

HB 2136 STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Education

Action Date: 05/12/21

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Gelser, Gorsek, Robinson, Thomsen

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/5, 5/12

WHAT THE MEASURE DOES:

Allows Teacher Standards and Practices Commission (TSPC) to investigate, discipline, suspend, or revoke the license or registration of any person who is enrolled in an approved educator preparation program, is an applicant for a license or registration, holds a license or registration, or has held a license or registration at any time during the previous five years. Clarifies that TSPC investigates only commission licensees in sexual conduct investigations.

ISSUES DISCUSSED:

- Need for fix
- Benefits of new definition

EFFECT OF AMENDMENT:

No amendment.

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.

House Bill 2136 clarifies the investigative authority of the Teacher Standards and Practices Commission and creates a new definition of "commission licensee" to include any person who is enrolled in an approved educator preparation program, is an applicant for a license or registration, holds a license or registration, or has held a license or registration at any time during the previous five years.