

SB 242 -2 STAFF MEASURE SUMMARY

Senate Committee On Education

Prepared By: Lisa Gezelter, LPRO Analyst

Meeting Dates: 3/17, 3/22

WHAT THE MEASURE DOES:

Modifies definition of sexual conduct. Allows Teacher Standards and Practices Commission (TSPC) to disclose investigative reports under certain circumstances and requires recipients to maintain confidentiality. Allows TSPC to disclose investigative report to the subject of the report. Allows subject of report to share report with attorney or union representative. Requires attorney or union representative to maintain confidentiality. Adds members of education service district board to list of mandatory reporters of child abuse.

ISSUES DISCUSSED:

- Senate Bill 155 (2019)
- Contents of amendment

EFFECT OF AMENDMENT:

-2 Modifies definition of sexual conduct.

BACKGROUND:

In 2015, Congress passed the Every Student Succeeds Act (ESSA), which contains provisions prohibiting school districts, state departments of education, school employees, contractors, or agents from assisting school employees, contractors, or agents investigated for sexual misconduct from obtaining new jobs unless certain reporting requirements are met. Three years later, Portland Public Schools (PPS) released a report detailing how several former teachers remained employed despite multiple reports of sexual conduct. Sexual conduct includes behavior that, while inappropriate, does not necessarily meet the definition of abuse in ORS 419b.

The Senate Education Committee drafted Senate Bill 155 in 2019 to align Oregon law with federal law and to implement recommendations contained in the PPS report. Senate Bill 155:

- changed the definition of sexual conduct to make it easier for districts to discipline and remove school employees, agents, contractors, or volunteers engaging in inappropriate behavior;
- required reports to state agencies for all allegations of sexual conduct so that accurate information about the prevalence of these cases could be collected and maintained at the state level;
- expanded the responsibility of state agencies to investigate those allegations and ensured that investigations would be completed within 90 days; and
- allowed school districts to rely on the findings of state investigations for disciplinary purposes rather than having to conduct their own, among other changes.

Senate Bill 242 modifies the definition of sexual conduct, ensures that TSPC can send its investigative reports to school districts, and adds a requirement that recipients of investigative reports maintain confidentiality. Additionally, the measure allows the subject of a report to receive a copy and to share it with their attorney or union representative. The measure also adds education service district board members to the list of mandatory reporters in ORS 419b.