

**2009 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** HB 2062

**STATUS:** A-Engrossed

**SUBJECT:** School contracts and agreements regarding child abuse and sexual conduct

**GOVERNMENT UNIT AFFECTED:** Department of Education, Oregon State Police, Local Education Agencies, Teacher Standards and Practices Commission

**PREPARED BY:** Erica Kleiner

**REVIEWED BY:** Monica Brown

**DATE:** March 11, 2009

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**EXPENDITURES:**

See analysis

**REVENUES:**

See analysis

**EFFECTIVE DATE:** July 1, 2010

**GOVERNOR'S BUDGET:** This bill is not anticipated by the Governor's recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**ANALYSIS:** As adopted, the measure requires that information relating to a school employee's sexual conduct or abuse history be made available to an education provider before an agreement or contract is entered into by the parties. The measure establishes policies and school hiring procedures relating to an employee's sexual conduct. Finally, alternatives for a school employee who is being investigated, requirements for information that must be shared by an education provider with a school employee, and new training requirements related to sexual conduct are established.

The Department of Education (ODE) reports a minimal fiscal impact to the department as a result of the requirement to furnish specific information to an employee at the time of hire and to all school employees. ODE reports that these policy and rule changes could be done within resources anticipated in the Governor's Budget for the 2009-11 biennium. The fiscal impact to school boards is also anticipated to be minimal in that they would need to change/update some policies related to how suspected child abuse and sexual conduct is reported and investigated. The current practices of school districts already align with the requirements of this bill. Substantial changes to reporting, investigation, training, and hiring practices aren't anticipated to be needed.

The measure requires an education provider to conduct a nationwide criminal records check on a person before an education provider can hire the applicant. The fiscal impact for Oregon State Police (OSP) is indeterminate at this time due to the uncertainty of how many additional applicant fingerprint card submissions per biennium OSP will receive from ODE. OSP's ability to absorb the additional workload within its existing resources depends on the number of employee background checks required by ODE. The Legislative Fiscal Office (LFO) notes that SB 46-A is currently pending before this Legislative Assembly which grants the authority to ODE to request state or nationwide criminal records checks for any person hired by a school district.

The measure requires education providers to verify teacher licensure, registration, or certification and check for information related to child abuse or sexual conduct through the Teacher Standards and Practices Commission's (TSPC) website. There is no fiscal impact on TSPC.