

**SB 409 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary and Ballot Measure 110  
Implementation**

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**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 3/11, 4/12

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**WHAT THE MEASURE DOES:**

Requires school board to adopt policy requiring school employees to report abuse or sexual conduct by a school employee, contractor, volunteer, or student against a student. Allows private right of action and statutory damage of \$1,000 if school employee failed to report required sexual conduct and school employee should have reasonably known that employee or other student engaged in sexual conduct and the school employee who failed to make report could not be disciplined by the Teacher Standards and Practices Commission. Allows attorney fees for prevailing plaintiff. Requires school official designated to receive reports of sexual conduct to keep record of reports received and disclose such information in claim. Requires Department of Education to evaluate number of background checks performed in private schools in prior ten years. Requires report on percentage of reports that indicated person had engaged in sexual conduct towards a child and the percentage of background checks relating to sexual conduct that were requested by private school and public schools. Require report to Legislative Assembly no later than September 15, 2022. Declares emergency, takes effect July 1, 2021.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Senate Bill 409 requires reporting of student-to-student sexual conduct and allows a lawsuit with statutory damages against school employees who failed to report, as required, if the school employee is not subject to discipline by the Teacher Standards and Practices Commission. Additionally, SB 409 requires the Department of Education to report to the Legislative Assembly on the number of background checks conducted by private schools in the last ten years and the percentage of such reports that indicated the person had engaged in sexual conduct towards a child.