

House Bill 4119

Sponsored by Representatives BONHAM, SPRENGER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs education provider to provide access to certain personnel records of school employee if another education provider is considering employment of school employee. Prohibits agreements that restrict access to personnel records.

A BILL FOR AN ACT

1
2 Relating to information about school employees.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Education provider” means a school district, public charter school or education**
6 **service district in this state.**

7 (b) **“Personnel record” means the personnel records, including any supporting documents**
8 **or materials, that:**

9 (A) **Relate to a current or former school employee;**

10 (B) **Are maintained as provided by ORS 652.750; and**

11 (C) **Are related to:**

12 (i) **The school employee’s termination or other disciplinary action taken against the**
13 **school employee; or**

14 (ii) **An investigation of the school employee involving conduct that may constitute a**
15 **criminal offense.**

16 (c) **“School employee” means a person licensed or registered by the Teacher Standards**
17 **and Practices Commission.**

18 (2) **An education provider must allow another education provider to access the personnel**
19 **records of a school employee if the other education provider requests access because the**
20 **other education provider is considering employment of the school employee.**

21 (3)(a) **An education provider may not enter into a collective bargaining agreement, an**
22 **employment contract, an agreement for resignation or termination, a severance agreement**
23 **or any other contract or agreement that has the effect of suppressing personnel records for**
24 **which access is to be allowed as provided by this section.**

25 (b) **Any provision of an employment contract or agreement that is contrary to this sub-**
26 **section is void and unenforceable.**

27 (4) **An education provider that provides access to personnel records as provided by this**
28 **section is presumed to be acting in good faith and, unless lack of good faith is shown by a**
29 **preponderance of the evidence, is immune from civil liability from the access or the access’s**
30 **consequences. For purposes of this subsection, the presumption of good faith is rebutted**
31 **upon a showing that the education provider provided access knowing that the information in**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **the personnel records was false or deliberately misleading or provided access with malicious**
2 **purpose.**

3 **(5) Nothing in this section requires an education provider to reveal personally identifiable**
4 **information or to disclose any information otherwise prohibited by law to be disclosed.**

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