

HB 4150 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

Senate Committee On Education

Action Date: 02/26/18

Action: Do pass the A-Eng bill.

Vote: 7-0-0-0

Yeas: 7 - Bentz, Dembrow, Gelser, Hass, Linthicum, Roblan, Thomsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Expands the information provided in student sexual harassment complaints. Specifies that school district policy 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 and information on legal and disciplinary options, school services, outside services, and privacy rights. Specifies the notice must be in plain language that is easy to understand. Takes effect July 1, 2018.

ISSUES DISCUSSED:

- Specific example of student sexual harassment
- Investigation processes
- Lack of information provided to parents and student
- Federal confidentiality restrictions
- Provisions of measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current Oregon law, school districts must adopt a policy on sexual harassment of students by staff or other students. At a minimum, the policy must apply to all students and staff and require investigations 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 the statute is silent on whether the findings of the investigation are shared.

House Bill 4150-A requires the notice to the student and student's parents include whether a violation occurred. This requirement is subject to applicable state and federal laws on confidentiality. The measure extends the school district's sexual harassment policy to apply to persons who are not students, but are on school property or at a school event, and to persons using school transportation or at a school bus stop. Finally, the measure makes additional changes to notice requirements, including requiring school districts to provide individuals with a clear, easy to read handout on their rights, legal and disciplinary options, and available resources.