

Policy Transmittal Developmental Disabilities Services



UPDATED

Charles Hibner, OTIS Director
Authorized signature

Number: APD-PT-20-002
Issue date: 2/1/2022

Topic: Developmental Disabilities

Due date:

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other:

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): Adult Abuse Investigators-DD, Office of Training, Investigations and Safety (OTIS). |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Allegations of Abuse of Children and Adults with Developmental Disabilities by an Educational Provider's School Employee, Contractor, Agent, or Volunteer		
Policy/rule number(s):	OAR 407-045-0250	Release number:	
Effective date:	01/01/2020	Expiration date:	
	02/01/2022-UPDATE		
References:	OAR 407-045-0250 through 407-045-0370 for ODHS adults with Developmental Disabilities abuse investigation rules, and OAR 407-047-0200 through 407-047-0305 for OTIS child abuse investigations in schools.		
Web address:	https://www.oregon.gov/DHS/POLICIES/Pages/ss-admin-rules.aspx		

UPDATE

This policy transmittal update reflects a change in the process to refer an allegation of school abuse of an adult with I/DD to OTIS.

Discussion/interpretation:

On January 1, 2020, new Department rules for abuse investigations in schools were adopted by the Office of Training, Investigations and Safety (OTIS) for reports of abuse received by the Department's SAFELINE for Child Abuse reporting. This was due to the passage of 2019 Senate Bill 155, see the Infographic for 2019 Senate Bill 155 attached to this transmittal.

[ORS 430.731 to 430.765](#) allows ODHS and their designee, Community Developmental Disabilities Programs (CDDP) to investigate alleged abuse of an adult with Developmental Disabilities (DD), when the alleged victim meets the definition of "adult" in ORS 430.735.

Effective January 1, 2020, OTIS amended rule sections OAR 407-045-0250, 407-045-0260, 407-045-0285, 407-045-0291, 407-045-0295, 407-045-0325 and 407-045-0360 to ensure students, who are adults with I/DD are protected with similar investigative standards. These rules were amended to identify OTIS' responsibility for investigating alleged abuse by a school employee or an educational provider's contractor, agent, or volunteer under these rules; instead of the local adult abuse investigator for developmental disabilities services.

Implementation/transition instructions:

UPDATED:

On January 1, 2020, OTIS began conducting all abuse investigations of adults who have been determined eligible for DD services, when a report of alleged abuse is made, and the accused person's role is a school employee, agent, contractor, or volunteer of an educational provider. Education provider is defined in ORS 332.002.

Effective February 1, 2022 CDDP abuse investigators who receive an allegation of school abuse of an adult with I/DD shall:

1. Create an Intake/Investigation in the Centralized Abuse Management (CAM) system.
2. Document all information received and upload any documents received.
3. Add the OTIS screener as a Team Member and close the Intake/Investigation.
4. Securely email the Intake/Investigation number to the OTIS Education Screening email box listed below.
5. Close the Intake/Investigation once the OTIS screener clones the Intake/Investigation and notifies the CDDP abuse investigator the CDDP intake/investigation can be closed.

Training/communication plan:

Many adults enrolled in I/DD services receive educational services through the age of 21. While the adult abuse statute ORS 430.735 to 430.765 allows for an abuse investigation involving school personnel and an adult with I/DD, this statute does not require schools to make their staff or student records available. The OTIS investigator, and the DD service coordinator or personal agent may need to ask the student, legal guardian, or the adult's educational representative to authorize a release of the adult's school records, if needed for the investigation.

OTIS coordinators and managers are available to consult with CDDP abuse investigators on the specific procedures during the investigator quarterly training planned for January 24, 2022. An invitation will be emailed to current investigators.

Local/branch action required:

The CDDP adult abuse investigator must complete a CAM Intake/Investigation and immediately forward allegations of abuse involving adults in educational settings to the OTIS Education Screener email box listed below. The email to the screener shall include the Intake/Investigation number, and name/ contact information of the CDDP adult abuse investigator making the referral.

The designated OTIS screener for school investigations may be in contact with the CDDP investigator or DD case management entity (services coordinator or personal agent) if additional information or clarification is needed.

Please send the email to OTIS-SDI-EDU.reporting@dhsosha.state.or.us

Central office action required:

OTIS Abuse Investigation Coordinators for DD services will review this transmittal with the CDDP adult abuse investigators.

Communication:

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@dhsosha.state.or.us.

The Monthly Transmittal Review is held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings: <https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to ODDS.Questions@dhsosha.state.or.us at least three business days prior to the meeting.

Field/stakeholder review:

Yes No

If yes, reviewed by: Engagement and Innovations website

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): Jeanette Herron	
Phone: 541-215-3233	Fax: 503-945-9893
Email: Jeanette.HERRON@dhsosha.state.or.us	

DRAFT

Abuse in School

SB 155 was passed during the 2019 legislative session which expanded OTIS's child abuse investigation jurisdiction into school settings. To provide a consistent response when a young adult has been abused by a school employee, agent, contractor, or volunteer, OTIS will conduct these investigations.

Starting **January 1, 2020**, OTIS will conduct the abuse investigation when the following are true:

- At the time of the alleged abuse, the accused person was an employee, contractor, agent or volunteer of an education provider.
- The alleged victim was an "adult" at the time of the alleged abuse, as defined in OAR 407-045-0260.
- The relationship between the accused person and the alleged victim is due to the accused person's role as an employee, contractor, agent or volunteer of an education provider.

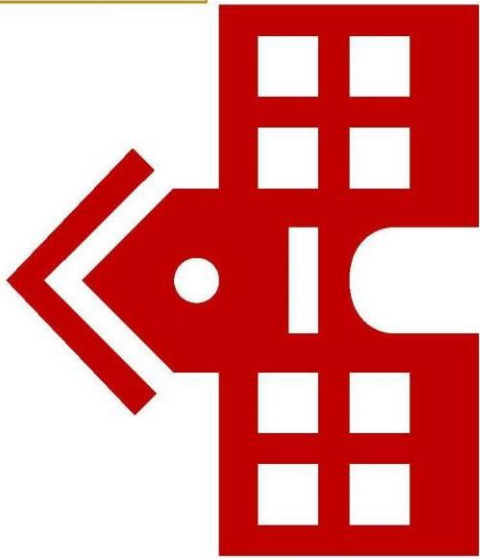
The SDI Referral: School Abuse Investigation form was created to assist CDDP screens and investigators when referring these reports to OTIS.

Questions? Contact your AIC.

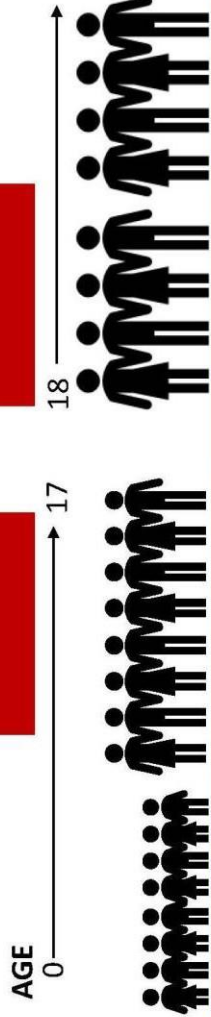


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SB 155 ABUSE INVESTIGATIONS IN SCHOOLS



TSPC, Department of Education, and the education provider also play a role in taking action on misconduct by a school employee.



LAW ENFORCEMENT CONDUCTS CRIMINAL INVESTIGATION	
DHS CONDUCTS CHILD ABUSE INVESTIGATION (419b Definitions)	DHS CONDUCTS ABUSE INVESTIGATION WHEN VICTIM IS AN "ADULT" AS DEFINED IN 430.735.