

75th OREGON LEGISLATIVE ASSEMBLY - 2009 Regular Session
STAFF MEASURE SUMMARY
Senate Committee on Education and General Government

****CORRECTED****

MEASURE: SB 46 A
CARRIER: Sen. Hass

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed
Vote: 5 - 0 - 0
Yeas: Bonamici, Kruse, Metsger, Morse, Hass
Nays: 0
Exc.: 0
Prepared By: Dana Richardson, Administrator
Meeting Dates: 1/28

WHAT THE MEASURE DOES: Authorizes the Department of Education to require fingerprints of any person hired by a school district or private school. Authorizes department to determine whether applicant knowingly made a false statement as to prior convictions. Requires Superintendent of Public Instruction to inform school district or private school if applicant has knowingly made a false statement. Permits school districts and private school districts to hire person who knowingly made a false statement. Declares an emergency; effective upon passage.

ISSUES DISCUSSED:

- Inclusion or exclusion of school volunteers
- Departmental criteria for determining false statements
- Type of crimes for which false statements can be accepted

EFFECT OF COMMITTEE AMENDMENT: Permits school districts and private school districts to hire person who knowingly made a false statement. Replaces references to false statements on an employment application with false statements on a criminal history from provided by the Department of Education.

BACKGROUND: The Department of Education is authorized to require fingerprints of school employees and contractors other than those who are required to submit fingerprints to the Teacher Standards and Practices Commission. Currently, the department may require fingerprints of school district employees and contractors who have direct, unsupervised contact with children in the school. Senate Bill 46 leaves intact the department's discretion to require fingerprints but extends its authority to include any school employee, regardless of whether the employee has direct, unsupervised contact with children. Contractors who have direct, unsupervised contact with students would also fall under the department's authority to be fingerprinted.

Additionally, under current statute, the department must disqualify from employment all applicants who make false statements as to the conviction of a crime, regardless of the circumstances. Senate Bill 46 permits the department to determine whether an applicant knowingly made such a false statement. If so, they must notify school districts or private schools; school districts or private schools may choose not employ or contract with the person following notification.

2/11/2009 10:40:00 AM

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

Committee Services Form – 2009 Regular Session