

## **HB 4150 -3 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 2/12, 2/15

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#### **WHAT THE MEASURE DOES:**

Expands the information provided in student sexual harassment complaints. Specifies that a student who initiates a sexual harassment complaint and the student's parents must be notified of the findings of the investigation and remedial actions taken by the school or school district, including sanctions, if allowed by law or collective bargaining agreement. Creates a right to information for the person subject to the complaint, whether staff or student, including notice of when the investigation is complete and the findings of the investigation. Provides that both the student initiating the complaint and the person subject to the complaint may access the information relied upon to support the findings of the investigation, so long as allowed by law or collective bargaining agreement and the information is treated in a confidential and non-public manner. Provides a right of action for enforcement of provisions of measure. Takes effect July 1, 2018.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-3 Specifies the school district policy will include disclosure to student, parents, and staff member, as appropriate, whether violation of policy was found, to extent allowed under state and federal confidentiality laws. Extends protections in school district policies to persons on or immediately adjacent to school properties, at school-sponsored events, utilizing school transportation, or at school bus stop. Requires written notification to include sections detailing the rights of students or staff members who filed the complaint, information on legal and disciplinary options, information on school services, outside services, and privacy rights. Specifies the notice must be in plain language that is easy to understand. Removes notification of remedial actions and sanctions imposed. Removes civil enforcement action. Takes effect July 1, 2018.

##### **BACKGROUND:**

Under current Oregon law, school districts must adopt a base policy on sexual harassment of students by staff or other students. At a minimum, the policy must apply to all students and staff and be investigated in a manner that does not adversely affect the educational assignments or study environment of the student. Upon conclusion of the investigation, the student who initiated the complaint and the student's parents are notified that the investigation has concluded, but statute is silent on whether the findings of the investigation are shared.

House Bill 4150 requires the findings of the investigation, including whether a violation occurred, be shared with the student and the student's parents. The measure also requires the school or school district to share what steps have been or will be taken to remedy or prevent further sexual harassment, including any applicable sanctions. This requirement is subject to applicable laws, such as confidentiality of records, and collective bargaining agreements. Additionally, the measure allows a student or staff member who is the subject of a complaint to be notified when the investigation is finished and the findings of the investigation. Finally, the measure gives both the student filing the complaint, the student's parents, and the person subject to the complaint a private right of action to enforce the provisions of the measure.