

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 790 - 9 <Corrected>

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: MaryMichelle Sosne

Reviewed by: Gregory Jolivette, John Terpening, Julie Neburka

Date: 3/22/2023

Measure Description:

Modifies definition of "abuse" for purposes of child abuse to include violations of existing laws prohibiting infliction of corporal punishment on students and use of restraint and seclusion on students.

Government Unit(s) Affected:

Oregon Youth Authority, Department of Education, School Districts, Department of Human Services

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

	2023-25 Biennium	2025-27 Biennium
Department of Human Services		
General Fund		
Total General Fund	\$205,644	\$271,752
Other Funds*		
Total Other Funds	\$341,894	\$455,364
Federal Funds		
Total Federal Funds	\$146,321	\$193,351
Total Fiscal Impact	\$693,859	\$920,467
<i>Total Positions</i>	2	2
<i>Total FTE</i>	1.50	2.00

**Represents General Fund and Federal fund expended as Other Funds*

Analysis:

SB 790-9 modifies the definition of "abuse" in relation to children to include restraint, seclusion, and corporal punishment of students. The measure replaces "student" with "child" for incidents occurring on or after July 1, 2023. As of July 1, 2028, the measure adds infliction of corporal punishment to a child to existing statute. The measure indicates when the Department of Human Services (DHS) can assign responsibility to a public education program when suspected abuse of a student occurs. The measure requires DHS to report quarterly to the Legislative Assembly on child abuse investigations that found a public education program was at fault. The initial report is due by January 1, 2024. The measure declares an emergency and is effective on passage.

Department of Human Services

The Office of Training, Investigations, and Safety (OTIS) conducts screenings and investigations of complaints of physical abuse, sexual abuse, and neglect in schools and childcare settings. In calendar year 2022, OTIS received 1,457 allegations for abuse or neglect in schools, resulting in 187 investigations. Additionally, 32 school districts reported 3,908 instances of seclusion and restraint. To complete the anticipated increase in workload, DHS anticipates hiring two permanent full-time Investigator 3 positions (0.75 FTE each) for the 2023-25 biennium at a personal services cost of \$318,528 Other Funds and \$20,752 Other Funds in position-related services and supplies costs. In the 2025-27 biennium, these positions increase to 1.00 FTE each and personal services costs are estimated at \$424,709 Other Funds and \$27,200 Other Funds in position-related services and supplies costs.

The table above includes the amount of General Fund and Federal Funds that DHS needs to cover the direct charge for OTIS for the two positions.

Department of Education

<Corrected Fiscal Impact>

After further analysis of the fiscal impact estimated by ODE, the Legislative Fiscal Office has determined the measure to have a minimal fiscal impact on the agency. The plain language of the measure describes new investigatory and reporting requirements for the Department of Human Services related to reports of suspected abuse of a student in a public education program. ODE may be required to provide professional development or other communications with public education programs, which can be absorbed within current agency resources.

There is no fiscal impact to the Oregon Youth Authority.