



Complaints and Appeals

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Types of ODE Complaints and Appeals

Complaint and Appeals Resolution (CARE) Unit

- Division 22 Standards
- Discrimination
- Restraint and Seclusion
- Retaliation
- Religious Activity

Other ODE Units

- Special Education (IDEA)
- Child Nutrition
- Sexual Conduct
- Abbreviated School Day Programs

Current CARE Unit Caseload

- Discrimination cases: 48
 - On the basis of sex, sexual orientation, or gender identity: 23
 - On the basis of race, ethnicity, or national origin: 21
 - On the basis of disability: 20
 - On the basis of other protected class: 3
- Division 22 cases: 3
- Other cases: 4

**Data compiled on January 14, 2025*

Senate Bill 867, Section 1

Current ODE Enforcement Authority for All Types of CARE Cases

- Adoption or Revision of a Policy
- ODE Approved Training
- Providing Notice of Rights
- Public Engagement
- ODE Technical Assistance

Proposed Additional ODE Enforcement Authority for Discrimination Cases Only

- Directly providing students with missed educational or extracurricular activities or services
- Reimbursing students for reasonable costs incurred in obtaining missed educational or extracurricular activities or services



Reports & Investigations of Sexual Conduct

Maya Heim – RISC Unit Manager

Senate Bill 155 (2019) Background

- **Reporting:** Requires that education providers report to ODE suspected sexual conduct involving a student and a non-licensed school employee, contractor, agent or volunteer
- **Investigation:** Requires that ODE investigate reports of suspected sexual conduct involving a student and a non-licensed school employee, contractor, agent or volunteer
- **Verification:** Requires that education providers verify with ODE whether non-licensed individuals have open investigations or substantiated reports of sexual conduct prior to hiring or accepting services from the individual
- Effective as of July 1, 2020

Senate Bill 867, Section 2:Prekindergarten

Issue: Lack of clarity about the applicability of sexual conduct provisions to education providers who only serve prekindergarten students

Example: Does an “education provider” include a childcare center that provides educational activities for 3- to 4-year-olds?

Proposal: Modification to the definition of “education provider” under ORS 339.370

Excludes education providers that only serve pre-kindergarten students, unless the provider is under the direct control of an education provider that serves students in any grade from kindergarten to grade 12

Senate Bill 867, Section 3: Seasonal Services

Issue: ODE does not have authority to substantiate reports involving a seasonal contractor, agent or volunteer who engages in sexual conduct with a student outside of their service dates

Example: If a seasonal swim coach with annual service dates from November to February engages in sexual conduct with a student in July, ODE cannot substantiate

Proposal: Modification to the procedures under ORS 339.391(1)(a) to provide ODE with authority to substantiate reports of sexual conduct occurring within 2 years of the subject's contract or service dates

Services: Aug. 2025 to Jun. 2026
Sexual conduct w/student: Dec. 2027
✓ **Within ODE's authority**

Services: Aug. 2025 to Jun. 2026
Sexual conduct w/student: Jul. 2028
✗ **Outside of ODE's authority**

Senate Bill 867, Section 3: Determination

Issue: Statutory language requires that ODE provide its confidential determination to the individual who submitted the report, regardless of the individual's role with the student, subject or education provider

Example: If the former spouse of a school employee reports the employee for sexual conduct, ODE is required to provide the confidential determination the former spouse

Proposal: Modification to procedures under ORS 339.339(3) to require that ODE only inform an individual reporter of the investigation outcome, rather than provide the reporter with the confidential determination

Senate Bill 867, Section 4: Law Enforcement

Issue: ODE's requests for law enforcement record requests are routinely denied because statutory language does not expressly identify ODE as an agency with which law enforcement is required to share investigation reports

Proposal: Modification to procedures under ORS 339.339(5) to expressly identify ODE as an agency that law enforcement must provide investigation records to for purposes of sexual conduct investigations