

HB 3563 -2 STAFF MEASURE SUMMARY

House Committee On Education

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Meeting Dates: 3/31, 4/7

WHAT THE MEASURE DOES:

The measure requires the Oregon Department of Education to study the adequacy of the statutory requirements related to reports of abuse and sexual conduct in public schools.

Fiscal impact: May have fiscal impact, but no statement yet issued.

Revenue impact: May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment replaces the measure. It defines boundary violations, requires school boards to adopt policies on reporting suspected boundary violations, enacts requirements for school districts investigating reports of boundary violations, imposes school and applicant disclosure requirements relating to boundary violations, enacts school and employee reporting requirements related to boundary violations, imposes employee and student training requirements relating to boundary violations, and makes public charter schools subject to statutory provisions relating to boundary violations..

Detailed Summary

Section 1

- Defines boundary violation as demonstration or expression of a professionally inappropriate interest in student's life; accepting, giving, or exchanging of professionally inappropriate gifts; exchange of professionally inappropriate communications; or failure to maintain professionally appropriate boundaries with a student in conduct or conversations.
- Adds boundary violation to the definition of investigation and the definition of substantiated report.

Section 2

- Requires school boards to adopt policies on reporting suspected boundary violations and requires suspected boundary violations to be investigated like suspected abuse and suspected sexual conduct allegations.
- Requires education providers to investigate all suspected boundary violation reports by school employees, contractors, agents, or volunteers.
- Requires the education provider to notify the Oregon Department of Education (ODE) or the Teacher Standards and Practices Commission (TSPC).

Section 3

- Includes reports of boundary violations into existing education provider hiring law for sexual conduct or abuse.
- Modifies the written statement a candidate must provide to include boundary and suspected boundary violations.
- Requires education providers to inquire with the three most recent education employers about whether the applicant was the subject of any substantiated report of a boundary violation.
- Requires the education provider to request from TSPC or ODE any substantiated reports.

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- For contractors, agents, or volunteers, requires the education service provider to verify if an applicant has received notice of a substantiated report of a boundary violation.

Section 4

- Allows an education provider to disclose information on standard form related to a substantial boundary violation.
- Prevents school employees, contractors, or agents, who know or have reasonable cause to believe an individual engaged in a boundary violation from helping that individual gain a new job.
- Provides an exception for individuals who know or have reasonable cause to believe that the suspected boundary violation was reported.

Section 5

- Requires a school employee to immediately report if a student has been subjected to or engaged in a boundary violation by other school employees, contractors, agents, or volunteers to the designated licensed administrator.
- Requires the education provider's report for suspected boundary violation to be either substantiated or unsubstantiated, to specify whether there have been employment policy violations, and what employment actions were taken.
- Allows law enforcement, the Department of Human Services, TSPC, or ODE to initiate an initiate a suspected boundary violation investigation if new information provides a reasonable cause to believe that the violation occurred.
- Allows private schools to follow the procedures for a suspected boundary violation.

Section 6

- Prevents an education provider from entering into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other similar contract or agreement that impairs, terminates, or suppresses an ongoing investigation of suspected boundary violation; suppresses information related to a substantiated report of boundary violation; or affects the duties of an education provider to report suspected boundary violations.
- Does not prevent the education provider from entering into a collective bargaining agreement that includes standards for an investigation and an appeals process.

Section 7

- Requires education providers to provide training to school employees, and information for contractors, agents, and volunteers each school year on preventing and identifying boundary violation and obligations related to boundary violations.
- Requires the education provider to provide training to students designed to prevent boundary violations.

Section 8

- Applies boundary violations requirements to public charter schools.

Section 9

- The measure declares an emergency and takes effect on July 1, 2025.

BACKGROUND:

According to the [Oregon Department of Education \(ODE\)](#), Oregon has 1,200 public kindergarten through grade 12 schools, 197 school districts, and 19 education service districts employing over 63,000 teachers, administrators and other school staff. 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. In 2018, [Portland Public Schools \(PPS\) released a report](#)

detailing how several former teachers stayed employed despite multiple reports of sexual conduct.

In 2019, [Senate Bill 155](#) aligned Oregon Law with federal law, imposed deadlines for investigating allegations of sexual conduct, and prohibited school personnel from assisting personnel accused of abuse or sexual conduct in obtaining another job unless the proper reporting and investigation was completed.

PRELIMINARY