

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 156**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and line 3 and insert “339.372, 339.388, 342.175, 342.176, 342.177, 342.183,
3 342.390, 419B.015 and 419B.035; and declaring an emergency.”.

4 Delete lines 5 through 25 and delete pages 2 through 5 and insert:

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

7 **“SECTION 2. (1)(a) When the Teacher Standards and Practices**
8 **Commission receives a report of suspected sexual conduct or abuse**
9 **that may have been committed by a licensed or registered school em-**
10 **ployee under ORS 339.388 or 419B.015, the commission shall imme-**
11 **diately initiate an investigation and shall immediately notify the**
12 **education provider that employs the school employee that an investi-**
13 **gation has been initiated. An investigation and final determination**
14 **related to the report must be made within 90 calendar days following**
15 **the date on which the report was filed with the commission.**

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

1 enforcement's or the department's investigation, or pending the com-
2 pletion of a criminal or civil proceeding.

3 “(2) The commission shall appoint an investigator and shall furnish
4 the investigator with appropriate professional and other special as-
5 sistance reasonably required to conduct an investigation. An investi-
6 gator appointed under this subsection is empowered to:

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

9 “(b) Subpoena witnesses;

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

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

14 “(3) An investigation shall be conducted under this section regard-
15 less of any investigations being conducted by an education provider
16 concerning the same report.

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

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

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

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

30 “(a) The person charged, enclosing a statement of the charges and

1 a notice of opportunity for hearing;

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

3 “(c) The education provider; and

4 “(d) The person who provided the report of suspected abuse or sexual
5 conduct to the commission as required by ORS 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 notify
8 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 person who provided the report of suspected abuse or sexual
13 conduct to the commission as required by ORS 339.372 (5).

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

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

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

29 “(9) Notwithstanding ORS 192.660 (6), the commission may make its
30 findings under this section in executive session. However, the pro-

1 **visions of ORS 192.660 (4) apply to the sessions.**

2 **“SECTION 3.** ORS 342.175 is amended to read:

3 “342.175. (1) The Teacher Standards and Practices Commission may sus-
4 pend or revoke the license or registration of a teacher or administrator,
5 discipline a teacher or administrator, or suspend or revoke the right of any
6 person to apply for a license or registration, if the licensee, registrant or
7 applicant has held a license or registration at any time within five years
8 prior to issuance of the notice of charges under ORS 342.176 **or section 2**
9 **of this 2019 Act** based on the following:

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

11 “(b) Gross neglect of duty;

12 “(c) Any gross unfitness;

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

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

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

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

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

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

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

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

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

7 “(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and
8 subject to subsection (5) of this section, any person whose license or regis-
9 tration has been revoked, or whose right to apply for a license or registra-
10 tion has been revoked, may apply to the commission for reinstatement of the
11 license or registration after one year from the date of the revocation.

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

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

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

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

29 “(7) A copy of the record of conviction, certified to by the clerk of the
30 court entering the conviction, shall be conclusive evidence of a conviction

1 described in this section.

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

3 “342.176. (1)(a) A person may file a complaint with the Teacher Standards
4 and Practices Commission regarding a person licensed by the commission.
5 **If a complaint concerns an allegation of sexual conduct or abuse that**
6 **may have been committed by a licensed or registered school employee**
7 **under ORS 339.388 or 419B.015, the complaint process provided by this**
8 **section does not apply and the commission shall investigate the com-**
9 **plaint as provided by section 2 of this 2019 Act.**

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

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

19 “(A) Refusal to issue a license or registration, as provided under ORS
20 342.143;

21 “(B) Suspension or revocation of a license or registration, discipline of a
22 person holding a license or registration, or suspension or revocation of the
23 right to apply for a license or registration, as provided under ORS 342.175;
24 or

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

27 “(2) The commission may appoint an investigator and shall furnish the
28 investigator with appropriate professional and other special assistance rea-
29 sonably required to conduct the investigation, and the investigator is em-
30 powered to issue subpoenas to require the attendance of witnesses or the

1 production of documents over the signature of the executive director of the
2 commission, subpoena witnesses over the signature of the executive director,
3 swear witnesses and compel obedience in the same manner as provided under
4 ORS 183.440 (2).

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

8 “(a) The commission, meeting in executive session, at its next regular
9 meeting following completion of the investigation; and

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

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

17 “(A) Refuse to issue a license or registration, as provided under ORS
18 342.143;

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

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

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

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

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

1 “(b) The complainant; and

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

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

6 “(a) The person charged;

7 “(b) The complainant; and

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

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

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

13 “342.177. (1)(a) Hearings under ORS 342.176 **and section 2 of this 2019**
14 **Act** shall be conducted by an administrative law judge assigned from the
15 Office of Administrative Hearings established under ORS 183.605.

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

25 “(2) The Teacher Standards and Practices Commission or the person
26 charged may have subpoenas issued to compel attendance at the hearing. The
27 person charged may have subpoenas issued by an attorney of record sub-
28 scribed by the signature of the attorney or by the executive director **of the**
29 **commission**. Witnesses appearing pursuant to subpoena, other than the
30 parties or officers or employees of the commission, shall receive fees and

1 mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission
2 or the person charged shall have the right to compel the attendance and
3 obedience of witnesses in the same manner as provided under ORS 183.440
4 (2).

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

9 “(a) Issue a public reprimand.

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

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

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

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

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

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

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

21 “342.183. (1) The Teacher Standards and Practices Commission may issue
22 a letter of informal reproof to a person licensed, registered or certified by
23 the commission if:

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

28 “(b) Subject to subsection (5) of this section, the commission agrees not
29 to pursue disciplinary action against the person under ORS 342.175 and the
30 person agrees to the terms of the letter of informal reproof, including a

1 monitoring period.

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

5 “(3) Upon the issuance of a letter of informal reapproval, the commission
6 shall notify the employer of the person to whom the letter is issued, includ-
7 ing any terms of the letter that the employer may need to know to assist the
8 person in complying with the terms of the letter.

9 “(4) A letter of informal reapproval issued as provided by subsection (1) of
10 this section:

11 “(a) Is confidential; and

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

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

18 “(a) The conduct underlying the letter of informal reapproval; or

19 “(b) The failure to comply with the terms of the letter of informal re-
20 approval.

21 “(6) If the executive director of the commission determines that a person
22 failed to meet the terms of a letter of informal reapproval, the executive di-
23 rector shall report the failure to the commission for the commission to make
24 a final determination pursuant to ORS 342.176 **or section 2 of this 2019**
25 **Act.**

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

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

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

7 “(2) A member of the commission who is employed at a public school or
8 by a private educator preparation provider or by a public university listed
9 in ORS 352.002:

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

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

15 “(3) A member of the commission who serves on the commission in the
16 capacity of a district school board member or as a member of the general
17 public shall be entitled to compensation and expenses as provided in ORS
18 292.495 (1) and (2).

19 **“SECTION 8. (1) Section 2 of this 2019 Act and the amendments to
20 ORS 342.175, 342.176, 342.177, 342.183 and 342.390 by sections 3 to 7 of this
21 2019 Act become operative on January 1, 2020.**

22 **“(2) Section 2 of this 2019 Act and the amendments to ORS 342.175,
23 342.176, 342.177, 342.183 and 342.390 by sections 3 to 7 of this 2019 Act
24 apply to reports of suspected abuse or sexual conduct received on or
25 after January 1, 2020.**

26 **“SECTION 9.** ORS 339.372 is amended to read:

27 “339.372. Each school board shall adopt policies on the reporting of abuse
28 and sexual conduct by school employees and the reporting of abuse by stu-
29 dents. The policies shall:

30 “(1) Specify that abuse and sexual conduct by school employees and abuse

1 by students are not tolerated;

2 “(2) Specify that all school employees and students are subject to the
3 policies;

4 “(3) Require all school employees who have reasonable cause to believe
5 that another school employee has engaged in abuse or sexual conduct or that
6 a student has engaged in abuse to:

7 “(a) Report suspected abuse to a law enforcement agency, the Department
8 of Human Services or a designee of the department as required by ORS
9 419B.010 and 419B.015; and

10 “(b) Report suspected abuse or sexual conduct to the person designated
11 as provided by subsection (4) of this section;

12 “(4) Designate a person, and an alternate in the event the designated
13 person is the suspected abuser, to receive reports of suspected abuse or sex-
14 ual conduct by school employees or suspected abuse by students and specify
15 the procedures to be followed by that person upon receipt of a report;

16 “(5) **Specify the procedures to be followed during an investigation,**
17 **including notification that any reports of suspected abuse or sexual**
18 **conduct by licensed or registered school employees shall be provided**
19 **to the Teacher Standards and Practices Commission for investigation**
20 **under section 2 of this 2019 Act within 30 days of the report being re-**
21 **ceived by the person designated under subsection (4) of this section;**

22 “[5] (6) Require the posting in each school building of the name and
23 contact information for the person designated for the school building to re-
24 ceive reports of suspected abuse or sexual conduct by school employees or
25 suspected abuse by students and the procedures the person will follow upon
26 receipt of a report;

27 “[6] (7) Specify that the initiation of a report in good faith about sus-
28 pected abuse or sexual conduct may not adversely affect any terms or con-
29 ditions of employment or the work environment of the complainant;

30 “[7] (8) Specify that the school board or any school employee will not

1 discipline a student for the initiation of a report in good faith about sus-
2 pected abuse or sexual conduct by a school employee or suspected abuse by
3 a student;

4 “[8] (9) Require notification by the education provider to the person who
5 initiated the report about actions taken by the education provider based on
6 the report; and

7 “[9] (10) Require the education provider to furnish to a school employee
8 at the time of hire the following:

9 “(a) A description of conduct that may constitute abuse or sexual conduct;
10 and

11 “(b) A description of the information and records that will be disclosed
12 as provided by ORS 339.378 or 339.388 (8) if a report of suspected abuse or
13 sexual conduct is substantiated.

14 **“SECTION 10.** ORS 339.388 is amended to read:

15 “339.388. (1)(a) A school employee having reasonable cause to believe that
16 a child with whom the employee comes in contact has suffered abuse by an-
17 other school employee or by a student, or that another school employee or
18 a student with whom the employee comes in contact has abused a child, shall
19 immediately report the information to:

20 “(A) The person designated in the policy adopted under ORS 339.372; and

21 “(B) A law enforcement agency, the Department of Human Services or a
22 designee of the department as required by ORS 419B.010 and 419B.015.

23 “(b) A school employee having reasonable cause to believe that a student
24 with whom the employee comes in contact has been subjected to sexual
25 conduct by another school employee, or that another school employee with
26 whom the employee comes in contact has engaged in sexual conduct, shall
27 immediately report the information to the person designated in the policy
28 adopted under ORS 339.372.

29 “(2) A person who receives a report under subsection (1) of this section
30 shall follow the procedures required by the policy adopted by the school

1 board under ORS 339.372, **including providing any reports of suspected**
2 **abuse or sexual conduct by licensed or registered school employees to**
3 **the Teacher Standards and Practices Commission for investigation as**
4 **provided by section 2 of this 2019 Act.**

5 “(3)(a) Except as provided in [*subsection (4) of this section*] **paragraph (c)**
6 **of this subsection**, when an education provider receives a report of sus-
7 pected abuse or sexual conduct by one of its employees, and the education
8 provider’s designee determines that there is reasonable cause to support the
9 report, the education provider:

10 “(A) In the case of suspected abuse, shall place the school employee on
11 paid administrative leave; or

12 “(B) In the case of suspected sexual conduct, may place the school em-
13 ployee on paid administrative leave or in a position that does not involve
14 direct, unsupervised contact with children.

15 “(b) A school employee who is placed on paid administrative leave under
16 paragraph (a)(A) of this subsection shall remain on administrative leave un-
17 til:

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

21 “(B) The Department of Human Services or a law enforcement agency
22 determines that the report is substantiated and the education provider takes
23 the appropriate disciplinary action against the school employee.

24 “[~~(4)~~] (c) An education provider may reinstate a school employee placed
25 on paid administrative leave for suspected abuse as provided under [*sub-*
26 *section (3) of this section*] **paragraph (b) of this subsection** or may take the
27 appropriate disciplinary action against the employee if the Department of
28 Human Services or a law enforcement agency is unable to determine, based
29 on a report of suspected abuse, whether abuse occurred.

30 “(4)(a) **An education provider shall conduct an investigation in re-**

1 **sponse to all reports of suspected abuse or sexual conduct by a school**
2 **employee.**

3 **“(b) An education provider must conduct an investigation under**
4 **this subsection, regardless of any investigations conducted by the**
5 **Teacher Standards and Practices Commission under section 2 of this**
6 **2019 Act. The education provider may take into account the findings**
7 **of the commission when the education provider conducts an investi-**
8 **gation or takes disciplinary action.**

9 “(5) If, following an investigation, an education provider determines that
10 a report of suspected abuse or sexual conduct by a school employee is a
11 substantiated report, the education provider shall:

12 “(a) Inform the school employee that the education provider has deter-
13 mined that the report has been substantiated.

14 “(b) Provide the school employee with information about the appropriate
15 appeal process for the determination made by the education provider. The
16 appeal process may be the process provided by a collective bargaining
17 agreement or a process administered by a neutral third party and paid for
18 by the school district.

19 “(c) Following notice of a school employee’s decision not to appeal the
20 determination or following the determination of an appeal that sustained the
21 substantiated report, create a record of the substantiated report and place
22 the record in the personnel file of the school employee. Records created
23 pursuant to this paragraph are confidential and are not public records as
24 defined in ORS 192.311. An education provider may use the record as a basis
25 for providing the information required to be disclosed under ORS 339.378.

26 “(d) Inform the school employee that information about substantiated re-
27 ports may be disclosed to a potential employer as provided by subsection (8)
28 of this section and ORS 339.378.

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

1 “(A) May discipline or terminate a school employee according to:

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

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

8 “(B) May follow the procedures described in subsection (5) of this section
9 or may follow any appeals process established by the private school related
10 to suspected child abuse or sexual conduct.

11 “(b) A private school that chooses to discipline or terminate a school
12 employee according to the standards and policies of the school must provide
13 the information required to be disclosed under ORS 339.378.

14 “(7)(a) Upon request from a law enforcement agency, the Department of
15 Human Services or the Teacher Standards and Practices Commission, [*a*
16 *school district*] **an education provider** shall **immediately** provide:

17 “(A) **Any requested documents or materials, to the extent allowed**
18 **by state and federal law; or**

19 “(B) The records of investigations of suspected abuse by a school em-
20 ployee or former school employee.

21 “(b) **Notwithstanding paragraph (a) of this subsection, an education**
22 **provider may not provide any information disclosed by the school**
23 **employee against whom a report of suspected abuse or sexual conduct**
24 **was made if:**

25 “(A) **The information may be used to convict the employee of a**
26 **crime or subject the employee to penalty or forfeiture; and**

27 “(B) **The employee has not authorized the provision of the infor-**
28 **mation.**

29 “(8)(a) The disciplinary records of a school employee or former school
30 employee convicted of a crime listed in ORS 342.143 are not exempt from

1 disclosure under ORS 192.345 or 192.355.

2 “(b) If a school employee is convicted of a crime listed in ORS 342.143,
3 the education provider that is the employer of the employee shall disclose
4 the disciplinary records of the employee to any person upon request.

5 “(c) If a former school employee is convicted of a crime listed in ORS
6 342.143, the education provider that was the employer of the former employee
7 when the crime was committed shall disclose the disciplinary records of the
8 former employee to any person upon request.

9 “(9) Prior to disclosure of a disciplinary record under subsection (8) of
10 this section, an education provider shall remove any personally identifiable
11 information from the record that would disclose the identity of a child, a
12 crime victim or a school employee or former school employee who is not the
13 subject of the disciplinary record.

14 **“SECTION 11. The amendments to ORS 339.372 and 339.388 by**
15 **sections 9 and 10 of this 2019 Act become operative on January 1, 2020.**

16 **“SECTION 12.** ORS 419B.015 is amended to read:

17 “419B.015. (1)(a) A person making a report of child abuse, whether the
18 report is made voluntarily or is required by ORS 419B.010, shall make an
19 oral report by telephone or otherwise to the local office of the Department
20 of Human Services, to the designee of the department or to a law enforce-
21 ment agency within the county where the person making the report is lo-
22 cated at the time of the contact. The report shall contain, if known, the
23 names and addresses of the child and the parents of the child or other per-
24 sons responsible for care of the child, the child’s age, the nature and extent
25 of the abuse, including any evidence of previous abuse, the explanation given
26 for the abuse and any other information that the person making the report
27 believes might be helpful in establishing the cause of the abuse and the
28 identity of the perpetrator.

29 “(b) When a report of child abuse is received by the department, the de-
30 partment shall notify a law enforcement agency within the county where the

1 report was made. When a report of child abuse is received by a designee of
2 the department, the designee shall notify, according to the contract, either
3 the department or a law enforcement agency within the county where the
4 report was made. When a report of child abuse is received by a law
5 enforcement agency, the agency shall notify the local office of the depart-
6 ment within the county where the report was made.

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

13 **“(d) When a report of child abuse is received by the department or**
14 **by a law enforcement agency, the department or law enforcement**
15 **agency shall notify the Teacher Standards and Practices Commission**
16 **if the report involves the conduct of a licensed or registered school**
17 **employee toward a student in grade 12 or below.**

18 “(2) When a report of child abuse is received under subsection (1)(a) of
19 this section, the entity receiving the report shall make the notification re-
20 quired by subsection (1)(b) of this section according to rules adopted by the
21 department under ORS 419B.017.

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

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

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

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

8 **“SECTION 13.** ORS 419B.035 is amended to read:

9 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170,
10 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and ac-
11 cessibility for public inspection of public records and public documents, re-
12 ports and records compiled under the provisions of ORS 419B.010 to 419B.050
13 are confidential and may not be disclosed except as provided in this section.
14 The Department of Human Services shall make the records available to:

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

17 “(b) Any physician, physician assistant licensed under ORS 677.505 to
18 677.525, naturopathic physician licensed under ORS chapter 685 or nurse
19 practitioner licensed under ORS 678.375 to 678.390, at the request of the
20 physician, physician assistant, naturopathic physician or nurse practitioner,
21 regarding any child brought to the physician, physician assistant,
22 naturopathic physician or nurse practitioner or coming before the physician,
23 physician assistant, naturopathic physician or nurse practitioner for exam-
24 ination, care or treatment;

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

27 “(d) Citizen review boards established by the Judicial Department for the
28 purpose of periodically reviewing the status of children, youths and youth
29 offenders under the jurisdiction of the juvenile court under ORS 419B.100
30 and 419C.005. Citizen review boards may make such records available to

1 participants in case reviews;

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

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

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

8 “(h) The Teacher Standards and Practices Commission for investigations
9 conducted under ORS 342.176 **or section 2 of this 2019 Act** involving any
10 child or any student in grade 12 or below;

11 “(i) Any person, upon request to the Department of Human Services, if
12 the reports or records requested regard an incident in which a child, as the
13 result of abuse, died or suffered serious physical injury as defined in ORS
14 161.015. Reports or records disclosed under this paragraph must be disclosed
15 in accordance with ORS 192.311 to 192.478;

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

18 “(k) With respect to a report of abuse occurring at a school or in an ed-
19 ucational setting that involves a child with a disability, Disability Rights
20 Oregon.

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

29 “(b) If the Department of Human Services does not have a report or re-
30 cord of abuse regarding a child who, as the result of abuse, died or suffered

1 serious physical injury as defined in ORS 161.015, the department may dis-
2 close that information.

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

16 “(4)(a) A law enforcement agency may make reports and records compiled
17 under the provisions of ORS 419B.010 to 419B.050 available to other law
18 enforcement agencies, district attorneys, city attorneys with criminal
19 prosecutorial functions and the Attorney General when the law enforcement
20 agency determines that disclosure is necessary for the investigation or
21 enforcement of laws relating to child abuse and neglect or necessary to de-
22 termine a claim for crime victim compensation under ORS 147.005 to 147.367.

23 “(b) **A law enforcement agency may make reports and records**
24 **compiled under the provisions of ORS 419B.010 to 419B.050 available to**
25 **the Teacher Standards and Practices Commission that the commission**
26 **determines are necessary for the commission to conduct investigations**
27 **under ORS 342.176 or section 2 of this 2019 Act involving any child or**
28 **any student in grade 12 or below.**

29 “(5) A law enforcement agency, upon completing an investigation and
30 closing the file in a specific case relating to child abuse or neglect, shall

1 make reports and records in the case available upon request to any law
2 enforcement agency or community corrections agency in this state, to the
3 Department of Corrections or to the State Board of Parole and Post-Prison
4 Supervision for the purpose of managing and supervising offenders in custody
5 or on probation, parole, post-prison supervision or other form of conditional
6 or supervised release. A law enforcement agency may make reports and re-
7 cords compiled under the provisions of ORS 419B.010 to 419B.050 available
8 to law enforcement, community corrections, corrections or parole agencies
9 in an open case when the law enforcement agency determines that the dis-
10 closure will not interfere with an ongoing investigation in the case. The
11 name, address and other identifying information about the person who made
12 the report may not be disclosed under this subsection or subsection (6)(b) of
13 this section.

14 “(6)(a) Any record made available to a law enforcement agency or com-
15 munity corrections agency in this state, to the Department of Corrections
16 or the State Board of Parole and Post-Prison Supervision or to a physician,
17 physician assistant, naturopathic physician or nurse practitioner in this
18 state, as authorized by subsections (1) to (5) of this section, shall be kept
19 confidential by the agency, department, board, physician, physician assistant,
20 naturopathic physician or nurse practitioner. Any record or report disclosed
21 by the Department of Human Services to other persons or entities pursuant
22 to subsections (1) and (3) of this section shall be kept confidential.

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

24 “(A) A law enforcement agency, a community corrections agency, the
25 Department of Corrections and the State Board of Parole and Post-Prison
26 Supervision may disclose records made available to them under subsection
27 (5) of this section to each other, to law enforcement, community corrections,
28 corrections and parole agencies of other states and to authorized treatment
29 providers for the purpose of managing and supervising offenders in custody
30 or on probation, parole, post-prison supervision or other form of conditional

1 or supervised release.

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

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

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

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

13 **“SECTION 14. (1) The amendments to ORS 419B.015 and 419B.035 by
14 sections 12 and 13 of this 2019 Act become operative on January 1, 2020.**

15 **“(2) The amendments to ORS 419B.015 and 419B.035 by sections 12
16 and 13 of this 2019 Act apply to reports received on or after January
17 1, 2020.**

18 **“SECTION 15. In addition to and not in lieu of any other appropri-
19 ation, there is appropriated to the Teacher Standards and Practices
20 Commission, for the biennium beginning July 1, 2019, out of the Gen-
21 eral Fund, the amount of \$_____, which shall be used by the com-
22 mission to employ the necessary personnel to comply with the
23 requirements of this 2019 Act.**

24 **“SECTION 16. This 2019 Act being necessary for the immediate
25 preservation of the public peace, health and safety, an emergency is
26 declared to exist, and this 2019 Act takes effect July 1, 2019.”.**

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