

HOUSE AMENDMENTS TO SENATE BILL 821

By COMMITTEE ON EDUCATION

June 3

1 On page 1 of the printed bill, delete lines 5 through 31 and delete page 2.

2 On page 3, delete lines 1 through 4 and insert:

3 “**SECTION 1.** ORS 339.388, as amended by section 4, chapter 92, Oregon Laws 2012, is amended
4 to read:

5 “339.388. (1)(a) A school employee having reasonable cause to believe that a child with whom
6 the employee comes in contact has suffered abuse by another school employee or by a student, or
7 that another school employee or a student with whom the employee comes in contact has abused a
8 child, shall immediately report the information to:

9 “(A) The person designated in the policy adopted under ORS 339.372; and

10 “(B) A law enforcement agency, the Department of Human Services or a designee of the de-
11 partment as required by ORS 419B.010 and 419B.015.

12 “(b) A school employee having reasonable cause to believe that a student with whom the em-
13 ployee comes in contact has been subjected to sexual conduct by another school employee, or that
14 another school employee with whom the employee comes in contact has engaged in sexual conduct,
15 shall immediately report the information to the person designated in the policy adopted under ORS
16 339.372.

17 “(2) A person who receives a report under subsection (1) of this section shall follow the proce-
18 dures required by the policy adopted by the school board under ORS 339.372.

19 “(3)(a) Except as provided in subsection (4) of this section, when an education provider receives
20 a report of suspected abuse or sexual conduct by one of its employees, and the education provider’s
21 designee determines that there is reasonable cause to support the report, the education provider:

22 “(A) In the case of suspected abuse, shall place the school employee on paid administrative
23 leave; or

24 “(B) In the case of suspected sexual conduct, may place the school employee on paid adminis-
25 trative leave or in a position that does not involve direct, unsupervised contact with children.

26 “(b) A school employee who is placed on paid administrative leave under paragraph (a)(A) of this
27 subsection shall remain on administrative leave until:

28 “(A) The Department of Human Services or a law enforcement agency determines that the re-
29 port cannot be substantiated or that the report will not be pursued; or

30 “(B) The Department of Human Services or a law enforcement agency determines that the report
31 is substantiated and the education provider takes the appropriate disciplinary action against the
32 school employee.

33 “(4) An education provider may reinstate a school employee placed on paid administrative leave
34 for suspected abuse as provided under subsection (3) of this section or may take the appropriate
35 disciplinary action against the employee if the Department of Human Services or a law enforcement

1 agency is unable to determine, based on a report of suspected abuse, whether abuse occurred.

2 “(5) If, following an investigation, an education provider determines that a report of suspected
3 abuse or sexual conduct by a school employee is a substantiated report, the education provider shall:

4 “(a) Inform the school employee that the education provider has determined that the report has
5 been substantiated.

6 “(b) Provide the school employee with information about the appropriate appeal process for the
7 determination made by the education provider. The appeal process may be the process provided by
8 a collective bargaining agreement or a process administered by a neutral third party and paid for
9 by the school district.

10 “(c) Following notice of a school employee’s decision not to appeal the determination or fol-
11 lowing the determination of an appeal that sustained the substantiated report, create a record of the
12 substantiated report and place the record in the personnel file of the school employee. Records
13 created pursuant to this paragraph are confidential and are not public records as defined in ORS
14 192.410. An education provider may use the record as a basis for providing the information required
15 to be disclosed under ORS 339.378.

16 “(d) Inform the school employee that information about substantiated reports may be disclosed
17 to a potential employer as provided by subsection [(7)] (8) of this section and ORS 339.378.

18 **“(6)(a) Notwithstanding the requirements of subsections (3), (4) and (5) of this section,
19 an education provider that is a private school:**

20 **“(A) May discipline or terminate a school employee according to:**

21 **“(i) The provisions of subsections (3) and (4) of this section; or**

22 **“(ii) The standards and policies of the private school if the standards and policies provide
23 the same or greater safeguards for the protection of children compared to the safeguards
24 described in subsections (3) and (4) of this section.**

25 **“(B) May follow the procedures described in subsection (5) of this section or may follow
26 any appeals process established by the private school related to suspected child abuse or
27 sexual conduct.**

28 **“(b) A private school that chooses to discipline or terminate a school employee according
29 to the standards and policies of the school must provide the information required to be dis-
30 closed under ORS 339.378.**

31 “[6)] (7) Upon request from a law enforcement agency, the Department of Human Services or
32 the Teacher Standards and Practices Commission, a school district shall provide the records of in-
33 vestigations of suspected abuse by a school employee or former school employee.

34 “[7)(a)] (8)(a) The disciplinary records of a school employee or former school employee con-
35 victed of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502.

36 “(b) If a school employee is convicted of a crime listed in ORS 342.143, the education provider
37 that is the employer of the employee shall disclose the disciplinary records of the employee to any
38 person upon request.

39 “(c) If a former school employee is convicted of a crime listed in ORS 342.143, the education
40 provider that was the employer of the former employee when the crime was committed shall disclose
41 the disciplinary records of the former employee to any person upon request.

42 “[8)] (9) Prior to disclosure of a disciplinary record under subsection [(7)] (8) of this section,
43 an education provider shall remove any personally identifiable information from the record that
44 would disclose the identity of a child, a crime victim or a school employee or former school em-
45 ployee who is not the subject of the disciplinary record.”.

