

SB 867 A STAFF MEASURE SUMMARY

House Committee On Education

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Meeting Dates: 4/16, 4/30

WHAT THE MEASURE DOES:

The measure allows the State Board of Education to implement a broader set of penalties when a public school or education program does not comply with antidiscrimination laws. The measure also allows the Oregon Department of Education (ODE) to investigate and determine whether allegations of sexual conduct are supported by evidence, and requires ODE to inform the reporting individual.

Fiscal Impact: Has minimal fiscal impact.

Revenue Impact: No revenue impact.

SENATE VOTE: Ayes 28, Nays 2

Detailed Summary

Sanction When Discrimination in Education is Found

Section 1

Allows the State Board of Education to impose a broader set of sanctions including requiring schools or programs to adopt or revise policies, undergo training, disseminate information or receive technical assistance. Allows the State Board of Education to provide a student access to the educational services or difference in the aid, benefit or service if the discriminatory conduct results in a student missing educational or extracurricular activities. Allows the State Board of Education to order schools or programs to reimburse the student or their family for reasonable costs incurred in obtaining a comparable educational or extracurricular activity.

ODE Authority Related to Investigation of Abuse and Sexual Conduct

Section 2

Excludes education providers that only serve children who have not yet entered kindergarten unless the provider is under the direct control of an education provider for students in kindergarten through grade 12.

Section 3

Allows the Oregon Department of Education (ODE) to investigate and make a final determination on allegations of sexual conduct alleged against anyone who served as a school employee, a contractor, an agent, or a volunteer within the previous two years. Revises the procedures following the completion of an investigation, requiring ODE to provide less information to the person who reported the allegation and any relevant regulatory boards.

Requires ODE to only inform the reporting individual about whether the report was substantiated, not substantiated, or is not a report of sexual conduct, and that if the report is substantiated, then ODE must inform the relevant regulatory boards.

Section 4

Requires law enforcement agencies to make reports and records in specific cases of child abuse or neglect available to the Department of Education upon request. Allows law enforcement agencies to make their records and reports available to the Department of Education for sexual conduct investigations.

Section 5

States that units used will not become part of Oregon Law.

ISSUES DISCUSSED:

- Oregon Department of Education case backlog
- Information about the Oregon Department of Education's complaint process
- Availability of the information on ODE's website

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Sanctions When Discrimination in Education is Found

Currently, if an elementary, secondary or educational program is found non-compliant with discriminations laws, the Superintendent of Public Instruction can only impose financial sanctions by withholding all or part of the state funding.

ODE Authority Related to Investigations of Abuse and Sexual Conduct

In 2019, Senate Bill 155 required the Oregon Department of Education to investigate reports of suspected sexual conduct involving students and an individual who is a school employee, contractor, agent or volunteer that is not licensed with the Teacher Standards and Practices Commission. At the time, Oregon law was not in alignment with federal law, Every Student Succeeds Act, which prohibits school districts, the ODE, school employees, contractors, or agents from assisting individuals investigated for sexual misconduct from obtaining new jobs unless certain reporting requirements are met.