

## **SB 912 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Channa Newell, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 4/5, 4/8

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

Requires school board to adopt policy requiring school employees to report abuse or sexual conduct by a school employee against a student or by a student against another student. Requires report to Department of Human Services by public or private official if official has reason to believe a student has been subject to sexual conduct by a regulated public or private official or student sexual conduct. Specifies duty to report exists regardless of policies or procedures of entity or organization to the contrary. Provides criminal and civil liability protection for those reporting in good faith. Directs Department or law enforcement to notify regulating board of of public or private official if sexual conduct is found to exist. Requires regulatory board to initiate disciplinary proceedings based on content of records received from Department or law enforcement. Makes failure to report a Class A violation. Provides that action must be commenced within 18 months of commission of offense.

#### **ISSUES DISCUSSED:**

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

-1 Adds private right of action and statutory damage of \$1000 if school employee failed to report required sexual conduct and school employee should have reasonably known that employee or other student engaged in sexual conduct. Allows attorney fees for prevailing plaintiff. Requires school official designated to receive reports of sexual conduct to keep record of reports received and disclosure such information in claim. Requires Department of Education to evaluate number of background checks performed in public and private schools in prior ten years. Requires report on percentage of reports that indicated person had engaged in sexual conduct towards a child and the percentage of background checks relating to sexual conduct that were requested by private school and public schools. Require report to Legislative Assembly no later than September 15, 2020. Declares emergency, effective on passage.

##### **BACKGROUND:**

Each school board in Oregon is required to have policies that outline its response to sexual conduct by teachers. ORS 339.372. Policies must require all school employees who have reasonable cause to believe that another school employee has engaged in sexual conduct or abuse, or that a student has abused another student, to report the suspected abuse or sexual conduct to the Department of Human Services (DHS) or law enforcement. The school employee must also report to a designated person within the organization. Sexual conduct is currently defined as verbal or physical conduct by a school employee that is sexual in nature, directed at a student, has the effect of unreasonably interfering with the student's academic performance, and creates an intimidating to hostile environment. sexual conduct is not abuse.

Senate Bill 912 requires reporting of student to student sexual conduct. The measure also directs notification of findings of sexual conduct to be sent to the appropriate regulating body for a public or private professional.