

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 51
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON HUMAN SERVICES

May 27

1 On page 1 of the printed A-engrossed bill, line 3, after “419B.035;” insert “repealing section 4,
2 chapter ___, Oregon Laws 2021 (Enrolled House Bill 2136);”

3 On page 3, after line 9, insert:

4 **“SECTION 1a. If House Bill 2136 becomes law, section 4, chapter ___, Oregon Laws 2021**
5 **(Enrolled House Bill 2136) (amending ORS 339.370), is repealed and ORS 339.370, as amended**
6 **by section 1 of this 2021 Act, is amended to read:**

7 “339.370. As used in ORS 339.370 to 339.400:

8 “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.

9 “(2) ‘Agent’ means a person acting as an agent for an education provider in a manner that re-
10 quires the person to have direct, unsupervised contact with students.

11 **“(3) ‘Commission licensee’ has the meaning given that term in ORS 342.120.**

12 “[~~(3)~~] **(4)** ‘Contractor’ means a person providing services to an education provider under a con-
13 tract in a manner that requires the person to have direct, unsupervised contact with students.

14 “[~~(4)(a)~~] **(5)(a)** ‘Education provider’ means:

15 “(A) A school district, as defined in ORS 332.002.

16 “(B) The Oregon School for the Deaf.

17 “(C) An educational program under the Youth Corrections Education Program.

18 “(D) A public charter school, as defined in ORS 338.005.

19 “(E) An education service district, as defined in ORS 334.003.

20 “(F) Any state-operated program that provides educational services to students.

21 “(G) A private school.

22 “(b) ‘Education provider’ does not include:

23 “(A) The Oregon Youth Authority;

24 “(B) The Department of Corrections; or

25 “(C) The Department of Education, except when functioning as an education provider on behalf
26 of the Oregon School for the Deaf.

27 “[~~(5)~~] **(6)** ‘Investigation’ means a detailed inquiry into the factual allegations of a report of sus-
28 pected abuse or suspected sexual conduct that:

29 “(a) Is based on interviews with the person who initiated the report, the person who may have
30 been subjected to abuse or sexual conduct, witnesses and the person who is the subject of the re-
31 port; and

32 “(b) Results in a finding that the report:

33 “(A) Is a substantiated report;

34 “(B) Cannot be substantiated; or

1 “(C) Is not a report of abuse or sexual conduct.
2 “[(6)] (7) ‘Law enforcement agency’ has the meaning given that term in ORS 419B.005.
3 “[7] ‘License’ includes a license, registration or certificate issued by the Teacher Standards and
4 Practices Commission.]
5 “(8) ‘Licensed administrator’ means a person who is employed as an administrator of an educa-
6 tion provider and who:
7 “(a) Holds an administrative license issued by the Teacher Standards and Practices Commission
8 **under ORS 342.125 (3)(f) or (g);** or
9 “(b) Does not hold an administrative license issued by the commission because the person is
10 employed by an education provider that does not require administrators to be licensed by the com-
11 mission.
12 “(9) ‘Private school’ means a school that provides to students instructional programs that are
13 not limited solely to dancing, drama, music, religious or athletic instruction.
14 “(10) ‘School board’ means the entity charged with adopting policies for an education provider.
15 “(11) ‘School employee’ means an employee of an education provider.
16 “(12)(a) ‘Sexual conduct’ means verbal or physical conduct or verbal, written or electronic
17 communications by a school employee, a contractor, an agent or a volunteer that involve a student
18 and that are:
19 “(A) Sexual advances or requests for sexual favors directed toward the student; or
20 “(B) Of a sexual nature that are directed toward the student or that have the effect of unrea-
21 sonably interfering with the student’s educational performance, or of creating an intimidating, hos-
22 tile or offensive educational environment.
23 “(b) ‘Sexual conduct’ does not include touching:
24 “(A) That is necessitated by the nature of the school employee’s job duties or by the services
25 required to be provided by the contractor, agent or volunteer; and
26 “(B) For which there is no sexual intent.
27 “(13) ‘Student’ means any person:
28 “(a) Who is:
29 “(A) In any grade from prekindergarten through grade 12; or
30 “(B) Twenty-one years of age or younger and receiving educational or related services from an
31 education provider that is not a post-secondary institution of education; or
32 “(b) Who was previously known as a student by the person engaging in sexual conduct and who
33 left school or graduated from high school within 90 days prior to the sexual conduct.
34 “(14) ‘Substantiated report’ means a report of abuse or sexual conduct that a law enforcement
35 agency, the Department of Human Services, the Teacher Standards and Practices Commission, the
36 Department of Education or an education provider has reasonable cause to believe, based on the
37 available evidence after conducting an investigation, is founded.
38 “(15) ‘Volunteer’ means a person acting as a volunteer for an education provider in a manner
39 that requires the person to have direct, unsupervised contact with students.
40 “**SECTION 1b. If House Bill 2136 becomes law, the amendments to ORS 339.370 by section**
41 **1a of this 2021 Act become operative on January 1, 2022.”**
42 On page 4, line 18, delete “25” and insert “75”.
43