

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Dembrow, Harker, Huffman, Komp, Maurer, Roblan, Sprenger, Thatcher, VanOrman, Gelser
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Kevin T. Christiansen, Administrator
<b>Meeting Dates:</b>	1/28, 2/4, 2/6, 2/9, 2/20, 2/25, 3/6

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**WHAT THE MEASURE DOES:** Requires school boards to adopt policies concerning the reporting of sexual conduct by school employees. Defines sexual conduct as any verbal or physical conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student's education; and creates an intimidating, hostile or offensive educational environment. Provides that the definition of sexual conduct does not include abuse. Instructs school boards to modify reporting policies by including a requirement that school employees who have reasonable cause to believe another employee engaged in child abuse or sexual conduct to report the conduct. Requires districts or schools to furnish school employees a description of conduct constituting child abuse or sexual conduct and a description of records subject to disclosure if a report is substantiated. States that a district or school shall place an employee on paid administrative leave if reasonable cause exists that an employee engaged in child abuse or sexual conduct. Requires that administrative leave continues until the Department of Human Services determines whether the report is substantiated. Provides that if a report is substantiated, the district or school shall inform the employee the report is substantiated and provide appeals information. Requires the district or school to create a record of the substantiated report and place the record in the employee's personnel file if an appeal is not made or at the conclusion of a failed appeal. Requires districts or schools to inform the employee that information about substantiated reports may be disclosed to potential employers. Provides that before a district or school may hire an applicant, the district or school shall require the applicant to provide a list of current and former education employers; obtain a written authorization permitting former employers that are education providers to disclose employment history and reports of substantiated child abuse or sexual conduct; and require the applicant to provide a written statement about the existence of prior substantiated child abuse or sexual conduct reports or ongoing investigations. Sets standards for review of an applicant's employment history. Requires districts or schools who receive requests for employment and disciplinary information to disclose the information within 20 days of receipt. Allows school or district to disclose information on a standardized form. Provides that information disclosed is confidential and not public record. Prohibits districts or schools from hiring applicants who fail to provide required information. Allows schools and districts to hire an applicant on a conditional basis pending a review of records. Prohibits districts or schools from entering contracts that suppress information regarding child abuse or sexual conduct. Provides that nothing in the provisions related to applicant screening creates a new public or private cause of action or precludes existing causes of action. Provides that provisions related to contracting are effective as to agreements entered into or renewed after the effective date. Establishes an effective date of July 1, 2010.

**ISSUES DISCUSSED:**

- Child safety
- Disclosure of allegations substantiated as part of an on-going investigation
- Expungement of unsubstantiated allegations
- Protection of innocent employees
- Verification of Teacher Standards and Practices Commission records electronically
- Disclosure requirements of former employers
- Reporting obligations

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the bill.

3/12/2009 4:57:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*

**BACKGROUND:** The 2007-08 Interim House Education Committee and Interim Senate and Education General Government Committee held a series of public hearings on the issue of inappropriate sexual relationships between teachers and students and settlement agreements not to disclose those improper sexual relationships to a teacher's future employers. In an effort to address these problems, HB 2062-A provides the following: a definition of investigation, sexual conduct and substantiated report; instruction to school boards directing the adoption of additional policies as to sexual conduct by school employees; reporting requirements regarding sexual conduct; investigation procedures related to allegations of sexual conduct; record creation regarding substantiated reports; direction to districts and schools regarding applicant screening; disclosure obligations regarding applicant records; and prohibitions as to contracts that may suppress disclosure of child abuse or sexual conduct.