Policy Transmittal
Developmental Disabilities Services

Charles Hibner, OTIS Director

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Number: APD-PT-20-002
Issue date: 1/10/2020

Topic: Developmental Disabilities

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):

☐ All DHS employees
☐ Area Agencies on Aging: {Select type}
☐ Aging and People with Disabilities
☐ Self Sufficiency Programs
☒ County DD program managers
☒ Support Service Brokerage Directors
☒ ODDS Children’s Residential Services
☐ Child Welfare Programs
☐ County Mental Health Directors
☐ Health Services
☐ Office of Developmental Disabilities Services (ODDS)
☒ ODDS Children’s Intensive In Home Services
☒ Stabilization and Crisis Unit (SACU)
☒ Other (please specify): Adult Abuse Investigators-DD, Office of Training, Investigations and Safety (OTIS).

Policy/rule title: Allegations of abuse of children and adults with DD by an educational provider’s school employee, contractor, agent, or volunteer.

Policy/rule number(s): OAR 407-045-0250

Release number:

Effective date: January 1, 2020

Expiration date:

References:

Web address: https://www.oregon.gov/DHS/POLICIES/Pages/ss-admin-rules.aspx

Discussion/interpretation:
Effective January 1, 2020, new Department rules for abuse investigations in schools
are being 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 is 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 DHS and their designee, Community Developmental Disabilities Programs (CDDP) to investigate alleged abuse of an adult with Developmental Disabilities (DD), as long as the alleged victim meets the definition of “adult” in ORS 430.735.

To assure students who are adults with DD are also protected to similar investigative standards, OTIS will be amending 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 be effective January 1, 2020. Specifically, to indicate OTIS’s 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:**
Effective January 1, 2020, the Office of Training, Investigation and Safety (OTIS) will conduct all abuse investigations of adults who have been determined adult eligible for Developmental Disabilities services, when a report of alleged abuse is made, and the accused person’s role is as a school employee, agent, contractor, or volunteer of an educational provider.

CDDP abuse investigators who receive an allegation of school abuse of an adult with DD shall complete the attached form “School Abuse-SDI Referral” and securely email the form to the address listed on the form.

**Training/communication plan:**
Many adults enrolled in 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 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 with investigator training planned for January 2020. An invitation with the referral form will be emailed to current investigators.
Local/branch action required:
The CDDP adult abuse investigator must complete the attached Special Department Investigation (SDI) form to immediately forward allegations and information reported to them on or after January 1, 2020, as well as relevant records, to the address listed on the form.

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.

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 Call In. These meetings are held the third Thursday of every month at 2 pm. 877-848-7030, guest code 458900#

Please send questions in advance to ODDS.INFO@state.or.us

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@dhsoha.state.or.us

ATTACHED: SDI Referral Form for School Abuse Investigation
SDI REFERRAL:
SCHOOL ABUSE INVESTIGATION

PURPOSE

The Department of Human Services (DHS) or their designees (Community Mental Health Programs (CMHP) or Community Developmental Disability Programs (CDDP)) are required to conduct thorough and “unbiased investigations” of alleged abuse under ORS 430.735 to 430.765.

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.

STEPS

The community abuse investigator or screener will screen the initial complaint of alleged abuse. Upon learning that the accused person is a school employee, agent, contractor, or volunteer, a referral for a special department investigation (SDI) should be immediately sent to OTIS.
REFFERAL FOR SPECIAL DEPARTMENT INVESTIGATION:
SCHOOL ABUSE

Your Name:

CDDP:

Your Phone #:

Your Email address:

Alleged Victim

Name:

Date of Birth or Age:

Current Home Address:

Does the AV have a guardian?

If yes, please provide name and contact information:

Does the AV have a Case Manager?

If yes, please provide name and contact information:

Accused Person

Name:

Relationship to alleged victim:
Reporting Party

Name:

Phone #:

Relationship to victim:

Have protective services been put in place?

    If yes, please describe, including date implemented and by whom:

Incident Information

Date or timeframe of Incident:

Location of incident:

School or school district involved:

Date incident was reported to CDDP:

Summary of the report:

EMAIL REFERRAL TO: OTIS-Schools.Screening@dhsoha.state.or.us
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.

Partners in protecting vulnerable Oregonians
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.

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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.