

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

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**MEASURE NUMBER:** SB 45

**STATUS:** Original

**SUBJECT:**

**GOVERNMENT UNIT AFFECTED:** Teacher Standards and Practices Commission, Community Colleges, Institutes of Higher Education, Other Public Education Providers

**PREPARED BY:** Erica Kleiner

**REVIEWED BY:** Monica Brown

**DATE:** January 28, 2009

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**EXPENDITURES:**

See comments

**REVENUES:**

See comments

**EFFECTIVE DATE:** On passage.

**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:** The measure requires a public education provider to remove an employee from a position that has direct, unsupervised contact with children if a report of a suspected boundary violation by one of its licensed or registered school employees is received. The measure requires a public education provider to place an employee on administrative leave if there is reasonable cause that the employee has a boundary violation or to place an employee in another position not directly in contact with children (or without supervision). The measure prohibits a public education school employee, community college school employee, institute of higher education employee, or an employee of a child care facility certified or registered with the Child Care Division of the Employment Department who is being investigated for a boundary violation from having direct, unsupervised contact with children. The measure gives the Teacher Standards and Practices Commission (TSPC) the authority to discipline a school employee and a public education provider the authority to discipline or dismiss a school employee. The measure requires a public education provider to notify a school employee of restrictions placed on employment with regard to a suspected boundary violation. The measure allows a school employee to return to work that involves direct, unsupervised contact with children if a suspected boundary violation is resolved. Finally, the measure prohibits an employee with a suspended or revoked license or registration from working in another position for the employing school district.

The fiscal impact of this bill is indeterminate. It is not possible to predict with any accuracy the number of affected school employees resulting from this measure. Community Colleges, Institute of Higher Education, and other public education providers could incur additional costs due to placing employees on administrative leave. The Department of Higher Education reports that it may require additional administration to implement restrictions placed on potential affected employees as a result of the bill. The Department of Community Colleges and Workforce Development reports that there may be a

minimal fiscal impact on Community Colleges due to any administrative changes that Community Colleges may be required to make in order to comply with this legislation. The impacted education providers are unable to determine at this time if they will need to hire new instructors as a result of current employees being placed on administrative leave. The impacted education providers are also unsure as to whether classes will need to be rearranged to prevent direct, unsupervised contact between an affected employee and an individual less than eighteen years of age. For the reasons stated above, the fiscal impact of this bill is difficult to assess.

In addition to licensing public school educators and registering charter school educators, the Teacher Standards and Practices Commission (TSPC) certifies school nurses. TSPC reports that there is ambiguity in the measure with regard to school nurses. Because the measure is effective upon passage, if it were enacted before July 1, 2009, there could be a fiscal impact in the current biennium.