Requested by SENATE COMMITTEE ON JUDICIARY

PROPOSED AMENDMENTS TO
SENATE BILL 912

1 On page 1 of the printed bill, delete line 3 and insert "339.372, 339.388 and

2 339.396; and declaring an emergency.".

3 On page 3, line 29, after "shall" insert a colon and begin a new paragraph

4 and insert "(a) Make a record of all reports received under subsection (1) of

5 this section and make the record available if a claim is brought under ORS

6 339.396; and

7 "(b)".

8 On page 5, delete lines 2 through 45 and delete pages 6 and 7 and insert:

9 **"SECTION 6. The amendments to ORS 339.388 by section 5 of this**

10 **2019 Act apply to reports made on or after the effective date of this**

11 **2019 Act.**

12 **"SECTION 7.** ORS 339.396 is amended to read:

13 "339.396. **(1) Except as provided in subsections (2) and (3) of this**

14 **section,** nothing in ORS 339.370 to 339.400 creates a new public or private

15 cause of action or precludes an existing cause of action.

16 "**(2)(a) A student, or the parent or guardian of a student, may bring**

17 **a civil action and recover damages for the greater of $1,000 or the total**

18 **amount for special and general damages, including damages for emo-**

19 **tional distress, if:**

20 "**(A) A school employee required to make a report of suspected**

21 **sexual conduct fails to make the report as required by ORS 339.388**

1 (1)(b);

2 "(B) The student is subjected to sexual conduct by another school
3 employee about whom the school employee should have had a reason-
4 able cause to believe has engaged in sexual conduct;

5 "(C) The sexual conduct described in subparagraph (B) of this par-
6 agraph occurred after the school employee should have had a reason-
7 able cause to believe that the other school employee had engaged in
8 sexual conduct; and

9 "(D) The school employee who failed to make the report cannot be
10 subjected to discipline by the Teacher Standards and Practices Com-
11 mission for failure to make a report.

12 "(b) A court may award reasonable attorney fees to the prevailing
13 plaintiff in an action under this subsection.

14 "(3)(a) A student, or the parent or guardian of a student, may bring
15 a civil action and recover damages for the greater of $1,000 or the total
16 amount for special and general damages, including damages for emo-
17 tional distress, if:

18 "(A) A school employee required to make a report of suspected
19 sexual conduct fails to make the report as required by ORS 339.388
20 (1)(b);

21 "(B) The student is subjected to sexual conduct by another student
22 about whom the school employee should have had a reasonable cause
23 to believe has engaged in sexual conduct;

24 "(C) The sexual conduct described in subparagraph (B) of this par-
25 agraph occurred after the school employee should have had a reason-
26 able cause to believe that the other student had engaged in sexual
27 conduct; and

28 "(D) The school employee who failed to make the report cannot be
29 subjected to discipline by the Teacher Standards and Practices Com-
30 mission for failure to make a report.

1   "(b) A court may award reasonable attorney fees to the prevailing

2 plaintiff in an action under this subsection.

3   "SECTION 8. (1) The Department of Education shall evaluate

4 criminal records checks that were made under ORS 326.603 by the de-

5 partment from 2009-2019 and that were made at the request of private

6 schools. The evaluation shall include a determination of the percent-

7 age of the total number of criminal records checks requested by pri-

8 vate schools that indicated a person being checked engaged in sexual

9 conduct toward a child.

10   "(2) The department shall report the results of the evaluation, and

11 may include recommendations for legislation, to an interim committee

12 of the Legislative Assembly related to education no later than Sep-

13 tember 15, 2020.

14   "SECTION 9. Section 8 of this 2019 Act is repealed on December 31,

15 2020.

16   "SECTION 10. This 2019 Act being necessary for the immediate

17 preservation of the public peace, health and safety, an emergency is

18 declared to exist, and this 2019 Act takes effect July 1, 2019.".

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