

Legislative Fiscal Office

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Joint Committee on Ways and Means

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To: Human Services Subcommittee

From: MaryMichelle Sosne, Legislative Fiscal Office

Date: June 1, 2023

Subject: SB 790 – Relating to violations of laws prohibiting harming students.
Work Session Recommendations

SB 790 provides criteria for the Department of Human Services to determine responsibility of a public education program in a case of substantiated child abuse. The definition of ‘abuse’ is modified to include the restraint, seclusion, and/or infliction of corporal punishment of a child in violation of existing public education restraint, seclusion and student conduct statutes.

The measure prohibits DHS from substantiating an allegation of child abuse against an employee of a public education program if the employee has not been trained and the restraint was used in response to an imminent risk of serious bodily injury, the employee did not act with reckless regard of student safety and the restraint did not pose a significant risk to impeding a student’s breathing. However, the public education program may still be held responsible for the employee’s actions.

The measure requires the Department of Human Services to submit a quarterly report on child abuse investigations in public education programs to the interim legislative committees related to child welfare.

Recommended Changes

The -A12 amendment includes \$693,859 total funds (\$205,644 General Fund) for two permanent full-time Investigator 3 positions to process the anticipated increase in investigations. LFO recommends adoption of the –A12 amendment.

MOTION: I move adoption of the –A12 amendment to SB 790. (VOTE)

Final Subcommittee Action

LFO recommends that SB 790, as amended by the –A12 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move SB 790-A12, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____