

# Senate Bill 380

Sponsored by Senator WALKER (Presession filed.)

## 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 education provider to disclose to any person upon request disciplinary records of former school employee who is convicted of specified crimes.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to school employees; amending ORS 339.375; and declaring an emergency.

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

4 **SECTION 1.** ORS 339.375 is amended to read:

5 339.375. (1) Any school employee having reasonable cause to believe that any child with whom  
6 the employee comes in contact has suffered abuse by another school employee, or that another  
7 school employee with whom the employee comes in contact has abused a child, shall immediately  
8 report the information to:

9 (a) A supervisor or other person designated by the school board; and

10 (b) A law enforcement agency, the Department of Human Services or a designee of the depart-  
11 ment as required by ORS 419B.010 and 419B.015.

12 (2) A supervisor or other person designated by the school board who receives a report under  
13 subsection (1) of this section, shall follow the procedures required by the policy adopted by the  
14 school board under ORS 339.372.

15 (3) Except as provided in subsection (4) of this section, when an education provider receives a  
16 report of suspected child abuse by one of its employees, and the education provider's designee de-  
17 termines that there is reasonable cause to support the report, the education provider shall place the  
18 school employee on paid administrative leave until either:

19 (a) The Department of Human Services or a law enforcement agency determines that the report  
20 is unfounded or that the report will not be pursued; or

21 (b) The Department of Human Services or a law enforcement agency determines that the report  
22 is founded and the education provider takes the appropriate disciplinary action against the school  
23 employee.

24 (4) If the Department of Human Services or a law enforcement agency is unable to determine,  
25 based on a report of suspected child abuse, whether child abuse occurred, an education provider  
26 may reinstate a school employee placed on paid administrative leave under subsection (3) of this  
27 section or may take the appropriate disciplinary action against the employee.

28 (5) Upon request from a law enforcement agency, the Department of Human Services or the  
29 Teacher Standards and Practices Commission, a school district shall provide the records of investi-  
30 gations of suspected child abuse by a school employee **or former school employee**.

31 (6) The disciplinary records of a school employee **or former school employee** convicted of a

**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 crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. [When]  
2 **If a school employee is convicted of a crime listed in ORS 342.143, the education provider that is**  
3 **the employer of the employee shall disclose the disciplinary records of the employee to any person**  
4 **upon request. If a former school employee is convicted of a crime listed in ORS 342.143, the**  
5 **education provider that was the employer of the former employee when the crime was com-**  
6 **mitted shall disclose the disciplinary records of the former employee to any person upon re-**  
7 **quest.**

8 (7) Prior to disclosure of a disciplinary record under subsection (6) of this section, an education  
9 provider shall remove any personally identifiable information from the record that would disclose  
10 the identity of a child, a crime victim or a school employee **or former school employee** who is not  
11 the subject of the disciplinary record.

12 **SECTION 2. This 2007 Act being necessary for the immediate preservation of the public**  
13 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
14 **on its passage.**

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