

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO  
SENATE BILL 155**

1 On page 1 of the printed bill, line 3, delete “336.631,”.

2 Delete lines 6 through 19 and delete pages 2 through 26 and insert:

3 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part**  
4 **of ORS 339.370 to 339.400.**

5 **“SECTION 2. (1)(a) When the Teacher Standards and Practices**  
6 **Commission receives a report of suspected sexual conduct or abuse**  
7 **that may have been committed by a licensed or registered school em-**  
8 **ployee under ORS 339.388 or 419B.015, the commission shall imme-**  
9 **diately cause an investigation to be made. An investigation and final**  
10 **determination related to the report must be made within 90 calendar**  
11 **days following the date on which the report was filed with the com-**  
12 **mission.**

13 **“(b) Notwithstanding paragraph (a) of this subsection, the pre-**  
14 **scribed timeline for an investigation and final determination may be**  
15 **extended if the commission determines that, for good cause, a longer**  
16 **period of time is necessary. Good cause under this paragraph includes**  
17 **a request from law enforcement or the Department of Human Services**  
18 **to suspend the commission’s investigation pending completion of law**  
19 **enforcement’s or the department’s investigation, or pending the com-**  
20 **pletion of a criminal or civil proceeding.**

21 **“(2) The commission shall appoint an investigator and shall furnish**

1 the investigator with appropriate professional and other special as-  
2 sistance reasonably required to conduct an investigation. An investi-  
3 gator appointed under this subsection is empowered to:

4 “(a) Issue subpoenas to require the attendance of witnesses or the  
5 production of documents;

6 “(b) Subpoena witnesses;

7 “(c) Swear witnesses and compel obedience in the same manner as  
8 provided under ORS 183.440 (2); and

9 “(d) Request records from a law enforcement agency or the De-  
10 partment of Human Services as provided by ORS 419B.035.

11 “(3) An investigation shall be conducted under this section regard-  
12 less of any investigations being conducted by an education provider  
13 concerning the same report. If the education provider is conducting  
14 an investigation concerning the same report, the commission may  
15 conduct the investigation concurrently with the education provider.

16 “(4)(a) Following the completion of an investigation, the investi-  
17 gator shall report in writing any findings and recommendations to the  
18 executive director of the commission.

19 “(b) If, based on the findings, the executive director believes there  
20 is an immediate threat to a student, the executive director shall re-  
21 quest that the commission meet in executive session.

22 “(5) The executive director or the investigator shall report in writ-  
23 ing the findings and any recommendations to the commission. The  
24 commission shall decide if there is sufficient cause to justify holding  
25 a hearing under ORS 342.177.

26 “(6) If the commission finds that there is sufficient cause to justify  
27 holding a hearing under ORS 342.177, the commission shall notify in  
28 writing:

29 “(a) The person charged, enclosing a statement of the charges and  
30 a notice of opportunity for hearing;

1       **“(b) The student and, if applicable, the student’s parents;**

2       **“(c) The education provider; and**

3       **“(d) The licensed administrator who provided the report of sus-**  
4 **pected abuse or sexual conduct to the commission as required by ORS**  
5 **339.372 (5).**

6       **“(7) If the commission finds that there is not sufficient cause to**  
7 **justify holding a hearing under ORS 342.177, the commission shall no-**  
8 **tify in writing:**

9       **“(a) The person charged;**

10       **“(b) The student and, if applicable, the student’s parents;**

11       **“(c) The education provider; and**

12       **“(d) The licensed administrator who provided the report of sus-**  
13 **pected abuse or sexual conduct to the commission as required by ORS**  
14 **339.372 (5).**

15       **“(8)(a) Except as provided in paragraph (b) of this subsection, the**  
16 **documents and materials used in the investigation undertaken under**  
17 **this section, and the report related to the investigation, are confiden-**  
18 **tial and not subject to public inspection unless the commission makes**  
19 **a final determination to suspend or revoke a license or registration,**  
20 **discipline a person holding a license or registration, or revoke the**  
21 **right to apply for a license or registration, as provided under ORS**  
22 **342.175.**

23       **“(b) Records made available to the commission under ORS 419B.035**  
24 **shall be kept confidential, regardless of any action taken by the com-**  
25 **mission.**

26       **“(c) The commission shall retain documents and materials related**  
27 **to any report received under this section, regardless of whether the**  
28 **commission found sufficient cause to justify holding a hearing under**  
29 **this section.**

30       **“(9) Notwithstanding ORS 192.660 (6), the commission may make its**

1 findings under this section in executive session. However, the pro-  
2 visions of ORS 192.660 (4) apply to the sessions.

3 “(10)(a) The commission shall establish and maintain a database  
4 related to reports of suspected abuse or sexual conduct received by the  
5 commission under this section. The database must include information  
6 about any report received by the commission, the findings and rec-  
7 ommendations of the investigator of the report and any actions taken  
8 by the commission.

9 “(b) The commission shall adopt by rule standards for allowing an  
10 education provider to access information online to determine if:

11 “(A) An investigation conducted under this section is ongoing; or

12 “(B) A report has been substantiated.

13 “(11)(a) The commission may impose a civil penalty on an education  
14 provider and on any agents of the education provider who:

15 “(A) Did not submit a report as required under ORS 339.388; or

16 “(B) Willingly failed to cooperate with an investigation conducted  
17 under this section.

18 “(b) The commission shall adopt by rule a schedule of civil penalties  
19 for violations under this subsection. A civil penalty may not exceed  
20 \$1,000 per violation.

21 “(c) All civil penalties recovered under this subsection shall be ap-  
22 plied to the costs of the commission’s investigation and any adminis-  
23 trative proceedings that result from the investigation.

24 “SECTION 3. ORS 342.175 is amended to read:

25 “342.175. (1) The Teacher Standards and Practices Commission may sus-  
26 pend or revoke the license or registration of a teacher or administrator,  
27 discipline a teacher or administrator, or suspend or revoke the right of any  
28 person to apply for a license or registration, if the licensee, registrant or  
29 applicant has held a license or registration at any time within five years  
30 prior to issuance of the notice of charges under ORS 342.176 or **section 2**

1 **of this 2019 Act** based on the following:

2 “(a) Conviction of a crime not listed in ORS 342.143 (3);

3 “(b) Gross neglect of duty;

4 “(c) Any gross unfitness;

5 “(d) Conviction of a crime for violating any law of this state or any state  
6 or of the United States involving the illegal use, sale or possession of con-  
7 trolled substances;

8 “(e) Conviction of a crime described in ORS 475B.010 to 475B.545;

9 “(f) Any false statement knowingly made in an application for issuance,  
10 renewal or reinstatement of a license or registration; or

11 “(g) Failure to comply with any condition of reinstatement under sub-  
12 section (4) of this section or any condition of probation under ORS 342.177  
13 (3)(b).

14 “(2) If a person is enrolled in an approved educator preparation program  
15 under ORS 342.147, the commission may issue a public reprimand or may  
16 suspend or revoke the right to apply for a license or registration based on  
17 the following:

18 “(a) Conviction of a crime listed in ORS 342.143 (3) or a crime described  
19 by the commission by rule;

20 “(b) Conviction of a crime for violating any law of this state or any state  
21 or of the United States involving the illegal use, sale or possession of con-  
22 trolled substances; or

23 “(c) Any conduct that may cause the commission to issue a public  
24 reprimand for a teacher or to suspend or revoke the license or registration  
25 of a teacher.

26 “(3) The commission shall revoke any license or registration and shall  
27 revoke the right of any person to apply for a license or registration if the  
28 person has been convicted of any crime listed in ORS 342.143 (3).

29 “(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and  
30 subject to subsection (5) of this section, any person whose license or regis-

1 tration has been revoked, or whose right to apply for a license or registra-  
2 tion has been revoked, may apply to the commission for reinstatement of the  
3 license or registration after one year from the date of the revocation.

4 “(b) Any person whose license or registration has been suspended, or  
5 whose right to apply for a license or registration has been suspended, may  
6 apply to the commission for reinstatement of the license or registration.

7 “(c) The commission may require an applicant for reinstatement to fur-  
8 nish evidence satisfactory to the commission of good moral character, mental  
9 and physical health and such other evidence as the commission may consider  
10 necessary to establish the applicant’s fitness. The commission may impose a  
11 probationary period and such conditions as the commission considers neces-  
12 sary upon approving an application for reinstatement.

13 “(5) The commission shall reconsider immediately a license or registration  
14 suspension or revocation or the situation of a person whose right to apply  
15 for a license or registration has been revoked, upon application therefor,  
16 when the license or registration suspension or revocation or the right revo-  
17 cation is based on a criminal conviction that is reversed on appeal.

18 “(6) Violation of rules adopted by the commission relating to competent  
19 and ethical performance of professional duties shall be admissible as evi-  
20 dence of gross neglect of duty or gross unfitness.

21 “(7) A copy of the record of conviction, certified to by the clerk of the  
22 court entering the conviction, shall be conclusive evidence of a conviction  
23 described in this section.

24 “**SECTION 4.** ORS 342.176 is amended to read:

25 “342.176. (1)(a) A person may file a complaint with the Teacher Standards  
26 and Practices Commission regarding a person licensed by the commission.  
27 **If a complaint concerns an allegation of sexual conduct or abuse that**  
28 **may have been committed by a licensed or registered school employee**  
29 **under ORS 339.388 to 419B.015, the complaint process provided by this**  
30 **section does not apply and the commission shall investigate the com-**

1 **plaint as provided by section 2 of this 2019 Act.**

2 “(b) Prior to beginning an investigation based on a complaint filed under  
3 paragraph (a) of this subsection, the commission may require verification  
4 that attempts were made to resolve the complaint through the complaint  
5 process of the school district that employs the person against whom the  
6 complaint was filed.

7 “(c) After receiving sufficient verification as provided by paragraph (b)  
8 of this subsection, the [*Teacher Standards and Practices*] commission shall  
9 promptly undertake an investigation upon receipt of a complaint or infor-  
10 mation that may constitute grounds for:

11 “(A) Refusal to issue a license or registration, as provided under ORS  
12 342.143;

13 “(B) Suspension or revocation of a license or registration, discipline of a  
14 person holding a license or registration, or suspension or revocation of the  
15 right to apply for a license or registration, as provided under ORS 342.175;  
16 or

17 “(C) Discipline for failure to provide appropriate notice prior to resigna-  
18 tion, as provided under ORS 342.553.

19 “(2) The commission may appoint an investigator and shall furnish the  
20 investigator with appropriate professional and other special assistance rea-  
21 sonably required to conduct the investigation, and the investigator is em-  
22 powered to issue subpoenas to require the attendance of witnesses or the  
23 production of documents over the signature of the executive director of the  
24 commission, subpoena witnesses over the signature of the executive director,  
25 swear witnesses and compel obedience in the same manner as provided under  
26 ORS 183.440 (2).

27 “(3) Following completion of the investigation, the executive director or  
28 the executive director’s designee shall report in writing any findings and  
29 recommendations to:

30 “(a) The commission, meeting in executive session, at its next regular

1 meeting following completion of the investigation; and

2 “(b) The person against whom the charge is made, following consideration  
3 by the commission.

4 “(4)(a) Except as provided in paragraph (b) of this subsection, the docu-  
5 ments and materials used in the investigation undertaken as provided by this  
6 section and the report related to the investigation are confidential and not  
7 subject to public inspection unless the commission makes a final determi-  
8 nation to:

9 “(A) Refuse to issue a license or registration, as provided under ORS  
10 342.143;

11 “(B) Suspend or revoke a license or registration, discipline a person  
12 holding a license or registration, or suspend or revoke the right to apply for  
13 a license or registration, as provided under ORS 342.175; or

14 “(C) Discipline a person for failure to provide appropriate notice prior to  
15 resignation, as provided under ORS 342.553.

16 “(b) Records made available to the commission under ORS 419B.035 (1)(h)  
17 shall be kept confidential.

18 “(5) If the commission finds from the report that there is sufficient cause  
19 to justify holding a hearing under ORS 342.177, the commission shall notify  
20 in writing:

21 “(a) The person charged, enclosing a statement of the charges and a no-  
22 tice of opportunity for hearing;

23 “(b) The complainant; and

24 “(c) The employing district or public charter school, if any.

25 “(6) If the commission finds from the report that there is not sufficient  
26 cause to justify holding a hearing under ORS 342.177, the commission shall  
27 notify in writing:

28 “(a) The person charged;

29 “(b) The complainant; and

30 “(c) The employing district or public charter school, if any.



1 “(7) Notwithstanding ORS 192.660 (6), the commission may make its  
2 findings under this section in executive session. However, the provisions of  
3 ORS 192.660 (4) apply to the sessions.

4 **“SECTION 5.** ORS 342.177 is amended to read:

5 “342.177. (1)(a) Hearings under ORS 342.176 **and section 2 of this 2019**  
6 **Act** shall be conducted by an administrative law judge assigned from the  
7 Office of Administrative Hearings established under ORS 183.605.

8 “(b) Any hearing conducted under this section shall be private unless the  
9 person against whom the charge is made requests a public hearing. Students  
10 attending school in the employing district may not attend any hearing except  
11 as witnesses duly subpoenaed to testify with respect to the charges made.  
12 Students attending a public charter school that employs the person may not  
13 attend any hearing except as witnesses duly subpoenaed to testify with re-  
14 spect to the charges made. The person charged shall have the right to be  
15 represented by counsel and to present evidence and argument. The evidence  
16 must be confined to the charges.

17 “(2) The Teacher Standards and Practices Commission or the person  
18 charged may have subpoenas issued to compel attendance at the hearing. The  
19 person charged may have subpoenas issued by an attorney of record sub-  
20 scribed by the signature of the attorney or by the executive director **of the**  
21 **commission.** Witnesses appearing pursuant to subpoena, other than the  
22 parties or officers or employees of the commission, shall receive fees and  
23 mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission  
24 or the person charged shall have the right to compel the attendance and  
25 obedience of witnesses in the same manner as provided under ORS 183.440  
26 (2).

27 “(3) The commission shall render its decision at its next regular meeting  
28 following the hearing. If the decision of the commission is that the charge  
29 described in ORS 342.175 (1) has been proven, the commission may take any  
30 or all of the following disciplinary action against the person charged:

1       “(a) Issue a public reprimand.

2       “(b) Place the person on probation for a period not to exceed four years  
3 and subject to such conditions as the commission considers necessary.

4       “(c) Suspend the license or registration of the teacher or administrator  
5 for a period not to exceed one year.

6       “(d) Revoke the license or registration of the teacher or administrator.

7       “(e) Revoke the right to apply for a license or registration.

8       “(4) If the decision of the commission is that the charge is not proven, the  
9 commission shall order the charges dismissed.

10       “(5) The commission shall notify in writing the person charged and the  
11 employing district or public charter school of the decision.

12       “**SECTION 6.** ORS 342.183 is amended to read:

13       “342.183. (1) The Teacher Standards and Practices Commission may issue  
14 a letter of informal reproof to a person licensed, registered or certified by  
15 the commission if:

16       “(a) Following the completion of an investigation, the commission deter-  
17 mines that the person has engaged in conduct that affects the person’s ability  
18 to be professionally effective, based on standards adopted by the commission  
19 by rule; and

20       “(b) Subject to subsection (5) of this section, the commission agrees not  
21 to pursue disciplinary action against the person under ORS 342.175 and the  
22 person agrees to the terms of the letter of informal reproof, including a  
23 monitoring period.

24       “(2) A letter of informal reproof issued as provided by subsection (1) of  
25 this section shall establish the terms of a monitoring period for the person  
26 to whom the letter is issued.

27       “(3) Upon the issuance of a letter of informal reproof, the commission  
28 shall notify the employer of the person to whom the letter is issued, includ-  
29 ing any terms of the letter that the employer may need to know to assist the  
30 person in complying with the terms of the letter.

1 “(4) A letter of informal reproof issued as provided by subsection (1) of  
2 this section:

3 “(a) Is confidential; and

4 “(b) Except when a disciplinary action is taken as provided in subsection  
5 (5) of this section, may not be posted on an interstate clearinghouse related  
6 to educator license sanctions.

7 “(5) If a person fails to comply with the terms of a letter of informal re-  
8 proof, the commission may take disciplinary action against the person based  
9 on one or both of the following:

10 “(a) The conduct underlying the letter of informal reproof; or

11 “(b) The failure to comply with the terms of the letter of informal re-  
12 proof.

13 “(6) If the executive director of the commission determines that a person  
14 failed to meet the terms of a letter of informal reproof, the executive di-  
15 rector shall report the failure to the commission for the commission to make  
16 a final determination pursuant to ORS 342.176 **or section 2 of this 2019**  
17 **Act.**

18 “(7) The documents and materials used in an investigation for the pur-  
19 poses of this section are confidential and are not subject to public inspection  
20 unless the commission makes a final determination to discipline the person  
21 pursuant to ORS 342.175.

22 **“SECTION 7.** ORS 342.390 is amended to read:

23 “342.390. (1) The Teacher Standards and Practices Commission shall meet  
24 at least once every six months at a place, day and hour determined by the  
25 commission. The commission shall also meet at such other times and places  
26 as are specified by the call of the chairperson or of a majority of the mem-  
27 bers of the commission **or may meet by the request of the executive di-**  
28 **rector of the commission as provided by section 2 of this 2019 Act.**

29 “(2) A member of the commission who is employed at a public school or  
30 by a private educator preparation provider or by a public university listed

1 in ORS 352.002:

2 “(a) May not receive compensation for services as a member.

3 “(b) Shall receive actual and necessary travel and other expenses incurred  
4 in the performance of official duties as provided by ORS 292.495 (2) and  
5 subject to any other applicable law regulating travel and other expenses for  
6 state officers.

7 “(3) A member of the commission who serves on the commission in the  
8 capacity of a district school board member or as a member of the general  
9 public shall be entitled to compensation and expenses as provided in ORS  
10 292.495 (1) and (2).

11 **“SECTION 8. (1) Section 2 of this 2019 Act and the amendments to**  
12 **ORS 342.175, 342.176, 342.177, 342.183 and 342.390 by sections 3 to 7 of this**  
13 **2019 Act become operative on January 1, 2020.**

14 **“(2) Section 2 of this 2019 Act and the amendments to ORS 342.175,**  
15 **342.176, 342.177, 342.183 and 342.390 by sections 3 to 7 of this 2019 Act**  
16 **apply to reports of suspected abuse or sexual conduct received on or**  
17 **after January 1, 2020.**

18 **“SECTION 9.** ORS 339.370 is amended to read:

19 “339.370. As used in ORS 339.370 to 339.400:

20 “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.

21 “[2) ‘Disciplinary records’ means the records related to a personnel disci-  
22 pline action or materials or documents supporting that action.]

23 **“(2) ‘Agent’ means a person acting as an agent for an education**  
24 **provider in a manner that requires the person to have direct, unsu-**  
25 **perervised contact with students.**

26 **“(3) ‘Contractor’ means a person providing services to an education**  
27 **provider under a contract in a manner that requires the person to**  
28 **have direct, unsupervised contact with students.**

29 “[3)] (4) ‘Education provider’ means:

30 “(a) A school district, as defined in ORS 332.002.

1 “(b) The Oregon School for the Deaf.

2 “(c) An educational program under the Youth Corrections Education  
3 Program.

4 “(d) A public charter school, as defined in ORS 338.005.

5 “(e) An education service district, as defined in ORS 334.003.

6 “(f) Any state-operated program that provides educational services to  
7 [*kindergarten through grade 12*] students.

8 “(g) A private school.

9 “[~~(4)~~] **(5)** ‘Investigation’ means a detailed inquiry into the factual  
10 allegations of a report of suspected abuse or sexual conduct that:

11 “(a) Is based on interviews with the [*complainant*] **person who initiated**  
12 **the report, the person who may have been subjected to abuse or sexual**  
13 **conduct**, witnesses and the [*school employee or student*] **person** who is the  
14 subject of the report; and

15 “(b) If the subject of the report is a school employee, meets any negotiated  
16 standards of an employment contract or agreement.

17 “[~~(5)~~] **(6)** ‘Law enforcement agency’ has the meaning given that term in  
18 ORS 419B.005.

19 “[~~(6)~~] **(7)** ‘Private school’ means a school that provides to [*kindergarten*  
20 *through grade 12*] students instructional programs that are not limited solely  
21 to dancing, drama, music, religious or athletic instruction.

22 “[~~(7)~~] **(8)** ‘School board’ means the governing board or governing body of  
23 an education provider.

24 “[~~(8)~~] **(9)** ‘School employee’ means an employee of an education provider.

25 “[~~(9)(a)~~] ‘*Sexual conduct*’ means any verbal or physical conduct by a school  
26 employee that:]

27 “[~~(A)~~] *Is sexual in nature;*]

28 “[~~(B)~~] *Is directed toward a kindergarten through grade 12 student;*]

29 “[~~(C)~~] *Has the effect of unreasonably interfering with a student’s educational*  
30 *performance; and]*

1       “(D) Creates an intimidating, hostile or offensive educational  
2 environment.]

3       “[(b) ‘Sexual conduct’ does not include abuse.]

4       “[(10) ‘Substantiated report’ means a report of abuse or sexual conduct  
5 that:]

6       “[(a) An education provider has reasonable cause to believe is founded  
7 based on the available evidence after conducting an investigation; and]

8       “[(b) Involves conduct that the education provider determines is sufficiently  
9 serious to be documented in the school employee’s personnel file or the  
10 student’s education record.]

11       “(10)(a) ‘Sexual conduct’ means conduct by a school employee, a  
12 contractor, an agent or a volunteer involving a student that includes:

13       “(A) The intentional touching of the breast or of the sexual or other  
14 intimate parts of a student;

15       “(B) Verbally, physically or electronically causing, encouraging or  
16 permitting a student to touch the breast or the sexual or other inti-  
17 mate parts of a school employee, a contractor, an agent or a volun-  
18 teer;

19       “(C) Verbal, physical or electronic sexual advances or requests for  
20 sexual favors directed toward a student; or

21       “(D) Verbal, physical or electronic conduct of a sexual nature that  
22 is directed toward a student or that has the effect of unreasonably  
23 interfering with a student’s educational performance, or creates an  
24 intimidating, hostile or offensive educational environment.

25       “(b) ‘Sexual conduct’ does not include:

26       “(A) Abuse; or

27       “(B) Touching of the breast or of the sexual or other intimate parts  
28 of a student when:

29       “(i) The touching is necessitated by the nature of the school  
30 employee’s job duties or by the services required to be provided by the

1 agent, contractor or volunteer; and

2 “(ii) There is no sexual intent.

3 “(11) ‘Student’ means any person:

4 “(a) Who is:

5 “(A) In any grade from prekindergarten through grade 12; or

6 “(B) Twenty-one years of age or younger and receiving educational  
7 or related services from an education provider that is not a post-  
8 secondary institution of education; or

9 “(b) Who was previously known as a student by the person engaging  
10 in the sexual conduct and who left school or graduated from high  
11 school within 90 days prior to the sexual conduct.

12 “(12) ‘Substantiated report’ means a report of abuse or sexual con-  
13 duct that an education provider, a law enforcement agency, the De-  
14 partment of Human Services or the Teacher Standards and Practices  
15 Commission has reasonable cause to believe, based on the available  
16 evidence after conducting an investigation and based on the  
17 investigatory standards of the education provider or the agency, is  
18 founded.

19 “(13) ‘Volunteer’ means a person who volunteers for an education  
20 provider in a manner that requires the person to have direct, unsu-  
21 pervised contact with students.

22 “SECTION 10. The amendments to ORS 339.370 by section 9 of this  
23 2019 Act apply to conduct that occurs before, on or after January 1,  
24 2020, for purposes of:

25 “(1) Making reports of suspected abuse or sexual conduct;

26 “(2) Investigations of suspected abuse or sexual conduct that are  
27 initiated on or after January 1, 2020; and

28 “(3) A collective bargaining agreement, an employment contract,  
29 an agreement for resignation or termination, a severance agreement  
30 or any similar contract or agreement entered into on or after January

1 **1, 2020.**

2 **“SECTION 11.** ORS 339.372 is amended to read:

3 “339.372. Each school board shall adopt policies on the reporting of abuse  
4 and sexual conduct by school employees, **contractors, agents and volun-**  
5 **teers** and the reporting of abuse by students. The policies shall:

6 “(1) Specify that abuse and sexual conduct by school employees, **con-**  
7 **tractors, agents and volunteers** and abuse by students are not tolerated;

8 “(2) Specify that all school employees, **contractors, agents, volunteers**  
9 and students are subject to the policies;

10 “(3) Require all school employees, **contractors, agents and volunteers**  
11 who have reasonable cause to believe that another school employee, **con-**  
12 **tractor, agent or volunteer** has engaged in abuse or sexual conduct or that  
13 a student has engaged in abuse to:

14 “(a) Report suspected abuse to a law enforcement agency, the Department  
15 of Human Services or a designee of the department as required by ORS  
16 419B.010 and 419B.015; and

17 “(b) Report suspected abuse or sexual conduct to the [*person*] **licensed**  
18 **administrator** designated as provided by subsection (4) of this section;

19 “(4) Designate a [*person*] **licensed administrator**, and an alternate **li-**  
20 **censed administrator** in the event the designated [*person*] **administrator**  
21 is the suspected abuser, to receive reports of suspected abuse or sexual con-  
22 duct by school employees, **contractors, agents or volunteers** or suspected  
23 abuse by students and specify the procedures to be followed by [*that person*]  
24 **the licensed administrator** upon receipt of a report;

25 “(5) **Specify the procedures to be followed during an investigation,**  
26 **including notification that:**

27 “(a) **Any reports of suspected abuse or sexual conduct by licensed**  
28 **or registered school employees shall be provided to the Teacher Stan-**  
29 **dards and Practices Commission for investigation under section 2 of**  
30 **this 2019 Act within 30 days of the report being received by the licensed**



1 **administrator designated under subsection (4) of this section;**

2 **“(b) The education provider shall investigate all reports of sus-**  
3 **pected abuse or sexual conduct by school employees, contractors,**  
4 **agents and volunteers and all reports of abuse by students as provided**  
5 **by ORS 339.388 and investigations may be conducted independently of,**  
6 **or concurrently with, a law enforcement agency, the department or**  
7 **the commission; and**

8 **“(c) The education provider will cooperate with a law enforcement**  
9 **agency, the department and the commission, as applicable, on inves-**  
10 **tigations regardless of any changes in the relationship or duties of the**  
11 **person about whom a report was made;**

12 **“[(5)] (6) Require the posting in each school building of the name and**  
13 **contact information for the [person] licensed administrator designated for**  
14 **the school building to receive reports of suspected abuse or sexual conduct**  
15 **by school employees, contractors, agents or volunteers or suspected abuse**  
16 **by students and the procedures the [person] licensed administrator will**  
17 **follow upon receipt of a report;**

18 **“[(6)] (7) Specify that the initiation of a report in good faith about sus-**  
19 **pected abuse or sexual conduct may not adversely affect any terms or con-**  
20 **ditions of employment or the work environment of the [complainant] person**  
21 **who initiated the report or who may have been subjected to abuse or**  
22 **sexual conduct;**

23 **“[(7)] (8) Specify that the [school board] education provider or any**  
24 **school employee, contractor, agent or volunteer will not discipline a stu-**  
25 **dent for the initiation of a report in good faith about suspected abuse or**  
26 **sexual conduct by a school employee, a contractor, an agent or a volun-**  
27 **teer or suspected abuse by a student;**

28 **“[(8)] (9) Require notification by the education provider to the person who**  
29 **[initiated the report] was subjected to the abuse or sexual conduct about**  
30 **any actions taken by the education provider based on the report; [and]**

1 “[9] **(10)** Require the education provider to furnish to a school employee  
2 at the time of hire, **or to a contractor, an agent or a volunteer at the**  
3 **time of beginning service for the education provider**, the following:

4 “(a) A description of conduct that may constitute abuse or sexual conduct;  
5 *[and]*

6 “(b) A description of the *[information and records that will be disclosed*  
7 *as provided by ORS 339.378 or 339.388 (8)]* **investigatory process and pos-**  
8 **sible consequences** if a report of suspected abuse or sexual conduct is  
9 substantiated[.]; **and**

10 “(c) **A description of the prohibitions imposed on school employees,**  
11 **contractors, agents and volunteers when another school employee,**  
12 **contractor, agent or volunteer attempts to obtain a new job, as pro-**  
13 **vided by ORS 339.378 (2); and**

14 “(11) **Specify and make available to students, school employees,**  
15 **contractors, agents and volunteers a policy of appropriate electronic**  
16 **communications with students.**

17 “**SECTION 12.** ORS 339.374 is amended to read:

18 “339.374. **(1)** Except as provided in ORS 339.384, before an education pro-  
19 vider may hire an applicant for a position with the education provider **as a**  
20 **school employee**, the education provider shall:

21 “[1] **(a)** Require the applicant to provide:

22 “[a] **(A)** A list of the applicant’s current and former employers who are  
23 education providers.

24 “[b] **(B)** A written authorization that authorizes *[the applicant’s current*  
25 *and former employers that are]* education providers **identified in subpara-**  
26 **graph (A) of this paragraph** to disclose the information requested under  
27 *[subsection (2) of this section]* **paragraph (b) of this subsection.**

28 “[c] **(C)** A written statement of whether the applicant:

29 “[A] **(i)** Has been the subject of a substantiated report of abuse or sexual  
30 conduct; or

1 “[B) (ii) Is the subject of an ongoing investigation related to a report  
2 of suspected abuse or sexual conduct.

3 “[2) (b) Conduct a review of the employment history of the applicant  
4 **with education providers** by contacting the three most recent [*employers*  
5 *of the applicant who are*] education providers **identified in paragraph (a)(A)**  
6 **of this subsection** and requesting[:]

7 “[a) the following information:

8 “(A) The dates of employment of the applicant by the education provider;

9 “(B) **Whether the applicant is the subject of any ongoing investi-**  
10 **gations of reports of abuse or sexual conduct related to the applicant’s**  
11 **employment with the education provider;**

12 “[B) (C) Whether the applicant was the subject of any substantiated  
13 reports of abuse or sexual conduct related to the applicant’s employment  
14 with the education provider;

15 “[C) (D) The dates of any substantiated reports;

16 “[D) (E) The definitions of abuse and sexual conduct used by the edu-  
17 cation provider when the education provider determined that any reports  
18 were substantiated; and

19 “[E) (F) The standards used by the education provider to determine  
20 whether any reports were substantiated.

21 “[b) *Any disciplinary records required to be released as provided by ORS*  
22 *339.388 (8).*]

23 “[3) (c) For an applicant who is licensed, registered or certified with the  
24 Teacher Standards and Practices Commission, access online information  
25 provided by the commission to verify:

26 “[a) (A) That the applicant is licensed, registered or certified by the  
27 commission; and

28 “[b) (B) Whether the commission has [*provided any information*] **an**  
29 **ongoing investigation or has substantiated a report** relating to conduct  
30 by the applicant that may constitute abuse or sexual conduct.

1        “[4] (d) Conduct a nationwide criminal records check if required by ORS  
2 326.603.

3        “(2)(a) Before an education provider may contract with or receive  
4 services from a person who is a contractor, an agent or a volunteer,  
5 the education provider must:

6        “(A) Access information provided online by the commission to de-  
7 termine whether a report relating to conduct by the person that may  
8 constitute abuse or sexual conduct has been substantiated.

9        “(B)(i) Conduct a nationwide criminal records check if required by  
10 ORS 326.603 or if the person is an agent.

11        “(ii) Conduct a background check if required by ORS 326.607 if the  
12 person is a volunteer.

13        “(b) For the purpose of paragraph (a)(A) of this subsection, the  
14 commission shall adopt by rule standards for allowing an education  
15 provider to access information online to determine if a report involv-  
16 ing a contractor, an agent or a volunteer has been substantiated, as  
17 based on reports of education providers under ORS 339.388 (4).

18        “**SECTION 13.** ORS 339.378 is amended to read:

19        “339.378. (1)(a) Not later than 20 days after receiving a request under  
20 ORS 339.374 (1)(b), [*an*] **the** education provider [*that has or has had an em-*  
21 *ployment relationship with the applicant*] shall disclose the information re-  
22 quested [*and any disciplinary records that must be disclosed as provided by*  
23 *ORS 339.388 (8)*].

24        “[2] (b) An education provider may disclose the information on a  
25 standardized form and is not required to provide any additional information  
26 related to **an ongoing investigation or** a substantiated report of abuse or  
27 sexual conduct other than the information that is required by ORS 339.374  
28 [(2)] (1)(b).

29        “[3] (c) Information received under this [*section*] **subsection** is confi-  
30 dential and is not a public record as defined in ORS 192.311. An education

1 provider may use the information only for the purpose of evaluating an  
2 applicant's eligibility to be hired.

3 **“(2)(a) Except as provided by paragraphs (b) and (c) of this sub-**  
4 **section, an individual who is a school employee, a contractor, an agent**  
5 **or a volunteer may not assist another school employee, contractor,**  
6 **agent or volunteer in obtaining any new job if the individual knows,**  
7 **or has probable cause to believe, that the school employee, contractor,**  
8 **agent or volunteer engaged in abuse or sexual conduct.**

9 **“(b) Nothing in paragraph (a) of this subsection prevents an edu-**  
10 **cation provider from:**

11 **“(A) Disclosing the information described in subsection (1) of this**  
12 **section; or**

13 **“(B) Providing the routine transmission of administrative and per-**  
14 **sonnel files.**

15 **“(c) The prohibition prescribed by paragraph (a) of this subsection**  
16 **does not apply if the school employee, contractor, agent or volunteer**  
17 **knows, or has probable cause to believe, that the suspected abuse or**  
18 **sexual conduct:**

19 **“(A) Was reported to the Teacher Standards and Practices Com-**  
20 **mission, a law enforcement agency or the Department of Human Ser-**  
21 **vices; and**

22 **“(B) Any of the following are true:**

23 **“(i) The report could be neither substantiated nor found to be un-**  
24 **substantiated following an investigation;**

25 **“(ii) The report was found to be unsubstantiated;**

26 **“(iii) The report was found to be substantiated and information**  
27 **about the report is available on the database maintained by the com-**  
28 **mission under section 2 of this 2019 Act; or**

29 **“(iv) The investigation into the report remains ongoing after four**  
30 **years.**

1       “(3) Failure to disclose information as provided by subsection (1)(a)  
2 of this section, or any violation of the provisions of subsection (2) of  
3 this section, shall be considered gross neglect of duty under ORS  
4 342.175.

5       “**SECTION 14.** ORS 339.384 is amended to read:

6       “339.384. (1) An education provider may not hire an applicant who does  
7 not comply with the requirements of ORS 339.374 (1)(a). A refusal **by the**  
8 **education provider** to hire an applicant under this subsection removes the  
9 applicant from any education provider policies, any collective bargaining  
10 provisions regarding dismissal procedures and appeals and any provisions of  
11 ORS 342.805 to 342.937.

12       “(2) An education provider may hire an applicant on a conditional basis  
13 pending the education provider’s review of information [*and records*] received  
14 under ORS **339.374 (1)(c) or 339.378.**

15       “(3) An education provider may not deny an applicant employment solely  
16 because:

17       “(a) [*A current or former employer of an applicant*] **An education pro-**  
18 **vider identified by the applicant in ORS 339.374 (1)(a)** fails or refuses to  
19 comply with the requirements of ORS 339.378; or

20       “(b) [*The applicant has or had an out-of-state employer*] **One or more ed-**  
21 **ucation providers identified by the applicant under ORS 339.374 (1)(a)**  
22 **are located in another state** and the laws or rules of that state prevent the  
23 release of information or records requested under ORS 339.378.

24       “**SECTION 15.** ORS 339.388 is amended to read:

25       “339.388. (1)(a) A school employee, **a contractor, an agent or a volun-**  
26 **teer** having reasonable cause to believe that a child with whom the  
27 employee, **a contractor, an agent or a volunteer** comes in contact has  
28 suffered abuse by another school employee, **contractor, agent or volunteer**  
29 or by a student, or that another school employee, **contractor, agent or**  
30 **volunteer** or a student with whom the employee, **contractor, agent or**

1 **volunteer** comes in contact has abused a child, shall immediately report the  
2 information to:

3 “(A) The [*person*] **licensed administrator** designated in the policy  
4 adopted under ORS 339.372; and

5 “(B) A law enforcement agency, the Department of Human Services or a  
6 designee of the department [*as*], **if** required by ORS 419B.010 and 419B.015.

7 “[*b*] *A school employee having reasonable cause to believe that a student*  
8 *with whom the employee comes in contact has been subjected to sexual conduct*  
9 *by another school employee, or that another school employee with whom the*  
10 *employee comes in contact has engaged in sexual conduct, shall immediately*  
11 *report the information to the person designated in the policy adopted under*  
12 *ORS 339.372.*]

13 “(b) **A school employee, a contractor, an agent or a volunteer shall**  
14 **immediately submit a report to the licensed administrator designated**  
15 **in the policy adopted under ORS 339.372 if the school employee, con-**  
16 **tractor, agent or volunteer has reasonable cause to believe that:**

17 “(A) **A student with whom the school employee, contractor, agent**  
18 **or volunteer comes in contact has been subjected to sexual conduct**  
19 **by another school employee, contractor, agent or volunteer; or**

20 “(B) **Another school employee, contractor, agent or volunteer with**  
21 **whom the school employee, contractor, agent or volunteer comes in**  
22 **contact has engaged in sexual conduct.**

23 “(2) [*A person*] **The licensed administrator** who receives a report under  
24 subsection (1) of this section shall follow the procedures required by the  
25 [*policy*] **policies** adopted by the school board under ORS 339.372, **including**  
26 **providing any reports of suspected abuse or sexual conduct by licensed**  
27 **or registered school employees to the Teacher Standards and Practices**  
28 **Commission for investigation as provided by section 2 of this 2019**  
29 **Act.**

30 “(3)(a) Except as provided in [*subsection (4) of this section*] **paragraph (c)**

1 **of this subsection**, when an education provider receives a report of sus-  
2 pected abuse or sexual conduct by [*one of its employees*] **a school employee,**  
3 **a contractor, an agent or a volunteer**, and the education provider’s  
4 designee determines that there is reasonable cause to support the report, the  
5 education provider:

6 “(A) In the case of suspected abuse, shall place the school employee on  
7 paid administrative leave **or shall prohibit a contractor, an agent or a**  
8 **volunteer from providing services to the education provider;** or

9 “(B) In the case of suspected sexual conduct, may:

10 “(i) **For a school employee**, place the school employee on paid admin-  
11 istrative leave or in a position that does not involve direct, unsupervised  
12 contact with children.

13 “(ii) **For a contractor, an agent or a volunteer**, place the person in  
14 **a position that does not require direct, unsupervised contact with**  
15 **children.**

16 “(b) A school employee who is placed on paid administrative leave, **or a**  
17 **contractor, an agent or a volunteer who is prohibited from providing**  
18 **services**, under paragraph (a)(A) of this subsection shall remain on admin-  
19 istrative leave, **or may not provide services**, until:

20 “(A) The Department of Human Services or a law enforcement agency  
21 determines that the report cannot be substantiated or that the report will  
22 not be pursued; or

23 “(B) The Department of Human Services or a law enforcement agency  
24 determines that the report is substantiated and the education provider takes  
25 the appropriate disciplinary action against the school employee, **contractor,**  
26 **agent or volunteer.**

27 “[~~4~~] (c) An education provider may reinstate a [*school employee*] **person**  
28 placed on paid administrative leave **or prohibited from providing services**  
29 for suspected abuse as provided under [*subsection (3) of this section or may*  
30 *take the appropriate disciplinary action against the employee*] **paragraph (b)**



1 **of this subsection** if the Department of Human Services or a law enforce-  
2 ment agency is unable to determine, based on a report of suspected abuse,  
3 whether abuse occurred.

4 **“(4)(a) An education provider shall conduct an investigation in re-**  
5 **sponse to all reports of suspected abuse or sexual conduct by a school**  
6 **employee, a contractor, an agent or a volunteer.**

7 **“(b) An education provider must conduct an investigation under**  
8 **this subsection, regardless of any investigations conducted by the**  
9 **Teacher Standards and Practices Commission under section 2 of this**  
10 **2019 Act. The investigation may be made independently or concur-**  
11 **rently with the commission, as determined by the education provider**  
12 **and the commission. The education provider may take into account**  
13 **the findings of the commission when the education provider conducts**  
14 **an investigation or takes disciplinary action against a school em-**  
15 **ployee, a contractor, an agent or a volunteer.**

16 **“(c) For a report not investigated by the commission under section**  
17 **2 of this 2019 Act, the education provider shall:**

18 **“(A) Conduct a nationwide criminal records check under ORS**  
19 **181A.195 for the person who is the subject of the report; and**

20 **“(B) Report to the commission, as prescribed by rules adopted by**  
21 **the commission, any substantiated reports of abuse or sexual conduct.**

22 **“(5) If, following an investigation by an education provider, [an] the**  
23 **education provider determines that a report of suspected abuse or sexual**  
24 **conduct by a person who is a school employee, a contractor, an agent**  
25 **or a volunteer is a substantiated report, the education provider shall:**

26 **“(a) Inform the [school employee] person that the education provider has**  
27 **determined that the report has been substantiated.**

28 **“(b) Provide the [school employee] person with information about the ap-**  
29 **propriate appeal process for the determination made by the education pro-**  
30 **vider. For a school employee, the appeal process may be the process**

1 provided by a collective bargaining agreement or a process administered by  
2 a neutral third party and paid for by the school district. **The education**  
3 **provider may establish a different appeals process for a contractor, an**  
4 **agent or a volunteer.**

5 “(c) Following notice of a [*school employee’s*] **person’s** decision not to  
6 appeal the determination **of an education provider** or following the deter-  
7 mination of an appeal that sustained the substantiated report, create a re-  
8 cord of the substantiated report and place the record in [*the personnel file*  
9 *of the school employee*] **any files maintained by the education provider**  
10 **on the person.** Records created pursuant to this paragraph are confidential  
11 and are not public records as defined in ORS 192.311. An education provider  
12 may use the record as a basis for providing the information required to be  
13 disclosed **about a school employee** under ORS 339.378 (1).

14 “(d) Inform the [*school employee*] **person** that information about substan-  
15 tiated reports may be disclosed to a potential employer as provided by [*sub-*  
16 *section (8) of this section and*] ORS 339.378 (1), **through the database**  
17 **established under section 2 (10) of this 2019 Act or as online informa-**  
18 **tion available as described in ORS 339.374 (2).**

19 “(6)(a) Notwithstanding the requirements of subsections (3)[, (4)] and (5)  
20 of this section, an education provider that is a private school:

21 “(A) May discipline or terminate a school employee, **a contractor, an**  
22 **agent or a volunteer** according to:

23 “(i) The provisions of [*subsections (3) and (4)*] **subsection (3)** of this sec-  
24 tion; or

25 “(ii) The standards and policies of the private school if the standards and  
26 policies provide the same or greater safeguards for the protection of children  
27 compared to the safeguards described in [*subsections (3) and (4)*] **subsection**  
28 **(3)** of this section.

29 “(B) May follow the procedures described in subsection (5) of this section  
30 or may follow any appeals process established by the private school related

1 to suspected child abuse or sexual conduct.

2 “(b) A private school that chooses to discipline or terminate a school  
3 employee, **a contractor, an agent or a volunteer** according to the stan-  
4 dards and policies of the school must provide the information required to be  
5 disclosed under ORS 339.378 **and subsection (4)(c)(B) of this section.**

6 “(7) Upon request from a law enforcement agency, the Department of  
7 Human Services or the Teacher Standards and Practices Commission, a  
8 school district shall provide the records of investigations of suspected abuse  
9 by a school employee, **a contractor, an agent or a volunteer or a former**  
10 **school employee, contractor, agent or volunteer.**

11 “(8) **Nothing in this section:**

12 “(a) **Establishes an employment relationship between an education**  
13 **provider and a contractor, an agent or a volunteer; or**

14 “(b) **Confers onto a contractor, an agent or a volunteer any rights**  
15 **of employment.**

16 “[8)(a) *The disciplinary records of a school employee or former school em-*  
17 *ployee convicted of a crime listed in ORS 342.143 are not exempt from disclo-*  
18 *sure under ORS 192.345 or 192.355.]*

19 “[b) *If a school employee is convicted of a crime listed in ORS 342.143, the*  
20 *education provider that is the employer of the employee shall disclose the dis-*  
21 *ciplinary records of the employee to any person upon request.]*

22 “[c) *If a former school employee is convicted of a crime listed in ORS*  
23 *342.143, the education provider that was the employer of the former employee*  
24 *when the crime was committed shall disclose the disciplinary records of the*  
25 *former employee to any person upon request.]*

26 “[9) *Prior to disclosure of a disciplinary record under subsection (8) of this*  
27 *section, an education provider shall remove any personally identifiable infor-*  
28 *mation from the record that would disclose the identity of a child, a crime*  
29 *victim or a school employee or former school employee who is not the subject*  
30 *of the disciplinary record.]*

1       **“SECTION 16.** ORS 339.392 is amended to read:

2       “339.392. (1) An education provider may not enter into a collective bar-  
3       gaining agreement, an employment contract, an agreement for resignation  
4       or termination, a severance agreement or any other contract or agreement  
5       that:

6       “(a) Has the effect of **impairing or terminating an ongoing investi-**  
7       **gation, or** suppressing information relating to an ongoing investigation, re-  
8       lated to a report of suspected abuse or sexual conduct [*or*];

9       **“(b) Has the effect of suppressing information** relating to a substan-  
10      tiated report of abuse or sexual conduct by a current or former **school** em-  
11      ployee, **contractor, agent or volunteer;**

12      “~~[(b)]~~ **(c)** Affects the duties of the education provider to report suspected  
13      abuse or sexual conduct or to discipline a current or former **school**  
14      employee, **contractor, agent or volunteer** for a substantiated report of  
15      abuse or sexual conduct;

16      “~~[(c)]~~ **(d)** Impairs the ability of the education provider to discipline [*an*  
17      *employee*] **a school employee, a contractor, an agent or a volunteer** for  
18      a substantiated report of abuse or sexual conduct; or

19      “~~[(d)]~~ **(e)** Requires the education provider to expunge substantiated in-  
20      formation about abuse or sexual conduct from any documents maintained by  
21      an education provider.

22      “(2) Any provision of an employment contract or agreement that is con-  
23      trary to this section is void and unenforceable.

24      “(3) Nothing in this section prevents an education provider from entering  
25      into a collective bargaining agreement that includes:

26      “(a) Standards for investigation of a report of abuse or sexual conduct;  
27      or

28      “(b) An appeal process from the determination by an education provider  
29      that a report of abuse or sexual conduct has been substantiated as provided  
30      in ORS 339.388 (5).

1       **“SECTION 17. The amendments to ORS 339.392 by section 16 of this**  
2 **2019 Act apply to agreements and contracts entered into on or after**  
3 **January 1, 2020.**

4       **“SECTION 18. ORS 339.400 is amended to read:**

5       “339.400. (1) An education provider shall provide to school employees  
6 training each school year on:

7       **“(a) The prevention and identification of abuse and sexual conduct [*and***  
8 ***on*];**

9       **“(b) The obligations of school employees under ORS 419B.005 to 419B.050**  
10 **and under policies adopted by the school board to report abuse and sexual**  
11 **conduct[.]; and**

12       **“(c) Appropriate electronic communications as provided by ORS**  
13 **339.372 (11).**

14       **“(2) An education provider shall provide to contractors, agents and**  
15 **volunteers information each school year on:**

16       **“(a) The prevention and identification of abuse and sexual conduct;**

17       **“(b) The obligations of school employees under policies adopted by**  
18 **the school board to report abuse and sexual conduct; and**

19       **“(c) Appropriate electronic communications as described in ORS**  
20 **339.372 (11).**

21       “[(2)] (3) An education provider shall make the training provided under  
22 subsection (1) of this section available each school year **to contractors,**  
23 **agents and volunteers and** to parents and legal guardians of children who  
24 attend a school operated by the education provider. The training shall be  
25 provided separately from the training provided to school employees under  
26 subsection (1) of this section.

27       “[(3)] (4) An education provider shall make [*training that is designed to*  
28 *prevent abuse and sexual conduct*] available each school year to children who  
29 attend a school operated by the education provider **a training that is de-**  
30 **signed to prevent abuse and sexual conduct.**

1       **“SECTION 19. The amendments to ORS 339.370, 339.372, 339.374,**  
2 **339.378, 339.384, 339.388, 339.392 and 339.400 by sections 9, 11 to 16 and**  
3 **18 of this 2019 Act become operative on January 1, 2020.**

4       **“SECTION 20.** ORS 338.115 is amended to read:

5       “338.115. (1) Statutes and rules that apply only to school district boards,  
6 school districts or other public schools do not apply to public charter  
7 schools. However, the following laws do apply to public charter schools:

8       “(a) Federal law;

9       “(b) ORS 30.260 to 30.300 (tort claims);

10       “(c) ORS 192.311 to 192.478 (public records law);

11       “(d) ORS 192.610 to 192.690 (public meetings law);

12       “(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

13       “(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

14       “(g) ORS 326.565, 326.575 and 326.580 (student records);

15       “(h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

16       “(i) ORS 329.045 (academic content standards and instruction);

17       “(j) ORS 329.451 (high school diploma, modified diploma, extended diploma  
18 and alternative certificate);

19       “(k) ORS 329.496 (physical education);

20       “(L) The statewide assessment system developed by the Department of  
21 Education for mathematics, science and English under ORS 329.485 (2);

22       “(m) ORS 336.840 (use of personal electronic devices);

23       “(n) ORS 337.150 (textbooks);

24       “(o) ORS 339.119 (consideration for educational services);

25       “(p) ORS 339.141, 339.147 and 339.155 (tuition and fees);

26       “(q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

27       “(r) ORS 339.326 (notice concerning students subject to juvenile court  
28 petitions);

29       “(s) ORS 339.370[, 339.372, 339.388 and] **to** 339.400 (reporting of abuse and  
30 sexual conduct and training on prevention and identification of abuse and

1 sexual conduct);

2 “(t) ORS 342.856 (core teaching standards);

3 “(u) ORS chapter 657 (Employment Department Law);

4 “(v) ORS 659.850, 659.855 and 659.860 (discrimination);

5 “(w) Any statute or rule that establishes requirements for instructional

6 time provided by a school during each day or during a year;

7 “(x) Statutes and rules that expressly apply to public charter schools;

8 “(y) Statutes and rules that apply to a special government body, as de-

9 fined in ORS 174.117, or a public body, as defined in ORS 174.109;

10 “(z) Health and safety statutes and rules;

11 “(aa) Any statute or rule that is listed in the charter; and

12 “(bb) This chapter.

13 “(2) Notwithstanding subsection (1) of this section, a charter may specify

14 that statutes and rules that apply only to school district boards, school dis-

15 tricts and other public schools may apply to a public charter school.

16 “(3) If a statute or rule applies to a public charter school, then the terms

17 ‘school district’ and ‘public school’ include public charter school as those

18 terms are used in that statute or rule.

19 “(4) A public charter school may not violate the Establishment Clause of

20 the First Amendment to the United States Constitution or section 5, Article

21 I of the Oregon Constitution, or be religion based.

22 “(5)(a) A public charter school shall maintain an active enrollment of at

23 least 25 students.

24 “(b) For a public charter school that provides educational services under

25 a cooperative agreement described in ORS 338.080, the public charter school

26 is in compliance with the requirements of this subsection if the public

27 charter school provides educational services under the cooperative agreement

28 to at least 25 students, without regard to the school districts in which the

29 students are residents.

30 “(6) A public charter school may sue or be sued as a separate legal entity.

1 “(7) The sponsor, members of the governing board of the sponsor acting  
2 in their official capacities and employees of a sponsor acting in their official  
3 capacities are immune from civil liability with respect to all activities re-  
4 lated to a public charter school within the scope of their duties or employ-  
5 ment.

6 “(8) A public charter school may enter into contracts and may lease fa-  
7 cilities and services from a school district, education service district, public  
8 university listed in ORS 352.002, other governmental unit or any person or  
9 legal entity.

10 “(9) A public charter school may not levy taxes or issue bonds under  
11 which the public incurs liability.

12 “(10) A public charter school may receive and accept gifts, grants and  
13 donations from any source for expenditure to carry out the lawful functions  
14 of the school.

15 “(11) The school district in which the public charter school is located  
16 shall offer a high school diploma, a modified diploma, an extended diploma  
17 or an alternative certificate to any public charter school student who meets  
18 the district’s and state’s standards for a high school diploma, a modified di-  
19 ploma, an extended diploma or an alternative certificate.

20 “(12) A high school diploma, a modified diploma, an extended diploma or  
21 an alternative certificate issued by a public charter school grants to the  
22 holder the same rights and privileges as a high school diploma, a modified  
23 diploma, an extended diploma or an alternative certificate issued by a non-  
24 chartered public school.

25 “(13) Prior to beginning operation, the public charter school shall show  
26 proof of insurance to the sponsor as specified in the charter.

27 “(14) A public charter school may receive services from an education  
28 service district in the same manner as a nonchartered public school in the  
29 school district in which the public charter school is located.

30 **“SECTION 21.** ORS 419B.005 is amended to read:



1 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-  
2 quires otherwise:

3 “(1)(a) ‘Abuse’ means:

4 “(A) Any assault, as defined in ORS chapter 163, of a child and any  
5 physical injury to a child which has been caused by other than accidental  
6 means, including any injury which appears to be at variance with the ex-  
7 planation given of the injury.

8 “(B) Any mental injury to a child, which shall include only observable  
9 and substantial impairment of the child’s mental or psychological ability to  
10 function caused by cruelty to the child, with due regard to the culture of the  
11 child.

12 “(C) Rape of a child, which includes but is not limited to rape, sodomy,  
13 unlawful sexual penetration and incest, as those acts are described in ORS  
14 chapter 163.

15 “(D) Sexual abuse, as described in ORS chapter 163.

16 “(E) Sexual exploitation, including but not limited to:

17 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS  
18 chapter 163, and any other conduct which allows, employs, authorizes, per-  
19 mits, induces or encourages a child to engage in the performing for people  
20 to observe or the photographing, filming, tape recording or other exhibition  
21 which, in whole or in part, depicts sexual conduct or contact, as defined in  
22 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving  
23 a child or rape of a child, but not including any conduct which is part of  
24 any investigation conducted pursuant to ORS 419B.020 or which is designed  
25 to serve educational or other legitimate purposes; and

26 “(ii) Allowing, permitting, encouraging or hiring a child to engage in  
27 prostitution as described in ORS 167.007 or a commercial sex act as defined  
28 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413  
29 or to engage in commercial sexual solicitation as described in ORS 167.008.

30 “(F) Negligent treatment or maltreatment of a child, including but not

1 limited to the failure to provide adequate food, clothing, shelter or medical  
2 care that is likely to endanger the health or welfare of the child.

3 “(G) Threatened harm to a child, which means subjecting a child to a  
4 substantial risk of harm to the child’s health or welfare.

5 “(H) Buying or selling a person under 18 years of age as described in ORS  
6 163.537.

7 “(I) Permitting a person under 18 years of age to enter or remain in or  
8 upon premises where methamphetamines are being manufactured.

9 “(J) Unlawful exposure to a controlled substance, as defined in ORS  
10 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-  
11 fined in ORS 475B.015, that subjects a child to a substantial risk of harm to  
12 the child’s health or safety.

13 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline  
14 results in one of the conditions described in paragraph (a) of this subsection.

15 “(2) ‘Child’ means an unmarried person who:

16 “(a) Is under 18 years of age; or

17 “(b) Is under 21 years of age and residing in or receiving care or services  
18 at a child-caring agency as that term is defined in ORS 418.205.

19 “(3) ‘Higher education institution’ means:

20 “(a) A community college as defined in ORS 341.005;

21 “(b) A public university listed in ORS 352.002;

22 “(c) The Oregon Health and Science University; and

23 “(d) A private institution of higher education located in Oregon.

24 “(4) ‘Law enforcement agency’ means:

25 “(a) A city or municipal police department.

26 “(b) A county sheriff’s office.

27 “(c) The Oregon State Police.

28 “(d) A police department established by a university under ORS 352.121  
29 or 353.125.

30 “(e) A county juvenile department.

- 1 “(5) ‘Public or private official’ means:
- 2 “(a) Physician or physician assistant licensed under ORS chapter 677 or  
3 naturopathic physician, including any intern or resident.
- 4 “(b) Dentist.
- 5 “(c) School employee, including **a licensed or nonlicensed employee**  
6 **from prekindergarten through grade 12 or** an employee of a higher edu-  
7 cation institution.
- 8 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s  
9 aide, home health aide or employee of an in-home health service.
- 10 “(e) Employee of the Department of Human Services, Oregon Health Au-  
11 thority, Early Learning Division, Youth Development Division, Office of  
12 Child Care, the Oregon Youth Authority, a local health department, a com-  
13 munity mental health program, a community developmental disabilities pro-  
14 gram, a county juvenile department, a child-caring agency as that term is  
15 defined in ORS 418.205 or an alcohol and drug treatment program.
- 16 “(f) Peace officer.
- 17 “(g) Psychologist.
- 18 “(h) Member of the clergy.
- 19 “(i) Regulated social worker.
- 20 “(j) Optometrist.
- 21 “(k) Chiropractor.
- 22 “(L) Certified provider of foster care, or an employee thereof.
- 23 “(m) Attorney.
- 24 “(n) Licensed professional counselor.
- 25 “(o) Licensed marriage and family therapist.
- 26 “(p) Firefighter or emergency medical services provider.
- 27 “(q) A court appointed special advocate, as defined in ORS 419A.004.
- 28 “(r) A child care provider registered or certified under ORS 329A.030 and  
29 329A.250 to 329A.450.
- 30 “(s) Member of the Legislative Assembly.

1       “(t) Physical, speech or occupational therapist.  
2       “(u) Audiologist.  
3       “(v) Speech-language pathologist.  
4       “(w) Employee of the Teacher Standards and Practices Commission di-  
5       rectly involved in investigations or discipline by the commission.  
6       “(x) Pharmacist.  
7       “(y) An operator of a preschool recorded program under ORS 329A.255.  
8       “(z) An operator of a school-age recorded program under ORS 329A.257.  
9       “(aa) Employee of a private agency or organization facilitating the pro-  
10       vision of respite services, as defined in ORS 418.205, for parents pursuant to  
11       a properly executed power of attorney under ORS 109.056.  
12       “(bb) Employee of a public or private organization providing child-related  
13       services or activities:  
14       “(A) Including but not limited to youth groups or centers, scout groups  
15       or camps, summer or day camps, survival camps or groups, centers or camps  
16       that are operated under the guidance, supervision or auspices of religious,  
17       public or private educational systems or community service organizations;  
18       and  
19       “(B) Excluding community-based, nonprofit organizations whose primary  
20       purpose is to provide confidential, direct services to victims of domestic vi-  
21       olence, sexual assault, stalking or human trafficking.  
22       “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional  
23       or professional athlete, if compensated and if the athlete is a child.  
24       “(dd) Personal support worker, as defined by rule adopted by the Home  
25       Care Commission.  
26       “(ee) Home care worker, as defined in ORS 410.600.  
27       “(ff) **Member of school district board or of public charter school**  
28       **governing body.**  
29       “**SECTION 22.** ORS 419B.005, as amended by section 21, chapter 75,  
30       Oregon Laws 2018, is amended to read:

1 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-  
2 quires otherwise:

3 “(1)(a) ‘Abuse’ means:

4 “(A) Any assault, as defined in ORS chapter 163, of a child and any  
5 physical injury to a child which has been caused by other than accidental  
6 means, including any injury which appears to be at variance with the ex-  
7 planation given of the injury.

8 “(B) Any mental injury to a child, which shall include only observable  
9 and substantial impairment of the child’s mental or psychological ability to  
10 function caused by cruelty to the child, with due regard to the culture of the  
11 child.

12 “(C) Rape of a child, which includes but is not limited to rape, sodomy,  
13 unlawful sexual penetration and incest, as those acts are described in ORS  
14 chapter 163.

15 “(D) Sexual abuse, as described in ORS chapter 163.

16 “(E) Sexual exploitation, including but not limited to:

17 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS  
18 chapter 163, and any other conduct which allows, employs, authorizes, per-  
19 mits, induces or encourages a child to engage in the performing for people  
20 to observe or the photographing, filming, tape recording or other exhibition  
21 which, in whole or in part, depicts sexual conduct or contact, as defined in  
22 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving  
23 a child or rape of a child, but not including any conduct which is part of  
24 any investigation conducted pursuant to ORS 419B.020 or which is designed  
25 to serve educational or other legitimate purposes; and

26 “(ii) Allowing, permitting, encouraging or hiring a child to engage in  
27 prostitution as described in ORS 167.007 or a commercial sex act as defined  
28 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413  
29 or to engage in commercial sexual solicitation as described in ORS 167.008.

30 “(F) Negligent treatment or maltreatment of a child, including but not

1 limited to the failure to provide adequate food, clothing, shelter or medical  
2 care that is likely to endanger the health or welfare of the child.

3 “(G) Threatened harm to a child, which means subjecting a child to a  
4 substantial risk of harm to the child’s health or welfare.

5 “(H) Buying or selling a person under 18 years of age as described in ORS  
6 163.537.

7 “(I) Permitting a person under 18 years of age to enter or remain in or  
8 upon premises where methamphetamines are being manufactured.

9 “(J) Unlawful exposure to a controlled substance, as defined in ORS  
10 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-  
11 fined in ORS 475B.015, that subjects a child to a substantial risk of harm to  
12 the child’s health or safety.

13 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline  
14 results in one of the conditions described in paragraph (a) of this subsection.

15 “(2) ‘Child’ means an unmarried person who:

16 “(a) Is under 18 years of age; or

17 “(b) Is under 21 years of age and residing in or receiving care or services  
18 at a child-caring agency as that term is defined in ORS 418.205.

19 “(3) ‘Higher education institution’ means:

20 “(a) A community college as defined in ORS 341.005;

21 “(b) A public university listed in ORS 352.002;

22 “(c) The Oregon Health and Science University; and

23 “(d) A private institution of higher education located in Oregon.

24 “(4) ‘Law enforcement agency’ means:

25 “(a) A city or municipal police department.

26 “(b) A county sheriff’s office.

27 “(c) The Oregon State Police.

28 “(d) A police department established by a university under ORS 352.121  
29 or 353.125.

30 “(e) A county juvenile department.

- 1 “(5) ‘Public or private official’ means:
- 2 “(a) Physician or physician assistant licensed under ORS chapter 677 or  
3 naturopathic physician, including any intern or resident.
- 4 “(b) Dentist.
- 5 “(c) School employee, including **a licensed or nonlicensed employee**  
6 **from prekindergarten through grade 12 or** an employee of a higher edu-  
7 cation institution.
- 8 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s  
9 aide, home health aide or employee of an in-home health service.
- 10 “(e) Employee of the Department of Human Services, Oregon Health Au-  
11 thority, Early Learning Division, Youth Development Division, Office of  
12 Child Care, the Oregon Youth Authority, a local health department, a com-  
13 munity mental health program, a community developmental disabilities pro-  
14 gram, a county juvenile department, a child-caring agency as that term is  
15 defined in ORS 418.205 or an alcohol and drug treatment program.
- 16 “(f) Peace officer.
- 17 “(g) Psychologist.
- 18 “(h) Member of the clergy.
- 19 “(i) Regulated social worker.
- 20 “(j) Optometrist.
- 21 “(k) Chiropractor.
- 22 “(L) Certified provider of foster care, or an employee thereof.
- 23 “(m) Attorney.
- 24 “(n) Licensed professional counselor.
- 25 “(o) Licensed marriage and family therapist.
- 26 “(p) Firefighter or emergency medical services provider.
- 27 “(q) A court appointed special advocate, as defined in ORS 419A.004.
- 28 “(r) A child care provider registered or certified under ORS 329A.030 and  
29 329A.250 to 329A.450.
- 30 “(s) Member of the Legislative Assembly.

1 “(t) Physical, speech or occupational therapist.  
2 “(u) Audiologist.  
3 “(v) Speech-language pathologist.  
4 “(w) Employee of the Teacher Standards and Practices Commission di-  
5 rectly involved in investigations or discipline by the commission.  
6 “(x) Pharmacist.  
7 “(y) An operator of a preschool recorded program under ORS 329A.255.  
8 “(z) An operator of a school-age recorded program under ORS 329A.257.  
9 “(aa) Employee of a private agency or organization facilitating the pro-  
10 vision of respite services, as defined in ORS 418.205, for parents pursuant to  
11 a properly executed power of attorney under ORS 109.056.  
12 “(bb) Employee of a public or private organization providing child-related  
13 services or activities:  
14 “(A) Including but not limited to youth groups or centers, scout groups  
15 or camps, summer or day camps, survival camps or groups, centers or camps  
16 that are operated under the guidance, supervision or auspices of religious,  
17 public or private educational systems or community service organizations;  
18 and  
19 “(B) Excluding community-based, nonprofit organizations whose primary  
20 purpose is to provide confidential, direct services to victims of domestic vi-  
21 olence, sexual assault, stalking or human trafficking.  
22 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional  
23 or professional athlete, if compensated and if the athlete is a child.  
24 “(dd) Personal support worker, as defined in ORS 410.600.  
25 “(ee) Home care worker, as defined in ORS 410.600.  
26 “(ff) **Member of school district board or of public charter school**  
27 **governing body.**  
28 “**SECTION 23.** ORS 419B.015 is amended to read:  
29 “419B.015. (1)(a) A person making a report of child abuse, whether the  
30 report is made voluntarily or is required by ORS 419B.010, shall make an



1 oral report by telephone or otherwise to the local office of the Department  
2 of Human Services, to the designee of the department or to a law enforce-  
3 ment agency within the county where the person making the report is lo-  
4 cated at the time of the contact. The report shall contain, if known, the  
5 names and addresses of the child and the parents of the child or other per-  
6 sons responsible for care of the child, the child's age, the nature and extent  
7 of the abuse, including any evidence of previous abuse, the explanation given  
8 for the abuse and any other information that the person making the report  
9 believes might be helpful in establishing the cause of the abuse and the  
10 identity of the perpetrator.

11 “(b) When a report of child abuse is received by the department, the de-  
12 partment shall notify a law enforcement agency within the county where the  
13 report was made. When a report of child abuse is received by a designee of  
14 the department, the designee shall notify, according to the contract, either  
15 the department or a law enforcement agency within the county where the  
16 report was made. When a report of child abuse is received by a law  
17 enforcement agency, the agency shall notify the local office of the depart-  
18 ment within the county where the report was made.

19 “(c) When a report of child abuse is received by the department or by a  
20 law enforcement agency, the department or law enforcement agency, or both,  
21 may collect information concerning the military status of the parent or  
22 guardian of the child who is the subject of the report and may share the  
23 information with the appropriate military authorities. Disclosure of infor-  
24 mation under this paragraph is subject to ORS 419B.035 (7).

25 **“(d) When a report of child abuse is received by the department or**  
26 **by a law enforcement agency, the department or law enforcement**  
27 **agency shall notify the Teacher Standards and Practices Commission**  
28 **if the report involves the conduct of a licensed or registered school**  
29 **employee toward a student as defined in ORS 339.370.**

30 “(2) When a report of child abuse is received under subsection (1)(a) of

1 this section, the entity receiving the report shall make the notification re-  
2 quired by subsection (1)(b) of this section according to rules adopted by the  
3 department under ORS 419B.017.

4 “(3)(a) When a report alleging that a child or ward in substitute care may  
5 have been subjected to abuse is received by the department, the department  
6 shall notify the attorney for the child or ward, the child’s or ward’s court  
7 appointed special advocate, the parents of the child or ward and any attorney  
8 representing a parent of the child or ward that a report has been received.

9 “(b) The name and address of and other identifying information about the  
10 person who made the report may not be disclosed under this subsection. Any  
11 person or entity to whom notification is made under this subsection may not  
12 release any information not authorized by this subsection.

13 “(c) The department shall make the notification required by this sub-  
14 section within three business days of receiving the report of abuse.

15 “(d) Notwithstanding the obligation imposed by this subsection, the de-  
16 partment is not required under this subsection to notify the parent or  
17 parent’s attorney that a report of abuse has been received if the notification  
18 may interfere with an investigation or assessment or jeopardize the child’s  
19 or ward’s safety.

20 **“SECTION 24.** ORS 419B.035 is amended to read:

21 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170,  
22 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and ac-  
23 cessibility for public inspection of public records and public documents, re-  
24 ports and records compiled under the provisions of ORS 419B.010 to 419B.050  
25 are confidential and may not be disclosed except as provided in this section.  
26 The Department of Human Services shall make the records available to:

27 “(a) Any law enforcement agency or a child abuse registry in any other  
28 state for the purpose of subsequent investigation of child abuse;

29 “(b) Any physician, physician assistant licensed under ORS 677.505 to  
30 677.525, naturopathic physician licensed under ORS chapter 685 or nurse

1 practitioner licensed under ORS 678.375 to 678.390, at the request of the  
2 physician, physician assistant, naturopathic physician or nurse practitioner,  
3 regarding any child brought to the physician, physician assistant,  
4 naturopathic physician or nurse practitioner or coming before the physician,  
5 physician assistant, naturopathic physician or nurse practitioner for exam-  
6 ination, care or treatment;

7 “(c) Attorneys of record for the child or child’s parent or guardian in any  
8 juvenile court proceeding;

9 “(d) Citizen review boards established by the Judicial Department for the  
10 purpose of periodically reviewing the status of children, youths and youth  
11 offenders under the jurisdiction of the juvenile court under ORS 419B.100  
12 and 419C.005. Citizen review boards may make such records available to  
13 participants in case reviews;

14 “(e) A court appointed special advocate in any juvenile court proceeding  
15 in which it is alleged that a child has been subjected to child abuse or neg-  
16 lect;

17 “(f) The Office of Child Care for certifying, registering or otherwise reg-  
18 ulating child care facilities;

19 “(g) The Office of Children’s Advocate;

20 “(h) The Teacher Standards and Practices Commission for investigations  
21 conducted under ORS 342.176 **or section 2 of this 2019 Act** involving any  
22 child or any student [*in grade 12 or below*] **as defined in ORS 339.370**;

23 “(i) Any person, upon request to the Department of Human Services, if  
24 the reports or records requested regard an incident in which a child, as the  
25 result of abuse, died or suffered serious physical injury as defined in ORS  
26 161.015. Reports or records disclosed under this paragraph must be disclosed  
27 in accordance with ORS 192.311 to 192.478;

28 “(j) The Office of Child Care for purposes of ORS 329A.030 (10)(g), (h) and  
29 (i); and

30 “(k) With respect to a report of abuse occurring at a school or in an ed-

1 ucational setting that involves a child with a disability, Disability Rights  
2 Oregon.

3 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i)  
4 of this section, the Department of Human Services may exempt from disclo-  
5 sure the names, addresses and other identifying information about other  
6 children, witnesses, victims or other persons named in the report or record  
7 if the department determines, in written findings, that the safety or well-  
8 being of a person named in the report or record may be jeopardized by dis-  
9 closure of the names, addresses or other identifying information, and if that  
10 concern outweighs the public’s interest in the disclosure of that information.

11 “(b) If the Department of Human Services does not have a report or re-  
12 cord of abuse regarding a child who, as the result of abuse, died or suffered  
13 serious physical injury as defined in ORS 161.015, the department may dis-  
14 close that information.

15 “(3) The Department of Human Services may make reports and records  
16 compiled under the provisions of ORS 419B.010 to 419B.050 available to any  
17 person, administrative hearings officer, court, agency, organization or other  
18 entity when the department determines that such disclosure is necessary to  
19 administer its child welfare services and is in the best interests of the af-  
20 fected child, or that such disclosure is necessary to investigate, prevent or  
21 treat child abuse and neglect, to protect children from abuse and neglect or  
22 for research when the Director of Human Services gives prior written ap-  
23 proval. The Department of Human Services shall adopt rules setting forth the  
24 procedures by which it will make the disclosures authorized under this sub-  
25 section or subsection (1) or (2) of this section. The name, address and other  
26 identifying information about the person who made the report may not be  
27 disclosed pursuant to this subsection and subsection (1) of this section.

28 “(4)(a) A law enforcement agency may make reports and records compiled  
29 under the provisions of ORS 419B.010 to 419B.050 available to other law  
30 enforcement agencies, district attorneys, city attorneys with criminal

1 prosecutorial functions and the Attorney General when the law enforcement  
2 agency determines that disclosure is necessary for the investigation or  
3 enforcement of laws relating to child abuse and neglect or necessary to de-  
4 termine a claim for crime victim compensation under ORS 147.005 to 147.367.

5 **“(b) A law enforcement agency may make reports and records**  
6 **compiled under the provisions of ORS 419B.010 to 419B.050 available to**  
7 **the Teacher Standards and Practices Commission that the commission**  
8 **determines are necessary for the commission to conduct investigations**  
9 **under ORS 342.176 or section 2 of this 2019 Act involving any child or**  
10 **any student as defined in ORS 339.370.**

11 “(5) A law enforcement agency, upon completing an investigation and  
12 closing the file in a specific case relating to child abuse or neglect, shall  
13 make reports and records in the case available upon request to any law  
14 enforcement agency or community corrections agency in this state, to the  
15 Department of Corrections or to the State Board of Parole and Post-Prison  
16 Supervision for the purpose of managing and supervising offenders in custody  
17 or on probation, parole, post-prison supervision or other form of conditional  
18 or supervised release. A law enforcement agency may make reports and re-  
19 cords compiled under the provisions of ORS 419B.010 to 419B.050 available  
20 to law enforcement, community corrections, corrections or parole agencies  
21 in an open case when the law enforcement agency determines that the dis-  
22 closure will not interfere with an ongoing investigation in the case. The  
23 name, address and other identifying information about the person who made  
24 the report may not be disclosed under this subsection or subsection (6)(b) of  
25 this section.

26 “(6)(a) Any record made available to a law enforcement agency or com-  
27 munity corrections agency in this state, to the Department of Corrections  
28 or the State Board of Parole and Post-Prison Supervision or to a physician,  
29 physician assistant, naturopathic physician or nurse practitioner in this  
30 state, as authorized by subsections (1) to (5) of this section, shall be kept

1 confidential by the agency, department, board, physician, physician assistant,  
2 naturopathic physician or nurse practitioner. Any record or report disclosed  
3 by the Department of Human Services to other persons or entities pursuant  
4 to subsections (1) and (3) of this section shall be kept confidential.

5 “(b) Notwithstanding paragraph (a) of this subsection:

6 “(A) A law enforcement agency, a community corrections agency, the  
7 Department of Corrections and the State Board of Parole and Post-Prison  
8 Supervision may disclose records made available to them under subsection  
9 (5) of this section to each other, to law enforcement, community corrections,  
10 corrections and parole agencies of other states and to authorized treatment  
11 providers for the purpose of managing and supervising offenders in custody  
12 or on probation, parole, post-prison supervision or other form of conditional  
13 or supervised release.

14 “(B) A person may disclose records made available to the person under  
15 subsection (1)(i) of this section if the records are disclosed for the purpose  
16 of advancing the public interest.

17 “(7) An officer or employee of the Department of Human Services or of  
18 a law enforcement agency or any person or entity to whom disclosure is  
19 made pursuant to subsections (1) to (6) of this section may not release any  
20 information not authorized by subsections (1) to (6) of this section.

21 “(8) As used in this section, ‘law enforcement agency’ has the meaning  
22 given that term in ORS 181A.010.

23 “(9) A person who violates subsection (6)(a) or (7) of this section commits  
24 a Class A violation.

25 **“SECTION 25. (1) The amendments to ORS 419B.015 and 419B.035 by**  
26 **sections 23 and 24 of this 2019 Act become operative on January 1, 2020.**

27 **“(2) The amendments to ORS 419B.015 and 419B.035 by sections 23**  
28 **and 24 of this 2019 Act apply to reports received on or after January**  
29 **1, 2020.**

30 **“SECTION 26. In addition to and not in lieu of any other appropri-**

1 ation, there is appropriated to the Teacher Standards and Practices  
2 Commission, for the biennium beginning July 1, 2019, out of the Gen-  
3 eral Fund, the amount of \$\_\_\_\_\_, which shall be used by the com-  
4 mission to employ the necessary personnel to comply with the  
5 requirements of this 2019 Act.

6 **SECTION 27.** This 2019 Act being necessary for the immediate  
7 preservation of the public peace, health and safety, an emergency is  
8 declared to exist, and this 2019 Act takes effect July 1, 2019.”.

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