

SB 912 A -A8 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: Haylee Morse-Miller, Fiscal Analyst

Meeting Dates: 6/17

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. Allows private right of action and statutory damage of \$1,000 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 and the school employee who failed to make report could not be disciplined by the Teacher Standards and Practices Commission. Allows attorney fees for prevailing plaintiff. Requires school official designated to receive reports of sexual conduct to keep record of reports received and disclose such information in claim. Requires Department of Education to evaluate number of background checks performed in 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, takes effect July 1, 2019.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A8 Changes reporting requirements and requires private schools to adopt policies for responding to "student nonconsensual sexual conduct"; allows civil action in cases where a private school employee fails to make a report; changes the content of the report on background checks that will be done by the Department of Education.

BACKGROUND:

Each school board in Oregon is required to have policies that outline its response to sexual conduct by teachers. 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.

SB 912 modifies reporting requirements for certain teachers and students, and requires the Department of Education to report to the Legislative Assembly on the number of background checks conducted by private schools in the last ten years.