



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: SB 155

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Requires all investigations involving suspected abuse or sexual conduct by school employees to be conducted by Teacher Standards and Practices Commission. Prescribes standards for investigations. Authorizes commission to impose civil penalty on school districts and educators who fail to comply. Directs commission to establish, maintain and make available to education providers database related to substantiated reports.

Revises definitions of terms of "school employee," "sexual conduct" and "student" for purposes of certain laws related to abuse and sexual conduct by school employees.

Prohibits individual who is school employee from assisting other school employee in obtaining new job if individual knows or has probable cause to believe school employee engaged in abuse or sexual contact with student. Provides exceptions. Allows commission to discipline individual for any violations of prohibition.

Prohibits certain agreements or contracts that have effect of terminating or impairing ongoing investigations.

Establishes nonlicensed school personnel registry to be maintained by commission. Prohibits nonlicensed school personnel from having direct, unsupervised access to children served by education provider unless nonlicensed school personnel is registered or other exception applies.

Clarifies which school employees are subject to mandatory reporting of abuse. Adds school district board member and public charter school governing body member to list of mandatory reporters.

Directs Department of Human Services and law enforcement agencies that receive report of child abuse to notify commission if report involves conduct of school employee toward student.

Declares emergency, effective July 1, 2019.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure makes information and reports of the Teacher Standards and Practices Commission detailing investigations of abuse or sexual conduct by school employees exempt from public disclosure unless the commission makes a final determination to take disciplinary action against the school employee. However, records received from the Department of Human Services pursuant to ORS 419B.035 would remain exempt from public disclosure regardless of the disposition of the investigation.



If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain information related to ongoing investigations being conducted by the Teacher Standards and Practices Commission and investigations in which the allegations could not be substantiated.