

HB 3563-2  
(LC 4495)  
3/18/25 (HRS/ps)

Requested by Representative MANNIX

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3563**

1 In line 2 of the printed bill, after “youth” insert “; amending ORS 338.115,  
2 339.370, 339.372, 339.374, 339.378, 339.388, 339.392 and 339.400; and declaring  
3 an emergency”.

4 Delete lines 4 through 9 and insert:

5 **“SECTION 1.** ORS 339.370, as amended by section 1, chapter 45, Oregon  
6 Laws 2024, is amended to read:

7 “339.370. As used in ORS 339.370 to 339.400:

8 “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.

9 “(2) ‘Agent’ means a person acting as an agent for an education provider  
10 in a manner that requires the person to have direct, unsupervised contact  
11 with students.

12 **“(3) ‘Boundary violation’ includes any of the following:**

13 **“(a) The demonstration or expression of a professionally inappro-**  
14 **priate interest in a student’s personal life;**

15 **“(b) The accepting, giving or exchanging of professionally inappro-**  
16 **priate gifts with a student;**

17 **“(c) The exchange of professionally inappropriate communications**  
18 **with a student; or**

19 **“(d) The failure to maintain professionally appropriate boundaries**  
20 **with a student in conduct or conversations.**

21 “[3)] (4) ‘Commission licensee’ has the meaning given that term in ORS

1 342.120.

2 “[4] (5) ‘Contractor’ means a person providing services to an education  
3 provider under a contract in a manner that requires the person to have di-  
4 rect, unsupervised contact with students.

5 “[5)(a)] (6)(a) ‘Education provider’ means:

6 “(A) A school district, as defined in ORS 332.002.

7 “(B) The Oregon School for the Deaf.

8 “(C) An educational program under the Youth Corrections Education  
9 Program.

10 “(D) A public charter school, as defined in ORS 338.005.

11 “(E) An education service district, as defined in ORS 334.003.

12 “(F) An approved recovery school, as defined in ORS 336.680.

13 “(G) Any state-operated program that provides educational services to  
14 students.

15 “(H) A private school.

16 “(b) ‘Education provider’ does not include:

17 “(A) The Oregon Youth Authority;

18 “(B) The Department of Corrections; or

19 “(C) The Department of Education, except when functioning as an edu-  
20 cation provider on behalf of the Oregon School for the Deaf.

21 “[6)] (7) ‘Investigation’ means a detailed inquiry into the factual  
22 allegations of a report of suspected abuse, [or] suspected sexual conduct **or**  
23 **a suspected boundary violation** that:

24 “(a) Is based on interviews with:

25 “(A) The person who initiated the report[.];

26 “(B) The person who may have been subjected to abuse, [or] sexual  
27 conduct[,] **or a boundary violation;**

28 “(C) **Any witnesses of the abuse, sexual conduct or boundary vio-**  
29 **lation;** and

30 “(D) The person who is the subject of the report; and

1 “(b) Results in a finding that the report:

2 “(A) Is a substantiated report;

3 “(B) Cannot be substantiated; or

4 “(C) Is not a report of abuse, [or] sexual conduct **or a boundary vio-**  
5 **lation.**

6 “[7] (8) ‘Law enforcement agency’ has the meaning given that term in  
7 ORS 419B.005.

8 “[8] (9) ‘Licensed administrator’ means a person who is employed as an  
9 administrator of an education provider and who:

10 “(a) Holds an administrative license issued by the Teacher Standards and  
11 Practices Commission under ORS 342.125 (3)(f) or (g); or

12 “(b) Does not hold an administrative license issued by the commission  
13 because the person is employed by an education provider that does not re-  
14 quire administrators to be licensed by the commission.

15 “[9] (10) ‘Private school’ means a school that provides to students in-  
16 structional programs that are not limited solely to dancing, drama, music,  
17 religious or athletic instruction.

18 “[10] (11) ‘School board’ means the entity charged with adopting policies  
19 for an education provider.

20 “[11] (12) ‘School employee’ means an employee of an education provider.

21 “[12)(a)] (13)(a) ‘Sexual conduct’ means verbal or physical conduct or  
22 verbal, written or electronic communications by a school employee, a con-  
23 tractor, an agent or a volunteer that involve a student and that are:

24 “(A) Sexual advances or requests for sexual favors directed toward the  
25 student; or

26 “(B) Of a sexual nature that are directed toward the student or that have  
27 the effect of unreasonably interfering with the student’s educational per-  
28 formance, or of creating an intimidating or hostile educational environment.

29 “(b) ‘Sexual conduct’ does not include:

30 “(A) Touching or other physical contact:

1 “(i) That is necessitated by the nature of the school employee’s job duties  
2 or by the services required to be provided by the contractor, agent or vol-  
3 unteer; and

4 “(ii) For which there is no sexual intent.

5 “(B) Verbal, written or electronic communications that are provided as  
6 part of an education program that meets state educational standards or a  
7 policy approved by the school board.

8 “(C) Conduct or communications described in paragraph (a) of this sub-  
9 section if the school employee, contractor, agent or volunteer is also a stu-  
10 dent and the conduct or communications:

11 “(i) Arise out of a consensual relationship between students;

12 “(ii) Do not create an intimidating or hostile educational environment;  
13 and

14 “(iii) Are not prohibited by law, any policies of the education provider  
15 or any applicable employment agreements.

16 “[~~(13)~~] **(14)** ‘Student’ means any person:

17 “(a) Who is:

18 “(A) In any grade from prekindergarten through grade 12; or

19 “(B) Twenty-one years of age or younger and receiving educational or  
20 related services from an education provider that is not a post-secondary in-  
21 stitution of education; or

22 “(b) Who was previously known as a student by the person engaging in  
23 sexual conduct and who left school or graduated from high school within one  
24 calendar year prior to the sexual conduct.

25 “[~~(14)~~] **(15)** ‘Substantiated report’ means a report of abuse, [~~or~~] sexual  
26 conduct **or a boundary violation** that a law enforcement agency, the De-  
27 partment of Human Services, the Teacher Standards and Practices Commis-  
28 sion, the Department of Education or an education provider has reasonable  
29 cause to believe, based on the available evidence after conducting an inves-  
30 tigation, is founded.

1 “[(15)] (16) ‘Volunteer’ means a person acting as a volunteer for an edu-  
2 cation provider in a manner that requires the person to have direct, unsu-  
3 pervised contact with students.

4 **“SECTION 2.** ORS 339.372 is amended to read:

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

9 “(1) Specify that abuse, [and] sexual conduct **and boundary violations**  
10 by school employees, contractors, agents and volunteers and abuse by stu-  
11 dents are not tolerated.

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

14 “(3) Require all school employees who have reasonable cause to believe  
15 that another school employee or a contractor, an agent or a volunteer has  
16 engaged in abuse, [or] sexual conduct **or a boundary violation** or that a  
17 student has engaged in abuse to report:

18 “(a) To the licensed administrator designated as provided by subsection  
19 (4) of this section all incidents of suspected abuse, [or] suspected sexual  
20 conduct **or suspected boundary violations**; and

21 “(b) To a law enforcement agency or the Department of Human Services  
22 as required by ORS 419B.010 and 419B.015 all incidents of suspected abuse,  
23 in addition to any report made as required under paragraph (a) of this sub-  
24 section.

25 “(4) Designate a licensed administrator, and an alternate licensed admin-  
26 istrator in the event the designated licensed administrator is the suspected  
27 abuser, to:

28 “(a) Receive reports of suspected abuse, [or] suspected sexual conduct **or**  
29 **suspected boundary violations** by school employees, contractors, agents or  
30 volunteers or suspected abuse by students and specify the procedures to be

1 followed by the licensed administrator upon receipt of a report; and

2 “(b) In the manner required by ORS 339.388 (2), inform the Teacher  
3 Standards and Practices Commission or the Department of Education of re-  
4 ports of suspected sexual conduct received under paragraph (a) of this sub-  
5 section.

6 “(5) Specify the procedures to be followed after a report of suspected  
7 abuse, [or] suspected sexual conduct **or a suspected boundary violation** is  
8 received, including notification that:

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

12 “(b) A law enforcement agency or a state agency will complete an inves-  
13 tigation regardless of any changes in the relationship or duties of the person  
14 about whom the report was made; [and]

15 “(c) **All reports of suspected boundary violations by school employ-**  
16 **ees, contractors, agents or volunteers will be investigated by the edu-**  
17 **cation provider and that the Department of Education or the Teacher**  
18 **Standards and Practices Commission will be notified of all substanti-**  
19 **ated reports; and**

20 “[c)] (d) An education provider will take necessary actions as provided  
21 by ORS 339.388 to ensure the student’s safety after a report is received, in-  
22 cluding placing a school employee on paid administrative leave pending an  
23 investigation or prohibiting a contractor, an agent or a volunteer from pro-  
24 viding services to the education provider.

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

26 “(a) The name and contact information for the licensed administrator and  
27 alternate licensed administrator designated for the school building to receive  
28 reports of suspected abuse, [or] suspected sexual conduct **or suspected**  
29 **boundary violations** by school employees, contractors, agents and volun-  
30 teers or suspected abuse by students and the procedures the licensed admin-

1    istrator will follow upon receipt of a report; and

2       “(b) The contact information for making a report of suspected abuse to  
3    a law enforcement agency or the Department of Human Services as required  
4    by ORS 419B.010 and 419B.015 and a statement that the duty to report abuse  
5    is in addition to any requirement to make a report to a licensed adminis-  
6    trator.

7       “(7) Specify that the initiation of a report in good faith about suspected  
8    abuse, [or] suspected sexual conduct **or a suspected boundary violation**  
9    may not adversely affect any terms or conditions of employment or the work  
10   environment of the person who initiated the report or who may have been  
11   subjected to abuse, [or] sexual conduct **or a boundary violation**.

12       “(8) Specify that the education provider or any school employee, contrac-  
13   tor, agent or volunteer will not discipline a student for the initiation of a  
14   report in good faith about suspected abuse, [or] suspected sexual conduct **or**  
15   **a suspected boundary violation** by a school employee, a contractor, an  
16   agent or a volunteer or suspected abuse by a student.

17       “(9) Require notification, as allowed by state and federal law, by the ed-  
18   ucation provider to the person who was subjected to the suspected abuse,  
19   [or] suspected sexual conduct **or a suspected boundary violation** about any  
20   actions taken by the education provider based on the report.

21       “(10) Require the education provider to furnish to a school employee at  
22   the time of hire, or to a contractor, an agent or a volunteer at the time of  
23   beginning service for the education provider, the following:

24       “(a) A description of conduct that may constitute abuse, [or] sexual con-  
25   duct **or a boundary violation**;

26       “(b) A description of the investigatory process and possible consequences  
27   if a report of suspected abuse, [or] suspected sexual conduct **or a suspected**  
28   **boundary violation** is substantiated; and

29       “(c) A description of the prohibitions imposed on school employees, con-  
30   tractors and agents when another school employee, contractor or agent at-

1   tempts to obtain a new job, as provided by ORS 339.378 (2).

2       “(11) Specify and make available to students, school employees, contrac-  
3   tors, agents and volunteers a policy of appropriate electronic communi-  
4   cations with students.

5       “SECTION 3. ORS 339.374 is amended to read:

6       “339.374. (1) Except as provided in ORS 339.384, before an education pro-  
7   vider may hire an applicant for a position with the education provider as a  
8   school employee, the education provider shall:

9       “(a) Require the applicant to provide:

10      “(A) A list of the applicant’s current and former employers who are edu-  
11   cation providers.

12      “(B) A written authorization that authorizes education providers identi-  
13   fied in subparagraph (A) of this paragraph to disclose the information re-  
14   quested under paragraph (b) of this subsection.

15      “(C) A written statement of whether the applicant:

16      “(i) Has been the subject of a substantiated report of abuse, [or] sexual  
17   conduct **or a boundary violation**; or

18      “(ii) Is the subject of an ongoing investigation related to a report of sus-  
19   pected abuse, [or] suspected sexual conduct **or a suspected boundary vio-**  
20   **lation.**

21      “(b) Conduct a review of the employment history of the applicant with  
22   education providers by contacting the three most recent education providers  
23   identified in paragraph (a)(A) of this subsection and requesting from each  
24   education provider:

25      “(A) The dates of employment of the applicant by the education provider.

26      “(B) Whether the education provider conducted an investigation and de-  
27   termined that the applicant was the subject of any substantiated reports of  
28   abuse, [or] sexual conduct **or a boundary violation** related to the  
29   applicant’s employment with the education provider and, if so, the following  
30   additional information:



1 “(i) The dates of any substantiated reports;

2 “(ii) The definitions of ‘abuse,’ [and] ‘sexual conduct’ **and ‘boundary**  
3 **violation’** used by the education provider when the education provider de-  
4 termined that any reports were substantiated; and

5 “(iii) The standards used by the education provider to determine whether  
6 any reports were substantiated.

7 “(c) For an applicant who is a commission licensee, request the commis-  
8 sion to verify:

9 “(A) That the applicant is a commission licensee; [and]

10 “(B) Whether the commission has an ongoing investigation or has a sub-  
11 stantiated report relating to conduct by the applicant that may constitute  
12 sexual conduct[.]; **and**

13 **“(C) Whether the commission has received notice of a substantiated**  
14 **report of a boundary violation by the applicant from an education**  
15 **provider.**

16 “(d) For an applicant who is not a commission licensee, request the De-  
17 partment of Education to verify whether the department:

18 **“(A) Has an ongoing investigation or has a substantiated report relating**  
19 **to conduct by the applicant that may constitute sexual conduct[.]; and**

20 **“(B) Has received notice of a substantiated report of a boundary**  
21 **violation by the applicant from an education provider.**

22 “(e) Conduct a nationwide criminal records check if required by ORS  
23 326.603.

24 “(2) Before an education provider may accept the services of a contractor,  
25 agent or volunteer, the education provider shall:

26 “(a) For a person who is a commission licensee, request the commission  
27 to verify whether the commission:

28 **“(A) Has an ongoing investigation or has a substantiated report relating**  
29 **to conduct by the person that may constitute sexual conduct[.]; and**

30 **“(B) Has received notice of a substantiated report of a boundary**

1 **violation by the person from an education provider.**

2 “(b) For a person who is not a commission licensee, request the Depart-  
3 ment of Education to verify whether the department:

4 “(A) Has an ongoing investigation or has a substantiated report relating  
5 to conduct by the person that may constitute sexual conduct[.]; **and**

6 “(B) **Has received notice of a substantiated report of a boundary**  
7 **violation by the person from an education provider.**

8 “(c) Conduct any background checks required under ORS 326.603, 326.604  
9 or 326.607.

10 **“SECTION 4.** ORS 339.378 is amended to read:

11 “339.378. (1)(a) Not later than 20 days after receiving a request under ORS  
12 339.374 (1)(b), an education provider that has or has had an employment re-  
13 lationship with the applicant shall disclose the information requested.

14 “(b) An education provider may disclose the information on a standard-  
15 ized form and is not required to provide any additional information related  
16 to a substantiated report of abuse, [or] sexual conduct **or a boundary vio-**  
17 **lation** other than the information that is required by ORS 339.374 (1)(b).

18 “(c) Information received under this section is confidential and is not a  
19 public record as defined in ORS 192.311. An education provider may use the  
20 information only for the purpose of evaluating an applicant’s eligibility to  
21 be hired.

22 “(2)(a) Except as provided by paragraphs (b) and (c) of this subsection,  
23 an individual who is a school employee, a contractor or an agent may not  
24 assist another school employee, contractor or agent in obtaining any new job  
25 if the individual knows, or has reasonable cause to believe, that the school  
26 employee, contractor or agent engaged in abuse, [or] sexual conduct **or a**  
27 **boundary violation.**

28 “(b) Nothing in paragraph (a) of this subsection prevents an education  
29 provider from:

30 “(A) Disclosing the information described in subsection (1) of this section;

1 or

2 “(B) Providing the routine transmission of administrative and personnel  
3 files.

4 “(c) The prohibition prescribed by paragraph (a) of this subsection does  
5 not apply if the school employee, contractor or agent knows, or has reason-  
6 able cause to believe:

7 “(A) That the suspected abuse or suspected sexual conduct was reported  
8 to a law enforcement agency, the Department of Human Services, the  
9 Teacher Standards and Practices Commission or the Department of Educa-  
10 tion **or that the suspected boundary violation was reported to the li-**  
11 **censed administrator designated as provided by ORS 339.372; and**

12 “(B) Any of the following are true:

13 “(i) The report could be neither substantiated nor found to be unsub-  
14 substantiated following an investigation;

15 “(ii) The report was found to be unsubstantiated;

16 “(iii) The report was found to be a substantiated report; or

17 “(iv) The investigation into the report remains ongoing after four years.

18 “(3)(a) The commission may take disciplinary action against a school  
19 employee who is a commission licensee for failure to disclose information  
20 as required by subsection (1)(a) of this section. In determining whether to  
21 take disciplinary action, the commission may take into consideration any  
22 evidence presented by the school employee that a longer period of time was  
23 necessary for good cause.

24 “(b) Any violation of the provisions of subsection (2) of this section shall  
25 be considered gross neglect of duty under ORS 342.175.

26 **“SECTION 5.** ORS 339.388 is amended to read:

27 “339.388. (1)(a) A school employee shall immediately submit a report as  
28 provided by paragraph (b) of this subsection if the school employee has rea-  
29 sonable cause to believe that:

30 “(A) A student has been subjected to abuse by another school employee

1 or by a contractor, an agent, a volunteer or a student;

2 “(B) A student has been subjected to sexual conduct by another school  
3 employee or by a contractor, an agent or a volunteer; [or]

4 “(C) **A student has been subjected to a boundary violation by an-**  
5 **other school employee or by a contractor, an agent or a volunteer; or**

6 “[C)] (D) Another school employee or a contractor, an agent or a vol-  
7 unteer has engaged in sexual conduct **or a boundary violation.**

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

10 “(A) The licensed administrator designated in the policies adopted under  
11 ORS 339.372, for all reports of suspected abuse, [or] suspected sexual conduct  
12 **or suspected boundary violations;** and

13 “(B) A law enforcement agency or the Department of Human Services as  
14 required by ORS 419B.010 and 419B.015, for all reports of suspected abuse.

15 “(2) The licensed administrator who receives a report under subsection (1)  
16 of this section shall follow the procedures required by the policies adopted  
17 by the school board under ORS 339.372, including:

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

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

24 “(3)(a) When a licensed administrator receives a report of suspected  
25 abuse, [or] suspected sexual conduct **or a suspected boundary violation**  
26 by a school employee and there is reasonable cause to support the report, the  
27 education provider shall:

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

29 “(B) Take necessary actions to ensure the student’s safety.

30 “(b) A school employee who is placed on paid administrative leave under

paragraph (a) of this subsection shall remain on administrative leave until:

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

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

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

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

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

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

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

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

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

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

**“(C) For a report of a suspected boundary violation, the education provider determines that the report:**

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

**“(ii) Cannot be substantiated or is not a report of a boundary violation and the education provider:**

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

1       **“(II) Determines that an employment policy has not been violated**  
2       **and that employment action against the school employee is not re-**  
3       **quired.**

4       “(c) When a school employee is placed on paid administrative leave under  
5       paragraph (a) of this subsection, the education provider may not require the  
6       school employee to use any accrued leave during the paid administrative  
7       leave.

8       “(4)(a) Except as provided in paragraph (c) of this subsection, when a li-  
9       censed administrator receives a report of suspected abuse, [or] suspected  
10      sexual conduct **or a suspected boundary violation** by a contractor, an  
11      agent or a volunteer, the education provider:

12      “(A) May immediately prohibit the contractor, agent or volunteer from  
13      providing services to the education provider.

14      “(B) Shall prohibit the contractor, agent or volunteer from providing  
15      services to the education provider if the education provider determines that  
16      there is reasonable cause to support a report of abuse, [or] sexual conduct  
17      **or a boundary violation.**

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

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

24      “(i) Is substantiated and the education provider takes the appropriate  
25      actions to protect students; or

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

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

29      “(II) Determines that no other actions are required to protect students.

30      “(B) For a report of suspected sexual conduct, the Teacher Standards and

1 Practices Commission or the Department of Education determines that the  
2 report:

3 “(i) Is substantiated and the education provider takes the appropriate  
4 actions to protect students; or

5 “(ii) Cannot be substantiated or is not a report of sexual conduct and the  
6 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) For a report of a suspected boundary violation, the education  
10 provider determines that the report:**

11 **“(i) Is substantiated and the education provider takes the appro-  
12 priate actions to protect students; or**

13 **“(ii) Cannot be substantiated or is not a report of a boundary vio-  
14 lation and the education provider:**

15 **“(I) Takes the appropriate actions to protect students; or**

16 **“(II) Determines that no other actions are required to protect stu-  
17 dents.**

18 “(c) If a contract under which a contractor provides services to an edu-  
19 cation provider or an agreement under which an agent provides services to  
20 an education provider sets forth any negotiated standards for the relation-  
21 ship between the contractor or agent and the education provider, the educa-  
22 tion provider shall comply with those standards but may not in any instance  
23 grant the contractor or agent more rights than granted to a school employee  
24 under subsection (3) of this section.

25 “(d) Nothing in this subsection:

26 “(A) Establishes an employment relationship between an education pro-  
27 vider and a contractor or an agent; or

28 “(B) Confers onto a contractor or an agent any rights of employment.

29 “(5)(a) When a report of suspected abuse or suspected sexual conduct is  
30 investigated by a law enforcement agency, the Department of Human Ser-

vices, the Teacher Standards and Practices Commission or the Department of Education, an education provider may use the findings of the entity that conducted the investigation for the purpose of subsection (3) or (4) of this section and for making any determinations described in subsection (6) of this section.

“(b) Nothing in this subsection prohibits an education provider from:

“(A) Conducting an investigation related to a report of suspected abuse or suspected sexual conduct, except that the education provider must:

“(i) If requested, allow the investigation to be led by an entity identified in paragraph (a) of this subsection, as applicable;

“(ii) Follow any protocols and procedures of entities identified in paragraph (a) of this subsection that are involved in the investigation; and

“(iii) Cooperate with the entities identified in paragraph (a) of this subsection that are involved in the investigation, including by:

“(I) Suspending any investigations of the education provider at the request of the entity; and

“(II) Sharing information with the entity as provided by subsection (10) of this section.

“(B) Taking an employment action, based on information available to the education provider, before an investigation conducted by an entity identified in paragraph (a) of this subsection is completed.

“(6)(a) For each report of suspected abuse, [or] suspected sexual conduct **or a suspected boundary violation** by a school employee, an education provider must determine if:

“(A) An employment policy of the education provider was violated; and

“(B) The education provider will take any employment actions, including disciplinary action against the school employee or changes to the employment relationship or duties of the school employee.

“(b) Determinations made under paragraph (a) of this subsection must be based on the findings of an investigation conducted by:



1 “(A) A law enforcement agency, the Department of Human Services, the  
2 Teacher Standards and Practices Commission or the Department of Educa-  
3 tion; or

4 “(B) The education provider, if the education provider conducts an in-  
5 vestigation.

6 “(c) A final determination by a law enforcement agency, the Department  
7 of Human Services, the Teacher Standards and Practices Commission or the  
8 Department of Education that a report of suspected abuse or suspected sex-  
9 ual conduct cannot be substantiated or is not a report of abuse or sexual  
10 conduct does not:

11 “(A) Relieve an education provider of the requirement to make determi-  
12 nations under paragraph (a) of this subsection; or

13 “(B) Prohibit an education provider from taking any employment actions  
14 against a school employee.

15 “(d) Except as provided by paragraph (e) of this subsection, determi-  
16 nations made under paragraph (a) of this subsection must be made:

17 “(A) Within 60 calendar days from the date the education provider re-  
18 ceived from a law enforcement agency, the Department of Human Services,  
19 the Teacher Standards and Practices Commission or the Department of Ed-  
20 ucation a final determination that a report of suspected abuse or suspected  
21 sexual conduct involving a school employee is a substantiated report; or

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

23 “(i) Received from a law enforcement agency, the Department of Human  
24 Services, the Teacher Standards and Practices Commission or the Depart-  
25 ment of Education a final determination that a report of suspected abuse or  
26 suspected sexual conduct involving a school employee cannot be substanti-  
27 ated or is not a report of abuse or sexual conduct; or

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

30 “(e) The timelines prescribed by paragraph (d) of this subsection may be

1 extended if, for good cause, a longer period of time is necessary. For an ed-  
2 ucation provider that conducts an investigation, good cause may include  
3 suspending an investigation as required by subsection (5)(b) of this section.

4 **“(f) Nothing related to the requirement that an education provider**  
5 **make determinations under paragraph (a) of this subsection prohibits**  
6 **a law enforcement agency, the Department of Human Services, the**  
7 **Teacher Standards and Practices Commission or the Department of**  
8 **Education from initiating an investigation that involves a suspected**  
9 **boundary violation or continuing an investigation upon becoming**  
10 **aware of new information that gives rise to a reasonable cause to be-**  
11 **lieve that a boundary violation occurred, if the initiation or contin-**  
12 **uation of the investigation is otherwise authorized as provided by ORS**  
13 **339.370 to 339.400 or under ORS 419B.010 and 419B.015.**

14 “(7) If, in the course of an investigation by an education provider, the  
15 education provider becomes aware of new information that gives rise to a  
16 reasonable cause to believe that abuse or sexual conduct occurred, the edu-  
17 cation provider shall ensure that a report is made to a law enforcement  
18 agency or the Department of Human Services as required by ORS 419B.010  
19 and 419B.015, the Teacher Standards and Practices Commission or the De-  
20 partment of Education.

21 “(8) If, following an investigation, an education provider determines that  
22 the education provider will take an employment action, the education pro-  
23 vider shall:

24 “(a) Inform the school employee of the employment action that will be  
25 taken by the education provider.

26 “(b) Provide the school employee with information about the appropriate  
27 appeal process for the employment action taken by the education provider.  
28 The appeal process may be the process provided by a collective bargaining  
29 agreement or a process administered by a neutral third party and paid for  
30 by the education provider.

1 “(c) Following notice of a school employee’s decision not to appeal the  
2 employment action of an education provider or following the determination  
3 of an appeal that sustained the employment action taken by the education  
4 provider, create a record of the findings of the substantiated report and the  
5 employment action taken by the education provider and place the record in  
6 any documents maintained by the education provider on the school employee.  
7 Records created pursuant to this paragraph are confidential and are not  
8 public records as defined in ORS 192.311. An education provider may use the  
9 record as a basis for providing the information required to be disclosed about  
10 a school employee under ORS 339.378 (1).

11 “(d) Inform the school employee that information about substantiated re-  
12 ports may be disclosed to a potential employer as provided by ORS 339.378  
13 (1).

14 “(9)(a) Notwithstanding the requirements of this section, an education  
15 provider that is a private school:

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

18 “(i) The provisions of this section; or

19 “(ii) The standards and policies of the private school if the standards and  
20 policies provide the same or greater safeguards for the protection of students  
21 compared to the safeguards described in this section.

22 “(B) May follow the procedures described in subsection (8) of this section  
23 or may follow any appeals process established by the private school related  
24 to suspected abuse, [or] suspected sexual conduct **or a suspected boundary**  
25 **violation.**

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

30 “(10) Upon request from a law enforcement agency, the Department of

Human Services, the Teacher Standards and Practices Commission or the Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, an education provider shall immediately provide any requested documents or materials, to the extent allowed by state and federal law, including laws protecting a person from self-incrimination.

**“SECTION 6.** ORS 339.392 is amended to read:

“339.392. (1) An education provider may not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement that:

“(a) Has the effect of impairing or terminating an ongoing investigation, or suppressing information relating to an ongoing investigation, related to a report of suspected abuse, [or] suspected sexual conduct **or a suspected boundary violation;**

“(b) Has the effect of suppressing information relating to a substantiated report of abuse, [or] sexual conduct **or a boundary violation** by a current or former school employee, contractor, agent or volunteer;

“(c) Affects the duties of the education provider to report suspected abuse, [or] suspected sexual conduct **or a boundary violation** or to discipline a current or former school employee, contractor, agent or volunteer for a substantiated report of abuse, [or] sexual conduct **or a boundary violation;**

“(d) Impairs the ability of the education provider to discipline a school employee, a contractor, an agent or a volunteer for a substantiated report of abuse, [or] sexual conduct **or a boundary violation;** or

“(e) Requires the education provider to expunge substantiated information about abuse, [or] sexual conduct **or a boundary violation** from any documents maintained by an education provider.

“(2) Any provision of an employment contract or agreement that is contrary to this section is void and unenforceable.

1 “(3) Nothing in this section prevents an education provider from entering  
2 into a collective bargaining agreement that includes:

3 “(a) Standards for investigation of a report of suspected abuse, [or] sus-  
4 pected sexual conduct **or a suspected boundary violation**; or

5 “(b) An appeal process from the determination made by or the action  
6 taken by an education provider related to a report of abuse, [or] sexual  
7 conduct **or a boundary violation**.

8 **“SECTION 7.** ORS 339.400 is amended to read:

9 “339.400. (1) An education provider shall provide to school employees each  
10 school year training on:

11 “(a) The prevention and identification of abuse, [and] sexual conduct **and**  
12 **boundary violations**;

13 “(b) The obligations of school employees under ORS 339.388 and 419B.005  
14 to 419B.050 and under policies adopted by the school board to report sus-  
15 pected abuse, [and] suspected sexual conduct **and suspected boundary vi-**  
16 **olations**; and

17 “(c) Appropriate electronic communications with students as provided by  
18 ORS 339.372 (11).

19 “(2) An education provider shall provide to contractors, agents and vol-  
20 unteers each school year information on:

21 “(a) The prevention and identification of abuse, [and] sexual conduct **and**  
22 **boundary violations**;

23 “(b) The obligations of school employees under policies adopted by the  
24 school board to report abuse, [and] sexual conduct **and boundary**  
25 **violations**; and

26 “(c) Appropriate electronic communications with students as described in  
27 ORS 339.372 (11).

28 “(3) An education provider shall make the training provided under sub-  
29 section (1) of this section available each school year to contractors, agents  
30 and volunteers and to parents and legal guardians of students who attend a

1 school operated by the education provider. The training shall be provided  
2 separately from the training provided to school employees under subsection  
3 (1) of this section.

4 “(4) An education provider shall make available each school year to stu-  
5 dents who attend a school operated by the education provider a training that  
6 is designed to prevent abuse, [and] sexual conduct **and boundary**  
7 **violations**.

8 **“SECTION 8.** ORS 338.115 is amended to read:

9 “338.115. (1) Statutes and rules that apply only to school district boards,  
10 school districts or other public schools do not apply to public charter  
11 schools. However, the following laws do apply to public charter schools:

12 “(a) Federal law;

13 “(b) ORS 30.260 to 30.300 (tort claims);

14 “(c) ORS 192.311 to 192.478 (public records law);

15 “(d) ORS 192.610 to 192.705 (public meetings law);

16 “(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

17 “(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

18 “(g) ORS 326.565, 326.575 and 326.580 (student records);

19 “(h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

20 “(i) ORS 329.045 (academic content standards and instruction);

21 “(j) ORS 329.451 (high school diploma, modified diploma, extended diploma  
22 and certificate of attendance);

23 “(k) ORS 329.496 (physical education);

24 “(L) The statewide assessment system developed by the Department of  
25 Education for mathematics, science and language arts under ORS 329.485 (2);

26 “(m) ORS 336.840 (use of personal electronic devices);

27 “(n) ORS 337.150 (textbooks);

28 “(o) ORS 339.119 (consideration for educational services);

29 “(p) ORS 339.141, 339.147 and 339.155 (tuition and fees);

30 “(q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

1       “(r) ORS 339.326 (notice concerning students subject to juvenile court  
2 petitions);

3       “(s) ORS 339.370 to 339.400 (reporting of suspected abuse, *[and]* suspected  
4 sexual conduct **and suspected boundary violations**);

5       “(t) ORS 342.856 (core teaching standards);

6       “(u) ORS chapter 657 (Employment Department Law);

7       “(v) ORS 332.505 (2), 659.850, 659.855 and 659.860 (discrimination);

8       “(w) Any statute or rule that establishes requirements for instructional  
9 time provided by a school during each day or during a year;

10       “(x) Statutes and rules that expressly apply to public charter schools;

11       “(y) Statutes and rules that apply to a special government body, as de-  
12 fined in ORS 174.117, or a public body, as defined in ORS 174.109;

13       “(z) Health and safety statutes and rules;

14       “(aa) Any statute or rule that is listed in the charter; and

15       “(bb) This chapter.

16       “(2) Notwithstanding subsection (1) of this section, a charter may specify  
17 that statutes and rules that apply only to school district boards, school dis-  
18 tricts and other public schools may apply to a public charter school.

19       “(3) If a statute or rule applies to a public charter school, then the terms  
20 ‘school district’ and ‘public school’ include public charter school as those  
21 terms are used in that statute or rule.

22       “(4) A public charter school may not violate the Establishment Clause of  
23 the First Amendment to the United States Constitution or Article I, section  
24 5, of the Oregon Constitution, or be religion based.

25       “(5)(a) A public charter school shall maintain an active enrollment of at  
26 least 25 students.

27       “(b) For a public charter school that provides educational services under  
28 a cooperative agreement described in ORS 338.080, the public charter school  
29 is in compliance with the requirements of this subsection if the public  
30 charter school provides educational services under the cooperative agreement

1 to at least 25 students, without regard to the school districts in which the  
2 students are residents.

3 “(6) A public charter school may sue or be sued as a separate legal entity.

4 “(7) The sponsor, members of the governing board of the sponsor acting  
5 in their official capacities and employees of a sponsor acting in their official  
6 capacities are immune from civil liability with respect to all activities re-  
7 lated to a public charter school within the scope of their duties or employ-  
8 ment.

9 “(8) A public charter school may enter into contracts and may lease fa-  
10 cilities and services from a school district, education service district, public  
11 university listed in ORS 352.002, other governmental unit or any person or  
12 legal entity.

13 “(9) A public charter school may not levy taxes or issue bonds under  
14 which the public incurs liability.

15 “(10) A public charter school may receive and accept gifts, grants and  
16 donations from any source for expenditure to carry out the lawful functions  
17 of the school.

18 “(11) The school district in which the public charter school is located  
19 shall offer high school diplomas, modified diplomas, extended diplomas and  
20 certificates of attendance to any public charter school students who meet the  
21 district’s and state’s standards for a high school diploma, a modified diploma,  
22 an extended diploma or a certificate of attendance.

23 “(12) A high school diploma, a modified diploma or an extended diploma  
24 issued by a public charter school grants to the holder the same rights and  
25 privileges as a high school diploma, a modified diploma or an extended di-  
26 ploma issued by a nonchartered public school. A certificate of attendance  
27 issued by a public charter school shall have the same restrictions as a cer-  
28 tificate of attendance issued by a nonchartered public school.

29 “(13) Prior to beginning operation, the public charter school shall show  
30 proof of insurance to the sponsor as specified in the charter.



1       “(14) A public charter school may receive services from an education  
2 service district in the same manner as a nonchartered public school in the  
3 school district in which the public charter school is located.

4       **“SECTION 9. This 2025 Act being necessary for the immediate**  
5 **preservation of the public peace, health and safety, an emergency is**  
6 **declared to exist, and this 2025 Act takes effect July 1, 2025.”.**

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