues to discuss concerns with the language of SB 755.
423	Chair Walker	Reports that the -1 amendment addresses the issue.
TAPE 37, A		
001	Sen. Kruse	Asks, if a person is convicted of a felony, is the disclosure of the trial and findings available through the judicial system.
006	Chair Walker	Replies not necessarily and explains situation that occurred.
022	Sen. Kruse	Asks if it is focused on post conviction.
024	Chair Walker	Replies yes. Believes that anyone should be able to look at the files.
031	Meyer	Agrees.
The following prepared testimony is submitted for the record without public testimony:		
	William Brandt	Submits written testimony on SB 755 (EXHIBIT J).
035	Chair Walker	Reports that there will not be a work session on SB 749 or SB 755. Closes the public hearing on SB 755 and adjourns the meeting at 5:04 p.m.

EXHIBIT SUMMARY

- A. **Child abuse reporting, sample policy, Jim Green, 3 pp**
- B. **Child abuse reporting, protocol, Ron Naso, 2 pp**
- C. **Child abuse reporting, policies and procedures, Kathryn Nove, 21 pp**
- D. **Child abuse reporting, flow chart and brochure, Una Swanson, 57 pp**
- E. **SB 749, staff, 4 pp**
- F. **SB 749, written testimony, Julie McFarlane, 4 pp**
- G. **SB 749, written testimony, Una Swanson, 2 pp**
- H. **SB 755, staff, 3 pp**
- I. **SB 755, proposed -1 amendment, staff, 2 pp**
- J. **SB 755, written testimony, William Brandt, 2 pp**