

## **SB 960 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Education**

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/25

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

Requires school districts to report suspected sexual conduct by a school employee to Oregon Department of Education (ODE). Requires education provider to follow investigation procedures, as specified. Requires schools to provide information on reporting procedures. Directs ODE to immediately start an investigation after receiving report of sexual conduct. Requires ODE to complete investigation and make final determination within 60 calendar days. Permits an extension of up to 30 days for good cause. Directs ODE to notify law enforcement and Department of Human Services (DHS) if report of sexual conduct may include abuse. Establishes ODE investigation, findings, notification, and record keeping procedures. Permits ODE to impose civil penalty of up to \$1,000 on education providers that willingly fail to cooperate with investigations. Requires ODE to notify school district, education provider and any licensing board if reports are substantiated.

Directs ODE to create database of substantiated sexual conduct reports. Requires education providers to conduct checks with DHS and ODE prior to hiring applicants for positions.

Requires education provider to conduct an investigation on reports of suspected abuse and sexual conduct by a school employee. Permits education provider to use findings of law enforcement or the department when conducting investigations or determining findings. Prohibits resignation, termination, severance, or other agreements or contracts from impairing or terminating ongoing investigations or suppressing information related to reports of abuse or sexual conduct. Requires education provider to ensure student safety during investigation procedures in cases of suspected abuse. Requires education provider to conduct and complete an investigation within 60 days if an investigation is not conducted by DHS, law enforcement or ODE. Removes provisions related to disciplinary records.

Requires DHS to notify ODE of reports of abuse by a school employee within three days. Directs DHS to share records with ODE.

#### **ISSUES DISCUSSED:**

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

-1 Defines student. Specifies procedures for investigations led by DHS, law enforcement or ODE. Provides protection against self-incrimination. Requires education provider to immediately begin an investigation and complete investigation within 60 days, even if ODE, DHS, or law enforcement are conducting investigation. Requires education provider to report findings to suspected person. Modifies procedures related to administrative leave. Requires education provider and Teacher Standards and Practices Commission (TSPC) to report to ODE, DHS, or law enforcement if investigation reveals new information that sexual abuse or sexual conduct may have occurred. Prohibits TSPC from requiring verification of attempts to resolve complaint through school district process if complaint concerns the safety of a student, including allegations of abuse or sexual conduct. Requires DHS to investigate reports of suspected abuse by a school employee of a student. Establishes investigation procedures.

#### **BACKGROUND:**

## SB 960 -1 STAFF MEASURE SUMMARY

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.