

# Senate Bill 231

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Human Services to establish and maintain centralized child abuse reporting system. Modifies mandatory child abuse reporting process. Permits certain child abuse reports to be made electronically. Removes references to designees of department receiving child abuse reports.

## A BILL FOR AN ACT

1  
2 Relating to abuse reporting; creating new provisions; and amending ORS 339.372, 339.388, 418.258,  
3 418.321, 418.532, 419B.015, 419B.017 and 419B.020.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section, "abuse reporting hotline" means a statewide**  
6 **toll-free telephone number operated by the Department of Human Services for reporting**  
7 **suspected abuse.**

8 **(2) The department shall develop and maintain a centralized child abuse reporting sys-**  
9 **tem. The system must include the abuse reporting hotline for oral reports of suspected abuse**  
10 **and a website for electronic reports of suspected child abuse.**

11 **SECTION 2. ORS 419B.015 is amended to read:**

12 419B.015. (1)(a) A person making a **voluntary** report of child abuse[, *whether the report is made*  
13 *voluntarily or is required by ORS 419B.010, shall make an oral report by telephone or otherwise to the*  
14 *local office of the Department of Human Services, to the designee of the department*] **shall make an**  
15 **oral report to the Department of Human Services by telephone to the child abuse reporting**  
16 **hotline described in section 1 of this 2023 Act** or to a law enforcement agency within the county  
17 where the person making the report is located at the time of the contact. **A person making a re-**  
18 **port of child abuse that is required by ORS 419B.010 shall make the report to the department**  
19 **through the centralized child abuse reporting system described in section 1 of this 2023 Act**  
20 **or to a law enforcement agency within the county where the person making the report is**  
21 **located at the time of the contact.** The report [*shall*] **must** contain, if known, the names and ad-  
22 dresses of the child and the parents of the child or other persons responsible for care of the child,  
23 the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the  
24 explanation given for the abuse and any other information that the person making the report be-  
25 lieves might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

26 (b)(A) When a report of alleged child abuse is received by the department, the department shall  
27 notify a law enforcement agency within the county where the alleged abuse occurred or, if that  
28 county is unknown, the county where the child resides or, if that county is unknown, the county  
29 where the reporter came into contact with the child or the alleged perpetrator of the abuse.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1        *[(B) When a report of alleged child abuse is received by a designee of the department, the designee*  
 2 *shall notify, according to the contract, either the department or a law enforcement agency within the*  
 3 *county where the alleged abuse occurred or, if that county is unknown, the county where the child re-*  
 4 *sides or, if that county is unknown, the county where the reporter came into contact with the child or*  
 5 *the alleged perpetrator of the abuse.]*

6        *[(C)]* **(B)** When a report of alleged child abuse is received by a law enforcement agency, the  
 7 agency shall notify the department by making a report of the alleged child abuse to the *[child abuse*  
 8 *reporting hotline]* **centralized child abuse reporting system described in section 1 of this 2023**  
 9 **Act.**

10        (c) When a report of alleged child abuse is received by the department or by a law enforcement  
 11 agency, the department or law enforcement agency, or both, may collect information concerning the  
 12 military status of the parent or guardian of the child who is the subject of the report and may share  
 13 the information with the appropriate military authorities. Disclosure of information under this par-  
 14 agraph is subject to ORS 419B.035 (7).

15        (2) When a report of alleged child abuse is received under subsection (1)(a) of this section, the  
 16 entity receiving the report shall make the notification required by subsection (1)(b) of this section  
 17 according to rules adopted by the department under ORS 419B.017.

18        (3)(a) When a report alleging that a child or ward in substitute care may have been subjected  
 19 to abuse is received by the department, the department shall notify the attorney for the child or  
 20 ward, the child's or ward's court appointed special advocate, the parents of the child or ward and  
 21 any attorney representing a parent of the child or ward that a report has been received.

22        (b) The name and address of and other identifying information about the person who made the  
 23 report may not be disclosed under this subsection. Any person or entity to whom notification is  
 24 made under this subsection may not release any information not authorized by this subsection.

25        (c) The department shall make the notification required by this subsection within three business  
 26 days of receiving the report of alleged child abuse.

27        (d) Notwithstanding the obligation imposed by this subsection, the department is not required  
 28 under this subsection to notify the parent or parent's attorney that a report of alleged child abuse  
 29 has been received if the notification may interfere with an investigation or assessment or jeopardize  
 30 the child's or ward's safety.

31        **SECTION 3.** ORS 418.258 is amended to read:

32        418.258. (1) When the Department of Human Services becomes aware of a report of suspected  
 33 child abuse of a child in care, whether in the form of an allegation, complaint or formal report made  
 34 under this section, and whether made directly to the Director of Human Services, the department  
 35 or an employee of the department, to *[a hotline operated by the department]* **the centralized child**  
 36 **abuse reporting system described in section 1 of this 2023 Act**, through the mandatory abuse  
 37 reporting process set forth in ORS 419B.005 to 419B.050 or otherwise, the department shall imme-  
 38 diately:

39        (a) Notify appropriate personnel within the department, including but not limited to employees  
 40 responsible for licensing, certifying or authorizing child-caring agencies, certified foster homes and  
 41 developmental disabilities residential facilities.

42        (b) Notify any governmental agency that has a contract with the child-caring agency, certified  
 43 foster home or developmental disabilities residential facility to provide care or services to the child  
 44 in care.

45        (c) Notify the placement authorities of any other state that retains jurisdiction over a child in

1 care receiving care or services from the child-caring agency, certified foster home or developmental  
2 disabilities residential facility.

3 (d) Commence an investigation to determine whether the report of suspected abuse is substan-  
4 tiated, unsubstantiated or inconclusive under ORS 418.259 if:

5 (A) The reported abuse occurred in this state;

6 (B) The reported abuse occurred in any other state and involves a child in care placed by the  
7 department in an out-of-state child-caring agency; or

8 (C) The reported abuse occurred in any other state and the department reasonably believes that  
9 the reported abuse poses a danger to the health, safety or wellness of a child in care placed by the  
10 department in an out-of-state child-caring agency.

11 (e) Report to a law enforcement agency any crime that the department has reason to believe  
12 has occurred with respect to a child in care or at a child-caring agency, proctor foster home, cer-  
13 tified foster home or developmental disabilities residential facility even if the suspected crime is not  
14 related to a report of abuse made under this section.

15 (2)(a) As a condition for issuance or renewal of a license, certificate or authorization to a  
16 child-caring agency, certified foster home or developmental disabilities residential facility, the de-  
17 partment shall require and verify that the child-caring agency, certified foster home or develop-  
18 mental disabilities residential facility has procedures and protocols that:

19 (A) Require employees of the child-caring agency, a proctor foster home certified by the child-  
20 caring agency, the certified foster home or the developmental disabilities residential facility to im-  
21 mediately report suspected abuse of a child in care to the director, the director's designee or  
22 personnel within the department who have been specifically designated to receive reports of abuse  
23 of children in care;

24 (B) Mandate that the child-caring agency, certified foster home or developmental disabilities  
25 residential facility provide an annual training and written materials that include information about  
26 the [*child abuse reporting hotline*] **centralized child abuse reporting system described in section**  
27 **1 of this 2023 Act**, and that the agency, home or facility advise and educate employees of the  
28 child-caring agency and any proctor foster home certified by the child-caring agency, of the certified  
29 foster home or of the developmental disabilities residential facility of the duty under this section  
30 and ORS 419B.005 to 419B.050 to report abuse of a child in care; and

31 (C) Inform employees of child-caring agencies, proctor foster homes, certified foster homes and  
32 developmental disabilities residential facilities that the duty to report abuse of a child in care is  
33 personal to the employee and that the duty is not fulfilled by reporting the abuse to the owner, op-  
34 erator or any other employee of the child-caring agency, proctor foster home, certified foster home  
35 or developmental disabilities residential facility even if the owner, operator or other employee re-  
36 ports the abuse of a child in care to the director, the director's designee or the department.

37 (b) A child-caring agency, certified foster home or developmental disabilities residential facility  
38 need not develop and maintain procedures and protocols or provide an annual training and written  
39 materials under paragraph (a) of this subsection if the agency, home or facility does not have any  
40 employees, staff or volunteers.

41 (3) Interference or hindering an investigation of abuse of a child in care, including but not lim-  
42 ited to the intimidation of witnesses, falsification of records or denial or limitation of interviews  
43 with the child in care who is the subject of the investigation or with witnesses, may constitute  
44 grounds for the revocation, suspension or placing of conditions on the license, certificate or other  
45 authorization of a child-caring agency, proctor foster home, certified foster home or developmental

1 disabilities residential facility.

2 (4)(a) Anyone, including but not limited to an employee of a child-caring agency, proctor foster  
 3 home, certified foster home or developmental disabilities residential facility, who makes a report of  
 4 suspected abuse of a child in care to the Governor, the Department of Justice, the Director of Hu-  
 5 man Services, the director’s designee or the department under this section in good faith and who  
 6 has reasonable grounds for the making of the report shall have immunity:

7 (A) From any liability, civil or criminal, that might otherwise be incurred or imposed with re-  
 8 spect to the making or content of such report;

9 (B) From disciplinary action taken by the person’s employer; and

10 (C) With respect to participating in any judicial proceeding resulting from or involving the re-  
 11 port.

12 (b) A person making a report under this section may include references to otherwise confidential  
 13 information for the sole purpose of making the report, and any such disclosure must be protected  
 14 from further disclosure to other persons or entities for any other purpose not related to the making  
 15 of the report.

16 **SECTION 4.** ORS 418.321 is amended to read:

17 418.321. (1) Subject to ORS 418.322, the Department of Human Services may place a child in an  
 18 out-of-state child-caring agency only if:

19 (a) The out-of-state child-caring agency is licensed to provide or engage in the provision of care  
 20 or services by the department under ORS 418.205 to 418.327 and complies with the licensing re-  
 21 quirements under ORS 418.215;

22 (b) The department has a current contract with the child-caring agency; and

23 (c) The department’s contract with the child-caring agency meets the criteria under subsection  
 24 (3) of this section.

25 (2)(a) The department shall license an out-of-state child-caring agency pursuant to the same  
 26 licensure requirements the department would impose if the out-of-state child-caring agency was lo-  
 27 cated in this state.

28 (b) Notwithstanding paragraph (b) of Article V of the Interstate Compact on the Placement of  
 29 Children and ORS 417.230, the department may not delegate the department’s licensing, visitation,  
 30 inspection, investigation or supervision of an out-of-state child-caring agency licensed by the de-  
 31 partment to provide care or services to an Oregon child.

32 (3)(a) The department shall review the department’s contract with an out-of-state child-caring  
 33 agency prior to placing a child with the child-caring agency.

34 (b) The contract must, at a minimum, meet the following criteria:

35 (A) At the time the contract is executed, the child-caring agency must provide the department  
 36 with a current list of every entity for which the child-caring agency is providing placement services.

37 (B) No later than 15 days after accepting placement of a child from a new entity, the child-  
 38 caring agency must notify the department in writing of the child-caring agency’s association with  
 39 the new entity. The notice must include the name and contact information of the new entity and the  
 40 name and contact information of an individual associated with the new entity.

41 (C) The child-caring agency must make mandatory reports of child abuse, as defined in ORS  
 42 418.257 and 419B.005, involving Oregon children both to the [*Oregon child abuse hotline*] **centralized**  
 43 **child abuse reporting system described in section 1 of this 2023 Act** and as required under the  
 44 laws of the state in which the child-caring agency is located.

45 (D) The child-caring agency must allow the department full access to the child-caring agency’s

1 facilities, residents, records and personnel as necessary for the department to conduct child abuse  
2 investigations and licensing activities or investigations.

3 (E) The child-caring agency must notify the department in writing no later than three business  
4 days after any state determines that an allegation of child abuse or a license violation involving the  
5 child-caring agency is founded, regardless of whether the child abuse or violation involves an  
6 Oregon child.

7 (F) The child-caring agency must notify the department in writing no later than three business  
8 days after the child-caring agency receives notice from any other state imposing a restriction on  
9 placement of children with the child-caring agency, suspending or revoking the child-caring agency's  
10 license with that state or indicating the state's intent to suspend or revoke the child-caring agency's  
11 license with that state.

12 (G) The child-caring agency must notify the department immediately, verbally and in writing:

13 (i) Any time a child from any state who is in the care of the child-caring agency dies, is sexually  
14 assaulted or suffers serious physical injury; or

15 (ii) When the child-caring agency becomes aware of any criminal investigation, arrest or crimi-  
16 nal charges involving an agency staff member if the alleged offense involved a child or could have  
17 reasonably posed a risk to the health, safety or welfare of a child.

18 (H) Except with respect to protected information described in ORS 418.256 (5), the child-caring  
19 agency may not ask or require an employee or volunteer to sign a nondisclosure or other agreement  
20 prohibiting the employee or volunteer from the good faith disclosure of information concerning the  
21 abuse or mistreatment of a child who is in the care of the child-caring agency, violations of licensing  
22 or certification requirements, criminal activity at the child-caring agency, violations of state or  
23 federal laws or any practice that threatens the health and safety of a child in the care of the  
24 child-caring agency.

25 (I) The child-caring agency must ensure staffing ratio and staff training and education require-  
26 ments that meet, at a minimum, the standards set by the department by rule for intensive behavioral  
27 support services.

28 (J) The child-caring agency must meet all of the program, discipline, behavior support, super-  
29 vision and child rights requirements adopted by the department by rule for behavioral rehabilitation  
30 services provided in this state.

31 (K) The child-caring agency may not practice conversion therapy, as defined in ORS 675.850.

32 (L) The child-caring agency must identify a child by the child's preferred name and pronouns  
33 and may not implement a dress code that prohibits or requires clothing on the basis of biological  
34 sex.

35 (M) Genetic testing, including testing for psychopharmacological purposes, must be approved by  
36 a court and may not be included as a standing order for a child in care.

37 (N) Neither the child-caring agency nor its contractors or volunteers may use chemical or me-  
38 chanical restraints on a child, including during secure transport.

39 (O) The child-caring agency must ensure that the use of any psychotropic medications for a child  
40 placed with the child-caring agency by the department is in compliance with ORS 418.517 and any  
41 rules regarding psychotropic medications adopted by the department.

42 (4) The department shall develop rules outlining a process for review of the out-of-state place-  
43 ment of a child who is identified as a child with an intellectual or developmental disability or who  
44 is suspected of having an intellectual or developmental disability. At a minimum, the rules must:

45 (a) Identify a process for expediting review of the child's eligibility for developmental disability

1 services.

2 (b) Require that a multidisciplinary review team, including administrators in the developmental  
3 disability services program, review the placement before the child is placed out-of-state.

4 (c) Require that a multidisciplinary team, including administrators in the developmental disa-  
5 bility services program, monitor the progress of the child in the out-of-state placement.

6 (d) Require that contracts for placement of the child ensure that the child has the same rights  
7 and protections that the child would have if the child was placed in this state.

8 (5)(a) A department child welfare services employee must accompany a child who is placed in  
9 an out-of-state child-caring agency any time the child is transported to an initial out-of-state place-  
10 ment, any time the child is moved to a new placement and any time the child is moved by secure  
11 transport.

12 (b) Notwithstanding paragraph (a) of this subsection, if a child placed in an out-of-state child-  
13 caring agency requires secure transport from the out-of-state placement due to an emergency, a de-  
14 partment child welfare services employee is not required to accompany the child if the time it would  
15 take for the employee to travel to the child's out-of-state location would pose a risk to the health,  
16 safety or welfare of the child. If a department child welfare services employee does not accompany  
17 a child transported to an alternate out-of-state placement, as provided in this paragraph, the child  
18 welfare services employee must immediately travel to meet the child at the new out-of-state facility.

19 (6)(a) As used in this subsection, "juvenile offender" means a person under 18 years of age who  
20 has or is alleged to have committed an act that is a violation, or, if done by an adult, would con-  
21 stitute a violation, of a law or ordinance of the United States or a county or city in this state.

22 (b) Except as provided in paragraph (c) of this subsection, the department may not place a child  
23 in an out-of-state child-caring agency if the child-caring agency provides care to juvenile offenders.

24 (c) The department may place a child in an out-of-state child-caring agency that provides care  
25 to juvenile offenders if:

26 (A) The child-caring agency is a qualified residential treatment program licensed by the de-  
27 partment;

28 (B) The child-caring agency maintains site-specific accreditation from a nationally recognized  
29 organization;

30 (C) The child being placed is a juvenile offender; and

31 (D) Prior to the hearing to approve the placement, the court and all parties to the dependency  
32 case have been informed of the nature of the services offered by the program and of the population  
33 served by the program, and the court, having considered the nature of the services and composition  
34 of the facility population and the report of the qualified individual, has found that placement in the  
35 facility is the least restrictive setting available to appropriately meet the child's treatment needs.

36 **SECTION 5.** ORS 418.532 is amended to read:

37 418.532. (1) Each child in care receiving services from a child-caring agency must be provided  
38 with information that:

39 (a) Explains the provisions of ORS 418.519 to 418.532;

40 (b) Provides instruction regarding how a child in care may report suspected inappropriate use  
41 of restraint or involuntary seclusion;

42 (c) Assures the child in care that the child will not experience retaliation for reporting sus-  
43 pected inappropriate uses of restraint or involuntary seclusion; and

44 (d) Includes the telephone number for the toll-free child abuse hotline described in ORS  
45 417.805, **information regarding the centralized child abuse reporting system described in sec-**

1 **tion 1 of this 2023 Act** and the telephone numbers and electronic mail addresses for the program’s  
 2 licensing or certification agency, the child in care’s caseworker and attorney, the child in care’s  
 3 court appointed special advocate and Disability Rights Oregon.

4 (2) The information described in subsection (1) of this section must be provided by:

5 (a) The Department of Human Services if the department placed the child in care in the child-  
 6 caring agency;

7 (b) The Oregon Youth Authority if the child in care has been committed to the custody of the  
 8 authority; or

9 (c) The child-caring agency, as required by the department by rule, for all other children in care.

10 **SECTION 6.** ORS 419B.017 is amended to read:

11 419B.017. (1) The Department of Human Services shall adopt rules establishing:

12 (a) The time within which the notification required by ORS 419B.015 (1)(b) must be made. At a  
 13 minimum, the rules shall:

14 (A) Establish which reports of child abuse require notification within 24 hours after receipt;

15 (B) Provide that all other reports of child abuse require notification within 10 days after receipt;  
 16 and

17 (C) Establish criteria that enable the department[, *the designee of the department*] or a law  
 18 enforcement agency to quickly and easily identify reports that require notification within 24 hours  
 19 after receipt.

20 (b) How the notification is to be made.

21 (2) The department shall appoint an advisory committee to advise the department in adopting  
 22 rules required by this section. The department shall include as members of the advisory committee  
 23 representatives of law enforcement agencies and multidisciplinary teams formed pursuant to ORS  
 24 418.747 and other interested parties.

25 (3) The department may recommend practices and procedures to local law enforcement agencies  
 26 to meet the requirements of rules adopted under this section.

27 **SECTION 7.** ORS 419B.020 is amended to read:

28 419B.020. (1) If the Department of Human Services or a law enforcement agency receives a re-  
 29 port of child abuse, the department or the agency shall immediately:

30 (a) Cause an investigation to be made to determine the nature and cause of the abuse of the  
 31 child; and

32 (b) Make the following notifications:

33 (A) To the Office of Child Care if the alleged child abuse occurred in a child care facility as  
 34 defined in ORS 329A.250; or

35 (B) To the Department of Education if the alleged child abuse occurred in a school or was re-  
 36 lated to a school-sponsored activity.

37 (2) The Department of Human Services shall ensure that an investigation required by subsection  
 38 (1) of this section is completed if the report is not investigated by a law enforcement agency.

39 (3) If the abuse reported in subsection (1) of this section is alleged to have occurred at a child  
 40 care facility or in a school or was related to a school-sponsored activity:

41 (a) The Department of Human Services and the law enforcement agency shall jointly determine  
 42 the roles and responsibilities of the department and the agency in their respective investigations;  
 43 and

44 (b) The department and the agency shall each report the outcomes of their investigations:

45 (A) To the Office of Child Care if the alleged child abuse occurred in a child care facility as

1 defined in ORS 329A.250; or

2 (B) To the Department of Education if the alleged child abuse occurred in a school or was re-  
3 lated to a school-sponsored activity.

4 (4) If the law enforcement agency conducting the investigation finds reasonable cause to believe  
5 that abuse has occurred, the law enforcement agency shall notify *[by oral report followed by written*  
6 *report the local office of the department]* **the Department of Human Services by making an oral**  
7 **report followed by a written report to the centralized child abuse reporting system described**  
8 **in section 1 of this 2023 Act.** The department *[of Human Services]* shall provide protective social  
9 services of its own or of other available social agencies if necessary to prevent further abuses to  
10 the child or to safeguard the child's welfare.

11 (5) If a child is taken into protective custody by the department, the department shall promptly  
12 make reasonable efforts to ascertain the name and address of the child's parents or guardian.

13 (6)(a) If a child is taken into protective custody by the department or a law enforcement official,  
14 the department or law enforcement official shall, if possible, make reasonable efforts to advise the  
15 parents or guardian immediately, regardless of the time of day, that the child has been taken into  
16 custody, the reasons the child has been taken into custody and general information about the child's  
17 placement, and the telephone number of the local office of the department and any after-hours tele-  
18 phone numbers.

19 (b) Notice may be given by any means reasonably certain of notifying the parents or guardian,  
20 including but not limited to written, telephonic or in-person oral notification. If the initial notifica-  
21 tion is not in writing, the information required by paragraph (a) of this subsection also shall be  
22 provided to the parents or guardian in writing as soon as possible.

23 (c) The department also shall make a reasonable effort to notify the noncustodial parent of the  
24 information required by paragraph (a) of this subsection in a timely manner.

25 (d) If a child is taken into custody while under the care and supervision of a person or organ-  
26 ization other than the parent, the department, if possible, shall immediately notify the person or  
27 organization that the child has been taken into protective custody.

28 (7) If a law enforcement officer or the department, when taking a child into protective custody,  
29 has reasonable cause to believe that the child has been affected by sexual abuse and rape of a child  
30 as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely to  
31 disappear, the court may authorize a physical examination for the purposes of preserving evidence  
32 if the court finds that it is in the best interest of the child to have such an examination. Nothing  
33 in this section affects the authority of the department to consent to physical examinations of the  
34 child at other times.

35 (8) A minor child of 12 years of age or older may refuse to consent to the examination described  
36 in subsection (7) of this section. The examination shall be conducted by or under the supervision  
37 of a physician licensed under ORS chapter 677, a physician assistant licensed under ORS 677.505 to  
38 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, trained  
39 in conducting such examinations.

40 (9) When the department completes an investigation under this section, if the person who made  
41 the report of child abuse provided contact information to the department, the department shall no-  
42 tify the person about whether contact with the child was made, whether the department determined  
43 that child abuse occurred and whether services will be provided. The department is not required to  
44 disclose information under this subsection if the department determines that disclosure is not per-  
45 mitted under ORS 419B.035.

1 (10) When the Department of Education receives a notification under subsection (1) of this sec-  
 2 tion or a report on the outcomes of an investigation under subsection (3) of this section, the de-  
 3 partment shall act under, and is subject to, ORS 339.389.

4 **SECTION 8.** ORS 339.372 is amended to read:

5 339.372. Each school board shall adopt policies on the reporting of suspected abuse and sus-  
 6 pected sexual conduct by school employees, contractors, agents and volunteers and the reporting  
 7 of suspected abuse by students. The policies shall:

8 (1) Specify that abuse and sexual conduct by school employees, contractors, agents and volun-  
 9 teers and abuse by students are not tolerated.

10 (2) Specify that all school employees, contractors, agents, volunteers and students are subject  
 11 to the policies.

12 (3) Require all school employees who have reasonable cause to believe that another school em-  
 13 ployee or a contractor, an agent or a volunteer has engaged in abuse or sexual conduct or that a  
 14 student has engaged in abuse to report:

15 (a) To the licensed administrator designated as provided by subsection (4) of this section all in-  
 16 cidents of suspected abuse or suspected sexual conduct; and

17 (b) To a law enforcement agency[,] **or** the Department of Human Services [*or a designee of the*  
 18 *department*] as required by ORS 419B.010 and 419B.015 all incidents of suspected abuse, in addition  
 19 to any report made as required under paragraph (a) of this subsection.

20 (4) Designate a licensed administrator, and an alternate licensed administrator in the event the  
 21 designated licensed administrator is the suspected abuser, to:

22 (a) Receive reports of suspected abuse or suspected sexual conduct by school employees, con-  
 23 tractors, agents or volunteers or suspected abuse by students and specify the procedures to be fol-  
 24 lowed by the licensed administrator upon receipt of a report; and

25 (b) In the manner required by ORS 339.388 (2), inform the Teacher Standards and Practices  
 26 Commission or the Department of Education of reports of suspected sexual conduct received under  
 27 paragraph (a) of this subsection.

28 (5) Specify the procedures to be followed after a report of suspected abuse or suspected sexual  
 29 conduct is received, including notification that:

30 (a) All suspected abuse or suspected sexual conduct by school employees, contractors, agents  
 31 or volunteers will be reported to a law enforcement agency or to a state agency, as appropriate, for  
 32 investigation;

33 (b) A law enforcement agency or a state agency will complete an investigation regardless of any  
 34 changes in the relationship or duties of the person about whom the report was made; and

35 (c) An education provider will take necessary actions as provided by ORS 339.388 to ensure the  
 36 student's safety after a report is received, including placing a school employee on paid administra-  
 37 tive leave pending an investigation or prohibiting a contractor, an agent or a volunteer from pro-  
 38 viding services to the education provider.

39 (6) Require the posting in each school building of:

40 (a) The name and contact information for the licensed administrator and alternate licensed ad-  
 41 ministrator designated for the school building to receive reports of suspected abuse or suspected  
 42 sexual conduct by school employees, contractors, agents and volunteers or suspected abuse by stu-  
 43 dents and the procedures the licensed administrator will follow upon receipt of a report; and

44 (b) The contact information for making a report of suspected abuse to a law enforcement  
 45 agency[,] **or** the Department of Human Services [*or a designee of the department*] as required by ORS

1 419B.010 and 419B.015 and a statement that the duty to report abuse is in addition to any require-  
2 ment to make a report to a licensed administrator.

3 (7) Specify that the initiation of a report in good faith about suspected abuse or suspected sexual  
4 conduct may not adversely affect any terms or conditions of employment or the work environment  
5 of the person who initiated the report or who may have been subjected to abuse or sexual conduct.

6 (8) Specify that the education provider or any school employee, contractor, agent or volunteer  
7 will not discipline a student for the initiation of a report in good faith about suspected abuse or  
8 suspected sexual conduct by a school employee, a contractor, an agent or a volunteer or suspected  
9 abuse by a student.

10 (9) Require notification, as allowed by state and federal law, by the education provider to the  
11 person who was subjected to the suspected abuse or suspected sexual conduct about any actions  
12 taken by the education provider based on the report.

13 (10) Require the education provider to furnish to a school employee at the time of hire, or to a  
14 contractor, an agent or a volunteer at the time of beginning service for the education provider, the  
15 following:

16 (a) A description of conduct that may constitute abuse or sexual conduct;

17 (b) A description of the investigatory process and possible consequences if a report of suspected  
18 abuse or suspected sexual conduct is substantiated; and

19 (c) A description of the prohibitions imposed on school employees, contractors and agents when  
20 another school employee, contractor or agent attempts to obtain a new job, as provided by ORS  
21 339.378 (2).

22 (11) Specify and make available to students, school employees, contractors, agents and volun-  
23 teers a policy of appropriate electronic communications with students.

24 **SECTION 9.** ORS 339.388 is amended to read:

25 339.388. (1)(a) A school employee shall immediately submit a report as provided by paragraph (b)  
26 of this subsection if the school employee has reasonable cause to believe that:

27 (A) A student has been subjected to abuse by another school employee or by a contractor, an  
28 agent, a volunteer or a student;

29 (B) A student has been subjected to sexual conduct by another school employee or by a con-  
30 tractor, an agent or a volunteer; or

31 (C) Another school employee or a contractor, an agent or a volunteer has engaged in sexual  
32 conduct.

33 (b) The report required under paragraph (a) of this subsection shall be made to:

34 (A) The licensed administrator designated in the policies adopted under ORS 339.372, for all  
35 reports of suspected abuse or suspected sexual conduct; and

36 (B) A law enforcement agency[,] **or** the Department of Human Services [*or a designee of the de-*  
37 *partment*] as required by ORS 419B.010 and 419B.015, for all reports of suspected abuse.

38 (2) The licensed administrator who receives a report under subsection (1) of this section shall  
39 follow the procedures required by the policies adopted by the school board under ORS 339.372, in-  
40 cluding:

41 (a) Notifying the Teacher Standards and Practices Commission as soon as possible of any reports  
42 of suspected sexual conduct that may have been committed by a person who is a commission  
43 licensee; and

44 (b) Notifying the Department of Education as soon as possible of any reports of suspected sexual  
45 conduct that may have been committed by a person who is not a commission licensee.

1 (3)(a) When a licensed administrator receives a report of suspected abuse or suspected sexual  
 2 conduct by a school employee and there is reasonable cause to support the report, the education  
 3 provider shall:

4 (A) Place the school employee on paid administrative leave; and

5 (B) Take necessary actions to ensure the student's safety.

6 (b) A school employee who is placed on paid administrative leave under paragraph (a) of this  
 7 subsection shall remain on administrative leave until:

8 (A) For a report of suspected abuse, a law enforcement agency or the Department of Human  
 9 Services determines that the report:

10 (i) Is substantiated and the education provider takes the appropriate employment action against  
 11 the school employee; or

12 (ii) Cannot be substantiated or is not a report of abuse and the education provider:

13 (I) Determines that an employment policy has been violated and takes appropriate employment  
 14 action against the school employee; or

15 (II) Determines that an employment policy has not been violated and employment action against  
 16 the school employee is not required.

17 (B) For a report of suspected sexual conduct, the Teacher Standards and Practices Commission  
 18 or the Department of Education determines that the report:

19 (i) Is substantiated and the education provider takes the appropriate employment action against  
 20 the school employee; or

21 (ii) Cannot be substantiated or is not a report of sexual conduct and the education provider:

22 (I) Determines that an employment policy has been violated and takes appropriate employment  
 23 action against the school employee; or

24 (II) Determines that an employment policy has not been violated and that employment action  
 25 against the school employee is not required.

26 (c) When a school employee is placed on paid administrative leave under paragraph (a) of this  
 27 subsection, the education provider may not require the school employee to use any accrued leave  
 28 during the paid administrative leave.

29 (4)(a) Except as provided in paragraph (c) of this subsection, when a licensed administrator re-  
 30 ceives a report of suspected abuse or suspected sexual conduct by a contractor, an agent or a vol-  
 31 unteer, the education provider:

32 (A) May immediately prohibit the contractor, agent or volunteer from providing services to the  
 33 education provider.

34 (B) Shall prohibit the contractor, agent or volunteer from providing services to the education  
 35 provider if the education provider determines that there is reasonable cause to support a report of  
 36 abuse or sexual conduct.

37 (b) Except as provided in paragraph (c) of this subsection, an education provider is not required  
 38 to reinstate a contractor, an agent or a volunteer. Any reinstatement of a contractor, an agent or  
 39 a volunteer that does occur may not occur until:

40 (A) For a report of suspected abuse, a law enforcement agency or the Department of Human  
 41 Services determines that the report:

42 (i) Is substantiated and the education provider takes the appropriate actions to protect students;  
 43 or

44 (ii) Cannot be substantiated or is not a report of abuse and the education provider:

45 (I) Takes the appropriate actions to protect students; or

- 1 (II) Determines that no other actions are required to protect students.
- 2 (B) For a report of suspected sexual conduct, the Teacher Standards and Practices Commission  
3 or the Department of Education determines that the report:
- 4 (i) Is substantiated and the education provider takes the appropriate actions to protect students;  
5 or
- 6 (ii) Cannot be substantiated or is not a report of sexual conduct and the education provider:
- 7 (I) Takes the appropriate actions to protect students; or
- 8 (II) Determines that no other actions are required to protect students.
- 9 (c) If a contract under which a contractor provides services to an education provider or an  
10 agreement under which an agent provides services to an education provider sets forth any negoti-  
11 ated standards for the relationship between the contractor or agent and the education provider, the  
12 education provider shall comply with those standards but may not in any instance grant the con-  
13 tractor or agent more rights than granted to a school employee under subsection (3) of this section.
- 14 (d) Nothing in this subsection:
- 15 (A) Establishes an employment relationship between an education provider and a contractor or  
16 an agent; or
- 17 (B) Confers onto a contractor or an agent any rights of employment.
- 18 (5)(a) When a report of suspected abuse or suspected sexual conduct is investigated by a law  
19 enforcement agency, the Department of Human Services, the Teacher Standards and Practices  
20 Commission or the Department of Education, an education provider may use the findings of the en-  
21 tity that conducted the investigation for the purpose of subsection (3) or (4) of this section and for  
22 making any determinations described in subsection (6) of this section.
- 23 (b) Nothing in this subsection prohibits an education provider from:
- 24 (A) Conducting an investigation related to a report of suspected abuse or suspected sexual  
25 conduct, except that the education provider must:
- 26 (i) If requested, allow the investigation to be led by an entity identified in paragraph (a) of this  
27 subsection, as applicable;
- 28 (ii) Follow any protocols and procedures of entities identified in paragraph (a) of this subsection  
29 that are involved in the investigation; and
- 30 (iii) Cooperate with the entities identified in paragraph (a) of this subsection that are involved  
31 in the investigation, including by:
- 32 (I) Suspending any investigations of the education provider at the request of the entity; and
- 33 (II) Sharing information with the entity as provided by subsection (10) of this section.
- 34 (B) Taking an employment action, based on information available to the education provider, be-  
35 fore an investigation conducted by an entity identified in paragraph (a) of this subsection is com-  
36 pleted.
- 37 (6)(a) For each report of suspected abuse or suspected sexual conduct by a school employee, an  
38 education provider must determine if:
- 39 (A) An employment policy of the education provider was violated; and
- 40 (B) The education provider will take any employment actions, including disciplinary action  
41 against the school employee or changes to the employment relationship or duties of the school em-  
42 ployee.
- 43 (b) Determinations made under paragraph (a) of this subsection must be based on the findings  
44 of an investigation conducted by:
- 45 (A) A law enforcement agency, the Department of Human Services, the Teacher Standards and

1 Practices Commission or the Department of Education; or

2 (B) The education provider, if the education provider conducts an investigation.

3 (c) A final determination by a law enforcement agency, the Department of Human Services, the  
 4 Teacher Standards and Practices Commission or the Department of Education that a report of sus-  
 5 pected abuse or suspected sexual conduct cannot be substantiated or is not a report of abuse or  
 6 sexual conduct does not:

7 (A) Relieve an education provider of the requirement to make determinations under paragraph  
 8 (a) of this subsection; or

9 (B) Prohibit an education provider from taking any employment actions against a school em-  
 10 ployee.

11 (d) Except as provided by paragraph (e) of this subsection, determinations made under paragraph  
 12 (a) of this subsection must be made:

13 (A) Within 60 calendar days from the date the education provider received from a law enforce-  
 14 ment agency, the Department of Human Services, the Teacher Standards and Practices Commission  
 15 or the Department of Education a final determination that a report of suspected abuse or suspected  
 16 sexual conduct involving a school employee is a substantiated report; or

17 (B) Within 90 calendar days from the date the education provider:

18 (i) Received from a law enforcement agency, the Department of Human Services, the Teacher  
 19 Standards and Practices Commission or the Department of Education a final determination that a  
 20 report of suspected abuse or suspected sexual conduct involving a school employee cannot be sub-  
 21 stantiated or is not a report of abuse or sexual conduct; or

22 (ii) Received a report of suspected abuse or suspected sexual conduct if the education provider  
 23 conducts an investigation.

24 (e) The timelines prescribed by paragraph (d) of this subsection may be extended if, for good  
 25 cause, a longer period of time is necessary. For an education provider that conducts an investi-  
 26 gation, good cause may include suspending an investigation as required by subsection (5)(b) of this  
 27 section.

28 (7) If, in the course of an investigation by an education provider, the education provider becomes  
 29 aware of new information that gives rise to a reasonable cause to believe that abuse or sexual  
 30 conduct occurred, the education provider shall ensure that a report is made to a law enforcement  
 31 agency[,] or the Department of Human Services[, a designee of the department] as required by ORS  
 32 419B.010 and 419B.015, the Teacher Standards and Practices Commission or the Department of Ed-  
 33 ucation.

34 (8) If, following an investigation, an education provider determines that the education provider  
 35 will take an employment action, the education provider shall:

36 (a) Inform the school employee of the employment action that will be taken by the education  
 37 provider.

38 (b) Provide the school employee with information about the appropriate appeal process for the  
 39 employment action taken by the education provider. The appeal process may be the process provided  
 40 by a collective bargaining agreement or a process administered by a neutral third party and paid  
 41 for by the education provider.

42 (c) Following notice of a school employee's decision not to appeal the employment action of an  
 43 education provider or following the determination of an appeal that sustained the employment action  
 44 taken by the education provider, create a record of the findings of the substantiated report and the  
 45 employment action taken by the education provider and place the record in any documents main-

1 tained by the education provider on the school employee. Records created pursuant to this para-  
 2 graph are confidential and are not public records as defined in ORS 192.311. An education provider  
 3 may use the record as a basis for providing the information required to be disclosed about a school  
 4 employee under ORS 339.378 (1).

5 (d) Inform the school employee that information about substantiated reports may be disclosed  
 6 to a potential employer as provided by ORS 339.378 (1).

7 (9)(a) Notwithstanding the requirements of this section, an education provider that is a private  
 8 school:

9 (A) May take an employment action in relation to a school employee, a contractor, an agent or  
 10 a volunteer according to:

11 (i) The provisions of this section; or

12 (ii) The standards and policies of the private school if the standards and policies provide the  
 13 same or greater safeguards for the protection of students compared to the safeguards described in  
 14 this section.

15 (B) May follow the procedures described in subsection (8) of this section or may follow any ap-  
 16 peals process established by the private school related to suspected abuse or suspected sexual con-  
 17 duct.

18 (b) A private school that chooses to take an employment action or other action in relation to  
 19 a school employee, a contractor, an agent or a volunteer according to the standards and policies  
 20 of the private school must provide the information required to be disclosed under ORS 339.378 (1).

21 (10) Upon request from a law enforcement agency, the Department of Human Services, the  
 22 Teacher Standards and Practices Commission or the Department of Education, in conducting an in-  
 23 vestigation related to suspected abuse or suspected sexual conduct, an education provider shall im-  
 24 mediately provide any requested documents or materials, to the extent allowed by state and federal  
 25 law, including laws protecting a person from self-incrimination.

26 **SECTION 10. The amendments to ORS 339.372, 339.388, 418.258, 418.321, 418.532, 419B.015,**  
 27 **419B.017 and 419B.020 by sections 2 to 9 of this 2023 Act apply to reports of child abuse made**  
 28 **on or after the effective date of this 2023 Act.**

29