

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 1522**

1 On page 1 of the printed bill, line 2, after “339.390” insert “, 339.391” and
2 after “419B.005” insert “and section 2, chapter 301, Oregon Laws 2017”.

3 On page 2, line 38, delete the colon.

4 In line 39, delete “(i)” and after “student” insert a period and delete the
5 rest of the line and lines 40 through 45.

6 On page 5, after line 10, insert:

7 **“SECTION 4.** ORS 339.391 is amended to read:

8 “339.391. (1)(a) When the Department of Education receives a report of
9 suspected sexual conduct that may have been committed by a school em-
10 ployee, contractor, agent or volunteer that is not licensed with the Teacher
11 Standards and Practices Commission, the department shall immediately ini-
12 tiate an investigation.

13 “(b) An investigation and final determination related to the report re-
14 ceived under paragraph (a) of this subsection must be completed and notifi-
15 cation of the final determination must be made to the education provider
16 within 90 calendar days following the date on which the report was filed
17 with the department.

18 “(c) Notwithstanding paragraph (b) of this subsection, the prescribed
19 timeline for an investigation and final determination may be extended if the
20 department determines that, for good cause, a longer period of time is nec-
21 essary.

1 “(2) The department shall appoint an investigator and shall furnish the
2 investigator with appropriate professional and other special assistance rea-
3 sonably required to conduct an investigation. An investigator appointed un-
4 der this subsection is empowered to:

5 “(a) Issue subpoenas to require the attendance of witnesses or the pro-
6 duction of documents;

7 “(b) Subpoena witnesses; and

8 “(c) Swear witnesses and compel obedience in the same manner as pro-
9 vided under ORS 183.440 (2).

10 “(3)(a) Following the completion of an investigation, the Department of
11 Education shall notify:

12 “(A) The person charged;

13 “(B) The student and, if applicable, the student’s parents;

14 “(C) The education provider;

15 “(D) The person who provided the report of suspected sexual conduct; and

16 “(E) Any regulatory board that is not the Teacher Standards and Prac-
17 tices Commission and that licenses, registers, certifies or otherwise author-
18 izes the school employee, contractor, agent or volunteer to practice a
19 profession or to provide professional services.

20 “(b) The notification required under paragraph (a) of this subsection shall
21 include the following information as allowed by state and federal law:

22 “(A) The statutory authority of the department to conduct the investi-
23 gation;

24 “(B) The procedural background for the investigation;

25 “(C) The legal standards and arguments used for the investigation;

26 “(D) The department’s findings of fact from the investigation;

27 “(E) The department’s final determination based on the investigation; and

28 “(F) The right to an appeal, as provided by subsection (5) of this section.

29 “(4)(a) Except as provided in [*paragraph (b)*] **paragraphs (b) to (d)** of this
30 subsection, The documents and materials used in the investigation under-

1 taken under this section, and the report related to the investigation, are
2 confidential and not subject to public inspection.

3 **“(b) Documents, materials and reports that are confidential under**
4 **paragraph (a) of this subsection may be disclosed to an entity listed**
5 **in paragraph (c) or (d) of this subsection only as provided by this**
6 **subsection and rules adopted by the State Board of Education. The**
7 **entity that receives documents, materials or reports must maintain**
8 **their confidentiality unless disclosure is allowed or required under this**
9 **section or other state or federal law.**

10 “[*b*] (c) To the extent allowed by state and federal law, the department
11 shall make available any documents, materials and reports **that are confi-**
12 **dential under paragraph (a) of this subsection** to:

13 “(A) A law enforcement agency or the Department of Human Services if
14 necessary to conduct an investigation under ORS 419B.005 to 419B.050; **or**

15 “(B) The Teacher Standards and Practices Commission if necessary for
16 the commission to conduct an investigation under ORS 339.390[; *and*].

17 “[*C*] (d)(A) **The Department of Education shall make available the**
18 **department’s investigative report to:**

19 “(i) An education provider if necessary for the education provider to take
20 any disciplinary action or changes in the employment relationship or duties
21 of the school employee, contractor, agent or volunteer[.]; **and**

22 “(ii) **The school employee, contractor, agent or volunteer who is the**
23 **subject of the report.**

24 “(B) **A school employee, contractor, agent or volunteer who re-**
25 **ceives a report under this paragraph may share the report with the**
26 **person’s attorney or union representative. An attorney or union rep-**
27 **resentative who receives a report under this subparagraph must**
28 **maintain the report’s confidentiality unless disclosure is allowed or**
29 **required under this section or other state or federal law.**

30 “[*c*] (e) The Department of Education shall retain documents and mate-

1 rials related to any report received under this section, regardless of whether
2 the department found sufficient cause to justify holding a hearing under this
3 section.

4 “(5) A person may appeal the final determination made by the department
5 under this section as a contested case under ORS chapter 183.

6 “(6) The State Board of Education shall adopt any rules necessary for the
7 administration of this section.”.

8 In line 11, delete “4” and insert “5”.

9 On page 7, line 29, delete “5” and insert “6” and delete “4” and insert
10 “5”.

11 After line 30, insert:

12 **“SECTION 7.** Section 2, chapter 301, Oregon Laws 2017, is amended to
13 read:

14 **“Sec. 2. (1)(a) Only for school years prior to the 2022-2023 school**
15 **year, a school district may not be considered nonstandard under ORS**
16 **327.103 and moneys may not be withheld or any other penalty or**
17 **sanctions imposed on a school district that does not comply with the**
18 **participation requirement of ORS 329.496 (1) for students in grades six**
19 **through eight.**

20 “[1] (b) Except as provided by subsections (2) and (3) of this section and
21 only for school years prior to the 2022-2023 school year, a school district may
22 not be considered nonstandard under ORS 327.103 and moneys may not be
23 withheld or any other penalty or sanctions imposed on a school district that
24 does not comply with the time requirements established by ORS 329.496 (2).

25 “(2)(a) For the 2019-2020 school year, students identified in ORS 329.496
26 (2)(a) shall participate in physical education for at least 120 minutes during
27 each school week.

28 “(b) For the 2020-2021 school year and every school year thereafter, stu-
29 dents identified in ORS 329.496 (2)(a) shall participate in physical education
30 for at least 150 minutes during each school week.

1 “(c) If a school district fails to comply with paragraph (a) or (b) of this
2 subsection, the school district may be considered nonstandard under ORS
3 327.103.

4 “(3)(a) For the 2021-2022 school year, students identified in ORS 329.496
5 (2)(b) shall participate in physical education for at least 180 minutes during
6 each school week.

7 “(b) For the 2022-2023 school year and every school year thereafter, stu-
8 dents identified in ORS 329.496 (2)(b) shall participate in physical education
9 for at least 225 minutes during each school week.

10 “(c) If a school district fails to comply with paragraph (a) or (b) of this
11 subsection, the school district may be considered nonstandard under ORS
12 327.103.

13 “(4) For the purposes of **subsections (2) and (3) of this section**, a school
14 district may:

15 “(a) Prorate time requirements provided by this section in compliance
16 with rules adopted by the State Board of Education under ORS 329.496 (2)(c);

17 “(b) Apply up to 45 minutes of activities described in ORS 329.496 (4)(b)
18 to the time requirements provided by this section; and

19 “(c) Cease to comply with the time requirements provided by this section
20 if the conditions described in ORS 329.496 (2)(d) are satisfied.”.

21 In line 31, delete “6” and insert “8”.

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