

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Without Recommendation, With Amendments, be Printed Engrossed and be Referred to House Committee on Rules
Vote:	10 - 0 - 0
Yeas:	Dembrow, Harker, Huffman, Komp, Maurer, Roblan, Sprenger, Thatcher, VanOrman, Gelser
Nays:	0
Exc.:	0
Prepared By:	Kevin T. Christiansen, Administrator
Meeting Dates:	5/20, 5/27

WHAT THE MEASURE DOES: Provides that disciplinary records of school employees or former school employees are not exempt from disclosure if the employee or former employee: 1) was convicted of a crime under ORS 342.143; or 2) was found by the Teacher Standards and Practices Commission (TSPC) to have engaged in conduct with a student grade 12 or below that would constitute a specified crime, regardless of any age requirement found in the specified crime. Provides circumstances under which disciplinary records may be disclosed. Establishes procedures for reporting and investigating employees suspected of child abuse or sexual conduct. Provides disciplinary procedures as to employees in which a claim for child abuse or prohibited sexual conduct is substantiated. Requires that TSPC revoke any license, or revoke an applicant's right to apply for a license, if the applicant is found to have engaged in conduct with a student grade 12 or below that would constitute a specified crime, regardless of any age requirement found in the specified crime. Prohibits those found by TSPC to have engaged in prohibited conduct from applying for reinstatement of a license or registration. Permits TSPC to issue a public reprimand or suspend or revoke the right to apply for a license under specific circumstances. Declares an emergency, effective upon passage.

ISSUES DISCUSSED:

- Additional corrections to the measure to be made in the House Rules Committee

EFFECT OF COMMITTEE AMENDMENT: Replaces the original bill.

BACKGROUND: Current law provides that the Teachers Standards and Practices Commission (TSPC) must revoke and bar reapplication of a teaching, personnel services or administrative license if a person has been criminally convicted of rape, sodomy, sexual penetration or sex abuse of a child under the age of 16 years. Senate Bill 48A requires the TSPC to revoke a license and bar reapplication for a license if TSPC finds, by a preponderance of the evidence through their administrative process, a teacher engaged in conduct that would have constituted those crimes. Preponderance of the evidence means that after weighing the evidence the decision-maker finds that something is more likely true than not. In a criminal case the standard of proof is "beyond a reasonable doubt." Senate Bill 48A also extends the protection to those in grade 12 or below.