

SB 197 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

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

Action Date: 04/12/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 2 - Linthicum, Thatcher
Exc: 1 - Heard
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 4/6, 4/12, 4/12

WHAT THE MEASURE DOES:

Allows a person to bring an action to compel a private school to comply with provisions of statutes on teen dating violence policies, reporting of suspected abuse or sexual conduct, policies on sexual harassment, and reports of child abuse. Allows court to enter order compelling compliance and prescribing requirements and timeline for satisfaction of order. Allows private right of action against the private school by student, parent, or guardian, if private school does not satisfy the order. Allows damages of \$1,000 or total amount of special or general damages. Allows attorney fees to prevailing plaintiff. Adds private schools to statutory requirements on teen dating violence policies and policies on sexual harassment.

ISSUES DISCUSSED:

- Provisions of Senate Bill 409 (2021)
- Process for seeking redress in court first by order to compel and second through private right of action
- Measure does not bring private schools under regulation by Department of Education
- Student means person in K-12 program

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Private schools in Oregon are subject to some, but not all, student safety-related statutes that public schools are required to adhere to. Public school districts must have a policy on sexual harassment that applies to students and staff of the school district. Sexual harassment of students includes demands or requests for sexual favors in exchange for benefit, unwelcome conduct of a sexual nature, and sexual contact that occurs without a student's consent. Similar definitions apply to sexual harassment of staff. When a sexual harassment complaint is filed, or when staff become aware of conduct that violates the policy, school district officials become involved. All complaints about behavior must be investigated. Private schools are not required to have a policy or follow procedures for sexual harassment of students or staff. Educators in private schools are mandatory reporters of abuse and must follow statutes outlining reporting and investigation of sexual conduct of an adult towards a child.

Senate Bill 197 A allows a person to bring an action in court seeking to compel a private school to comply with the requirements of statutes on teen dating violence, sexual harassment, and reporting of suspected child abuse or sexual conduct. The court could provide details in its order on the timeline and requirements for showing compliance. If the school did not meet those requirements, the measure allows a student or parent to bring a private right of action against the private school for its failure to comply with the court order.