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**Testimony on SB 821
Senate Education Committee
April 4, 2013**

The Senate Education Committee previously heard testimony on a proposed amendment to HB 2184 that addressed the issue presented, that is, the freedom of private schools to take more prompt protective action as to private school personnel if necessary. Present bill SB 821 would have the same result.

Oregon law provides various safeguards for the prevention of child abuse and sexual conduct by all education providers –public and private schools (ORS 339.370 -339.400). Among them: background checks for school employees; restrictions on hiring of former offenders; strict rules for reporting child abuse and sexual conduct; procedures for investigation and discipline of school employees reported to have engaged in misconduct; maintenance of records; and training for students, staff and parents on identification and prevention of child abuse and “sexual conduct” as defined by the statute.

As it has been in effect, this statutory scheme has an unintended consequence: it puts “handcuffs” on private schools by limiting swifter discipline than a private school might otherwise use in cases of reported child abuse or sexual conduct. ORS 339.388 requires private schools to guarantee its employees procedures to which only public employees are entitled after certain misconduct is reported: for example, paid administrative leave, hearing and appeal rights.

In a private school, a school employee may be disciplined or dismissed without the school jumping through all these hoops. A private school may have other standards or policies in effect.

SB 821 addresses these unintended consequences.

SB 821

- applies *only* to private schools;
- would continue to ensure that *all substantive safeguards* of statutes for the protection of children remain in effect;
- would change only the *procedures* by which a private school could discipline, terminate or otherwise deal with an employee about whom a report of child abuse or sexual conduct was received.

SB 821 would allow private schools to discipline or terminate a school employees reported to have engaged in child abuse or sexual conduct “according to the standards and policies of the school” – thus allowing the a private school to act more swiftly and effectively for the protection of children.