

## **SB 156 -2 STAFF MEASURE SUMMARY**

### **Senate Committee On Education**

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**Sub-Referral To:** Senate Committee On Judiciary

**Meeting Dates:** 3/25

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#### **WHAT THE MEASURE DOES:**

Revises definition for school employee, sexual conduct, and student for reporting and conducting investigations related to abuse or sexual conduct by school employees. Requires the Teacher Standards and Practices Commission to complete investigations within 180 days of receiving a complaint that involves behavior that is dangerous to children, abuse, or sexual conduct. Provides an exception to timeline if necessary for good cause. Requires completion of investigation regardless if the employment relationship changes. Prohibits termination agreements that impede or suppress ongoing investigations. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-2 Replaces all provisions in introduced bill.

Requires TSPC to investigate all reports of abuse or sexual conduct for registered or licensed educators within 90 days. Makes exception for good cause. Establishes investigation procedures. Requires TSPC to notify school district when investigation is opened. Requires school districts to provide reports of suspected abuse or sexual conduct by licensed or registered school employees within 30 days of receipt of report. Requires school district to provide all necessary records and materials to TSPC for investigations. Requires education provider to conduct an investigation, regardless of any investigation conducted by TSPC. Permits education provider to take into account findings of TSPC investigation. Appropriate general fund to TSPC to comply with requirements.

#### **BACKGROUND:**

School districts employ approximately 68,000 teachers, administrators, specialists and support staff during a school year. Under Oregon law, the responsibility to report and investigate allegations of abuse and sexual conduct by school employees is shared by school districts, school employees, licensing boards, the Department of Human Services (DHS), and law enforcement. As mandatory reporters, school employees are required to report suspected cases of child abuse by any person to DHS or law enforcement. School districts must require school employees to report suspected abuse and sexual conduct by another school employee to the school district's "designated person" and to DHS or law enforcement. School districts are required to place employees on administrative leave for reports of abuse until DHS or law enforcement has made a determination on the report. For reports of sexual conduct, school districts may place an employee on administrative leave or in positions that do not involve direct, unsupervised contact with children. Law enforcement investigates criminal activity involving child abuse, and DHS receives and investigates reports of child abuse. In addition, DHS must notify Teacher Standards and Practices Commission (TSPC) if a teacher or school administrator is identified as an alleged perpetrator in a child abuse report. However, DHS does not investigate reports of child abuse that occur by third parties, such as school personnel and coaches, if the perpetrator no longer has access to the child and the parents are willing to keep the child safe. TSPC is responsible for disciplining, suspending, or revoking licenses, registrations or certificates for teachers, administrators, school counselors, school social workers, school psychiatrists and school nurses. TSPC must investigate all reports of sexual conduct or abuse involving TSPC licensed personnel that it receives from the public or school districts. TSPC does not have the authority to

investigate allegations involving non-licensed school personnel.

PRELIMINARY