

**PROPOSED AMENDMENTS TO
SENATE BILL 821**

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

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

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

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

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

12 “(B) A law enforcement agency, the Department of Human Services or a
13 designee of the department as required by ORS 419B.010 and 419B.015.

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

20 “(2) A person who receives a report under subsection (1) of this section
21 shall follow the procedures required by the policy adopted by the school
22 board under ORS 339.372.

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

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

7 “(B) In the case of suspected sexual conduct, may place the school em-
8 ployee on paid administrative leave or in a position that does not involve
9 direct, unsupervised contact with children.

10 “(b) A school employee who is placed on paid administrative leave under
11 paragraph (a)(A) of this subsection shall remain on administrative leave un-
12 til:

13 “(A) The Department of Human Services or a law enforcement agency
14 determines that the report cannot be substantiated or that the report will
15 not be pursued; or

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

19 “(4) An education provider may reinstate a school employee placed on
20 paid administrative leave for suspected abuse as provided under subsection
21 (3) of this section or may take the appropriate disciplinary action against the
22 employee if the Department of Human Services or a law enforcement agency
23 is unable to determine, based on a report of suspected abuse, whether abuse
24 occurred.

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

28 “(a) Inform the school employee that the education provider has deter-
29 mined that the report has been substantiated.

30 “(b) Provide the school employee with information about the appropriate

1 appeal process for the determination made by the education provider. The
2 appeal process may be the process provided by a collective bargaining
3 agreement or a process administered by a neutral third party and paid for
4 by the school district.

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

12 “(d) Inform the school employee that information about substantiated re-
13 ports may be disclosed to a potential employer as provided by subsection
14 [(7)] (8) of this section and ORS 339.378.

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

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

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

19 **“(ii) The standards and policies of the private school if the stan-**
20 **dards and policies provide the same or greater safeguards for the pro-**
21 **tection of children compared to the safeguards described in**
22 **subsections (3) and (4) of this section.**

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

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

30 “[6] (7) Upon request from a law enforcement agency, the Department

1 of Human Services or the Teacher Standards and Practices Commission, a
2 school district shall provide the records of investigations of suspected abuse
3 by a school employee or former school employee.

4 “[~~(7)(a)~~] **(8)(a)** The disciplinary records of a school employee or former
5 school employee convicted of a crime listed in ORS 342.143 are not exempt
6 from disclosure under ORS 192.501 or 192.502.

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

10 “(c) If a former school employee is convicted of a crime listed in ORS
11 342.143, the education provider that was the employer of the former employee
12 when the crime was committed shall disclose the disciplinary records of the
13 former employee to any person upon request.

14 “[~~(8)~~] **(9)** Prior to disclosure of a disciplinary record under subsection
15 [~~(7)~~] **(8)** of this section, an education provider shall remove any personally
16 identifiable information from the record that would disclose the identity of
17 a child, a crime victim or a school employee or former school employee who
18 is not the subject of the disciplinary record.”

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