

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass the A-Engrossed Measure
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Kruse, Metsger, Morse, Hass
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Dana Richardson, Administrator
<b>Meeting Dates:</b>	4/3, 4/29

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**WHAT THE MEASURE DOES:** Requires school board to adopt policies on reporting sexual conduct by school employee toward student. Requires school employee with a reasonable belief that another school employee has engaged in sexual conduct to report to employee's supervisor or person designated by school board. Proscribes steps to be taken by education provider if report of suspected child abuse or sexual conduct is substantiated. Requires education providers to give school employees and children who attend a school annual training on prevention, identification, and reporting of sexual conduct. Requires applicant for position with education provider to supply list of current and former employers, authorization for those employers to disclose certain information, and a statement as to whether applicant has been or is subject of report or investigation related to child abuse or sexual conduct. Requires school district to conduct criminal records check on applicant for certain positions. Prohibits education provider from entering into a collective bargaining agreement, contract or agreement for resignation, termination, or severance under certain circumstances. Establishes that measure creates no new public or private causes of action. Defines investigation, sexual conduct, and substantiated report. Carries July 1, 2010 effective date.

**ISSUES DISCUSSED:**

- Sanction on previous employing district upon failure to provide requested information
- Documentation of unsubstantiated allegations
- Addition of definition of "good faith"
- Existing disciplinary codes at schools that address false accusations
- Chilling effect of punishing false reports

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** During the February 2008 Special Legislative Session, *The Oregonian* ran a series of articles describing school districts that were concerned about inappropriate and possibly sexual relationships between a teacher and a student or students. The article stated that districts had entered into settlement agreements whereby the teacher was allowed to resign from the district and receive a neutral or favorable recommendation if contacted by a future employer. No legislation was adopted during the 2008 Special Legislative Session to address the issue. The Interim House Education Committee and the Interim Senate Education and General Government Committee held a series of public hearings on the issue and appointed two work groups during the 2008 Interim. House Bill 2062A is a product of those hearings and work groups.