



To: Senate Committee on Senate Committee On Human Services, Mental Health and Recovery  
From: Richard Donovan, Legislative Services Specialist  
Re: Senate Bill 51  
Date: February 11, 2021

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Chair Gelser, Vice Chair Anderson, and members of the committee:

On behalf of OSBA membership, including 197 school districts and 19 Education Service Districts, thank you for the opportunity to testify on Senate Bill 51.

OSBA supports the goals of Senate Bill 51, both as contained in the base bill and with the addition of the posted -1 amendments. Both versions of the bill would make changes to refine investigations of sexual abuse or sexual conduct, often regarding such conduct in an educational setting.

Three areas of the bill could be considered for further revision, if the committee entertains further amendments:

- Pg. 2, ln. 17 of the bill references an individual holding an “administrator license.” Changing that text to be an individual holding an “active administrator license” might clarify the intent of the bill, as there is a practical difference when a license is active versus when it is not.
- Pg. 4, ln. 14 of the bill would require the Department of Education to maintain investigatory records and files for 25 years. The committee could consider increasing that requirement to a longer period of time. This could be potentially costly, but sometimes these materials are valuable to victims many decades later. Federal law requires certain permanent education records be maintained for up to 60 years. While that may not be necessary here, more time could benefit victims.
- Finally, secs. 4-6 of the bill (beginning pg. 4) address, in part, alleged abuse in childcare facilities in the Office of Child Care. There does not appear to be a statutory mechanism to cause any sort of cross-check to existing Department of Education or Teachers Standards and Practices Commission database employees who have substantiated reports of sexual abuse or sexual conduct against them. It is possible that these employees could move to the childcare/early learning environment, and it

seems that the purpose of the bill would be served by addressing that gap, if such a gap exists, either in law or practice.

Thank you for your time and consideration.