

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 960**

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “338.115,”.
- 2 In line 3, delete “419B.015 and 419B.035” and insert “342.176, 419B.015 and
3 419B.020”.
- 4 Delete lines 5 through 28 and delete pages 2 through 11 and insert:
- 5 **“SECTION 1.** ORS 339.370 is amended to read:
- 6 “339.370. As used in ORS 339.370 to 339.400:
- 7 “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.
- 8 “[2) ‘Disciplinary records’ means the records related to a personnel disci-
9 pline action or materials or documents supporting that action.]
- 10 “[3)] (2) ‘Education provider’ means:
- 11 “(a) A school district, as defined in ORS 332.002.
- 12 “(b) The Oregon School for the Deaf.
- 13 “(c) An educational program under the Youth Corrections Education
14 Program.
- 15 “(d) A public charter school, as defined in ORS 338.005.
- 16 “(e) An education service district, as defined in ORS 334.003.
- 17 “(f) Any state-operated program that provides educational services to
18 kindergarten through grade 12 students.
- 19 “(g) A private school.
- 20 “[4)] (3) ‘Investigation’ means a detailed inquiry into the factual
21 allegations of a report of suspected abuse or sexual conduct that:

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

5 “(b) If the subject of the report is a school employee **and the entity**
6 **conducting the investigation is an education provider**, meets any nego-
7 tiated standards of an employment contract or agreement.

8 “[~~(5)~~] (4) ‘Law enforcement agency’ has the meaning given that term in
9 ORS 419B.005.

10 “[~~(6)~~] (5) ‘Private school’ means a school that provides to kindergarten
11 through grade 12 students instructional programs that are not limited solely
12 to dancing, drama, music, religious or athletic instruction.

13 “[~~(7)~~] (6) ‘School board’ means the governing board or governing body of
14 an education provider.

15 “[~~(8)~~] (7) ‘School employee’ means an employee of an education provider.

16 “[~~(9)(a)~~] (8)(a) ‘Sexual conduct’ means any verbal or physical conduct by
17 a school employee that:

18 “(A) Is sexual in nature;

19 “(B) Is directed toward a kindergarten through grade 12 student;

20 “(C) Has the effect of unreasonably interfering with a student’s educa-
21 tional performance; and

22 “(D) Creates an intimidating, hostile or offensive educational environ-
23 ment.

24 “(b) ‘Sexual conduct’ does not include abuse.

25 “[~~(10)~~] ‘*Substantiated report*’ means a report of abuse or sexual conduct
26 *that:*]

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

29 “[*(b) Involves conduct that the education provider determines is sufficiently*
30 *serious to be documented in the school employee’s personnel file or the*

1 *student's education record.]*

2 “(9) ‘Student’ means any person:

3 “(a) Who is:

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

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

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

11 “(10) ‘Substantiated report’ means a report of abuse or sexual con-
12 duct that an education provider, a law enforcement agency or the
13 Department of Human Services has reasonable cause to believe, based
14 on the available evidence after conducting an investigation, is
15 founded.

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

17 “339.372. Each school board shall adopt policies on the reporting of abuse
18 and sexual conduct by school employees and the reporting of abuse by stu-
19 dents. The policies shall:

20 “(1) Specify that abuse and sexual conduct by school employees and abuse
21 by students are not tolerated;

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

24 “(3) Require all school employees who have reasonable cause to believe
25 that another school employee has engaged in abuse or sexual conduct or that
26 a student has engaged in abuse to **report**:

27 “[*(a) Report suspected abuse to a law enforcement agency, the Department*
28 *of Human Services or a designee of the department as required by ORS*
29 *419B.010 and 419B.015; and]*

30 “[*(b) (a) [Report suspected abuse or sexual conduct]* To the person desig-

1 nated as provided by subsection (4) of this section[;] **all reports of sus-**
2 **pected abuse or sexual conduct; and**

3 **“(b) To a law enforcement agency, the Department of Human Ser-**
4 **vices or a designee of the department, as required by ORS 419B.010 and**
5 **419B.015, all reports of suspected abuse, regardless of whether a report**
6 **was made as required under paragraph (a) of this subsection.**

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

11 **“(5) Specify the procedures to be followed during an investigation**
12 **by an education provider, including notification to school employees**
13 **that:**

14 **“(a) All reports of suspected abuse or sexual conduct by school**
15 **employees will be investigated;**

16 **“(b) Investigations will be completed regardless of any changes in**
17 **the employment relationship or duties of the school employee about**
18 **whom a report was made; and**

19 **“(c) Investigations will be conducted as provided by ORS 339.388;**

20 **“[(5)] (6) Require the posting in each school building of:**

21 **“(a) The name and contact information for the person designated for the**
22 **school building to receive reports of suspected abuse or sexual conduct by**
23 **school employees or suspected abuse by students and the procedures the**
24 **person will follow upon receipt of a report; and**

25 **“(b) The contact information for making a report of suspected**
26 **abuse to a law enforcement agency, the Department of Human Ser-**
27 **vices or a designee of the department as required by ORS 419B.010 and**
28 **419B.015 and a statement that the duty to report abuse is a personal**
29 **duty regardless of any reports made as required under paragraph (a)**
30 **of this subsection;**

1 “[6] (7) Specify that the initiation of a report in good faith about sus-
2 pected abuse or sexual conduct may not adversely affect any terms or con-
3 ditions of employment or the work environment of the complainant;

4 “[7] (8) Specify that the school board or any school employee will not
5 discipline a student for the initiation of a report in good faith about sus-
6 pected abuse or sexual conduct by a school employee or suspected abuse by
7 a student;

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

11 “[9] (10) Require the education provider to furnish to a school employee
12 at the time of hire the following:

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

15 “(b) A description of the information [*and records*] that will be disclosed
16 as provided by ORS 339.378 [*or 339.388 (8)*] if a report of suspected abuse or
17 sexual conduct is substantiated.

18 **“SECTION 3.** ORS 339.374 is amended to read:

19 “339.374. Except as provided in ORS 339.384, before an education provider
20 may hire an applicant for a position with the education provider, the edu-
21 cation provider shall:

22 “(1) Require the applicant to provide:

23 “(a) A list of the applicant’s current and former employers who are edu-
24 cation providers.

25 “(b) A written authorization that authorizes the applicant’s current and
26 former employers that are education providers to disclose the information
27 requested under subsection (2) of this section.

28 “(c) A written statement of whether the applicant:

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

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

3 “(2) Conduct a review of the employment history of the applicant by
4 contacting the three most recent employers of the applicant who are educa-
5 tion providers and requesting[.]

6 “[*(a)*] the following information:

7 “[*(A)*] (a) The dates of employment of the applicant by the education
8 provider;

9 “[*(B)*] (b) Whether the applicant was the subject of any substantiated re-
10 ports, **or is the subject of any ongoing investigations**, of abuse or sexual
11 conduct related to the applicant’s employment with the education provider;

12 “[*(C)*] (c) The dates of any substantiated reports;

13 “[*(D)*] (d) The definitions of abuse and sexual conduct used by the edu-
14 cation provider when the education provider determined that any reports
15 were substantiated; and

16 “[*(E)*] (e) The standards used by the education provider to determine
17 whether any reports were substantiated.

18 “[*(b)* Any disciplinary records required to be released as provided by ORS
19 339.388 (8).]

20 “(3) For an applicant who is licensed, registered or certified with the
21 Teacher Standards and Practices Commission, access online information
22 provided by the commission to verify:

23 “(a) That the applicant is licensed, registered or certified by the commis-
24 sion; and

25 “(b) Whether the commission has provided any information relating to
26 conduct by the applicant that may constitute abuse or sexual conduct.

27 “(4) Conduct a nationwide criminal records check if required by ORS
28 326.603.

29 **“SECTION 4.** ORS 339.378 is amended to read:

30 “339.378. (1) Not later than 20 days after receiving a request under ORS

1 339.374, an education provider that has or has had an employment relation-
2 ship with the applicant shall disclose the information requested [*and any*
3 *disciplinary records that must be disclosed as provided by ORS 339.388 (8)*].

4 “(2) An education provider may disclose the information on a standardized
5 form and is not required to provide any additional information related to a
6 substantiated report of abuse or sexual conduct other than the information
7 that is required by ORS 339.374 (2).

8 “(3) Information received under this section is confidential and is not a
9 public record as defined in ORS 192.311. An education provider may use the
10 information only for the purpose of evaluating an applicant’s eligibility to
11 be hired.

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

13 “339.384. (1) An education provider may not hire an applicant who does
14 not comply with the requirements of ORS 339.374 (1). A refusal to hire an
15 applicant under this subsection removes the applicant from any education
16 provider policies, any collective bargaining provisions regarding dismissal
17 procedures and appeals and any provisions of ORS 342.805 to 342.937.

18 “(2) An education provider may hire an applicant on a conditional basis
19 pending the education provider’s review of information [*and records*] received
20 under ORS 339.378.

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

23 “(a) A current or former employer of an applicant fails or refuses to
24 comply with the requirements of ORS 339.378; or

25 “(b) The applicant has or had an out-of-state employer and the laws or
26 rules of that state prevent the release of information [*or records*] requested
27 under ORS 339.378.

28 **“SECTION 6.** ORS 339.388 is amended to read:

29 “339.388. (1)(a) A school employee having reasonable cause to believe that
30 a child with whom the employee comes in contact has suffered abuse by an-

1 other school employee or by a student, or that another school employee or
2 a student with whom the employee comes in contact has abused a child, shall
3 immediately report the information to:

4 “(A) The person designated in the policy 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 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
9 conduct by another school employee, or that another school employee with
10 whom the employee comes in contact has engaged in sexual conduct, shall
11 immediately report the information to the person designated in the policy
12 adopted under ORS 339.372.

13 “(2) A person who receives a report under subsection (1) of this section
14 shall follow the procedures required by the policy adopted by the school
15 board under ORS 339.372.

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

21 “(A) In the case of suspected abuse, shall:

22 “(i) Place the school employee on paid administrative leave; **and**

23 “(ii) **Take all necessary actions to ensure the student’s safety dur-**
24 **ing an investigation, regardless of whether the investigation is con-**
25 **ducted by the education provider, the Department of Human Services**
26 **or a law enforcement agency; or**

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

30 “(b) A school employee who is placed on paid administrative leave under

1 paragraph (a)(A) of this subsection shall remain on administrative leave un-
2 til:

3 “[A] *The Department of Human Services or a law enforcement agency de-*
4 *termines that the report cannot be substantiated or that the report will not be*
5 *pursued; or]*

6 “[B] *The Department of Human Services or a law enforcement agency de-*
7 *termines that the report is substantiated and the education provider takes the*
8 *appropriate disciplinary action against the school employee.]*

9 **“(A) For a report of suspected abuse, the Department of Human**
10 **Services or a law enforcement agency determines that the report:**

11 **“(i) Cannot be substantiated or is not a report of abuse; or**

12 **“(ii) Is substantiated and the education provider takes the appro-**
13 **priate disciplinary action against the school employee.**

14 **“(B) For a report of suspected sexual conduct, the education pro-**
15 **vider determines that the report:**

16 **“(i) Cannot be substantiated or is not a report of sexual conduct;**
17 **or**

18 **“(ii) Is substantiated and the education provider takes the appro-**
19 **priate disciplinary action against the school employee.**

20 “[4] (c) An education provider may reinstate a school employee placed
21 on paid administrative leave for suspected abuse as provided under [*sub-*
22 *section (3) of this section*] **paragraph (b) of this subsection** or may take the
23 appropriate disciplinary action against the employee if the Department of
24 Human Services or a law enforcement agency is unable to determine, based
25 on a report of suspected abuse, whether abuse occurred.

26 **“(4)(a) As applicable, investigations of suspected abuse will be:**

27 **“(A) Led by the Department of Human Services or a law enforce-**
28 **ment agency; and**

29 **“(B) Based upon protocols and procedures of the department or**
30 **agency.**

1 **“(b) An education provider must cooperate with any entities in-**
2 **olved in an investigation under paragraph (a) of this subsection, in-**
3 **cluding suspending any investigations being conducted by the**
4 **education provider at the request of the entity.**

5 **“(c) Notwithstanding paragraph (b) of this subsection, an education**
6 **provider may not require a person to disclose any information that**
7 **may tend to convict the person of a crime or subject the person to**
8 **penalty or forfeiture.**

9 **“(d) An education provider may take into consideration the findings**
10 **of any entity involved in an investigation under paragraph (a) of this**
11 **subsection for the purpose of the education provider’s investigation**
12 **under subsection (5) of this section and any disciplinary action taken**
13 **by the education provider.**

14 **“(5)(a) An education provider shall conduct an investigation in re-**
15 **sponse to all reports of suspected abuse or sexual conduct by a school**
16 **employee. Investigations of suspected abuse must be conducted re-**
17 **gardless of any investigations conducted by a law enforcement agency**
18 **or the Department of Human Services. The education provider shall**
19 **immediately begin an investigation after receiving a report of sus-**
20 **pected abuse or sexual conduct and any investigations conducted by**
21 **the education provider must be completed as provided by paragraph**
22 **(b) of this subsection.**

23 **“(b)(A) Except as provided by subparagraph (B) of this paragraph,**
24 **a final determination related to an investigation conducted by an ed-**
25 **ucation provider must be made within 60 calendar days following the**
26 **date on which the person designated under ORS 339.372 received the**
27 **report of suspected abuse or sexual conduct.**

28 **“(B) If requested to suspend an investigation as provided by sub-**
29 **section (4)(b) of this section, an education provider is not required to**
30 **make a final determination until 60 calendar days after receipt of a**

1 **disposition of an investigation led by an entity identified in subsection**
2 **(4)(a) of this section.**

3 **“(C) Notwithstanding subparagraphs (A) and (B) of this paragraph,**
4 **the prescribed timeline for a final determination may be extended if,**
5 **for good cause, a longer period of time is necessary.**

6 **“(c) If, in the course of an investigation by the education provider,**
7 **the education provider becomes aware of new information that gives**
8 **rise to a reasonable cause to believe that abuse occurred, the educa-**
9 **tion provider shall ensure that a report is made to a law enforcement**
10 **agency, the Department of Human Services or a designee of the de-**
11 **partment, as required by ORS 419B.010 and 419B.015.**

12 **“(d) The education provider shall report in writing the findings of**
13 **an investigation to the person about whom a report was made.**

14 **“[(5)] (6) If, following an investigation, an education provider determines**
15 **that a report of suspected abuse or sexual conduct by a school employee is**
16 **a substantiated report, the education provider shall:**

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

19 **“[(b)] (a) Provide the school employee with information about the appro-**
20 **priate appeal process for the determination made by the education provider.**
21 **The appeal process may be the process provided by a collective bargaining**
22 **agreement or a process administered by a neutral third party and paid for**
23 **by the school district.**

24 **“[(c)] (b) Following notice of a school employee’s decision not to appeal**
25 **the determination of an education provider or following the determination**
26 **of an appeal that sustained the substantiated report, create a record of the**
27 **substantiated report and place the record in [the personnel file of] any files**
28 **maintained by the education provider on the school employee. Records**
29 **created pursuant to this paragraph are confidential and are not public re-**
30 **ords as defined in ORS 192.311. An education provider may use the record**

1 as a basis for providing the information required to be disclosed under ORS
2 339.378.

3 “[*(d)*] **(c)** Inform the school employee that information about substanti-
4 ated reports may be disclosed to a potential employer as provided by [*sub-*
5 *section (8) of this section and*] ORS 339.378.

6 “[*(6)(a)*] **(7)(a)** Notwithstanding the requirements of subsections (3)[, (4)
7 *and (5)*] **and (6)** of this section, an education provider that is a private
8 school:

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

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

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

16 “(B) May follow the procedures described in subsection [*(5)*] **(6)** of this
17 section or may follow any appeals process established by the private school
18 related to suspected child abuse or sexual conduct.

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

22 “[*(7)*] **(8)(a)** Upon request from a law enforcement agency, the Department
23 of Human Services or the Teacher Standards and Practices Commission, a
24 school district shall provide the records of investigations of suspected abuse
25 by a school employee or former school employee.

26 “**(b) Notwithstanding paragraph (a) of this subsection, a school**
27 **district may not provide any information disclosed by the person**
28 **against whom a report was made if:**

29 “**(A) The information may be used to convict the person of a crime**
30 **or subject the person to penalty or forfeiture; and**

1 **“(B) The person has not authorized the provision of the informa-**
2 **tion.**

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

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

9 *“[(c) If a former school employee is convicted of a crime listed in ORS*
10 *342.143, the education provider that was the employer of the former employee*
11 *when the crime was committed shall disclose the disciplinary records of the*
12 *former employee to any person upon request.]*

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

18 **“SECTION 7.** ORS 339.392 is amended to read:

19 **“339.392. (1)** An education provider may not enter into a collective bar-
20 gaining agreement, an employment contract, an agreement for resignation
21 or termination, a severance agreement or any other contract or agreement
22 that:

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

26 **“(b) Has the effect of suppressing information** relating to a substan-
27 tiated report of abuse or sexual conduct by a current or former employee;

28 **“[(b)] (c)** Affects the duties of the education provider to report suspected
29 abuse or sexual conduct or to discipline a current or former employee for a
30 substantiated report of abuse or sexual conduct;

1 “[(c)] (d) Impairs the ability of the education provider to discipline an
2 employee for a substantiated report of abuse or sexual conduct; or

3 “[(d)] (e) Requires the education provider to expunge substantiated in-
4 formation about abuse or sexual conduct from any documents maintained by
5 an education provider.

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

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

10 “(a) Standards for investigation of a report of abuse or sexual conduct;
11 or

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

15 “**SECTION 8. (1) The amendments to ORS 339.370, 339.372, 339.374,**
16 **339.378, 339.384 and 339.388 by sections 1 to 6 of this 2019 Act apply to**
17 **reports of suspected abuse or sexual conduct received on or after the**
18 **effective date of this 2019 Act.**

19 “**(2) The amendments to ORS 339.392 by section 7 of this 2019 Act**
20 **apply to agreements and contracts entered into on or after the effec-**
21 **tive date of this 2019 Act.**

22 “**SECTION 9.** ORS 342.176 is amended to read:

23 “342.176. (1)(a) A person may file a complaint with the Teacher Standards
24 and Practices Commission regarding a person licensed by the commission.

25 “(b) Prior to beginning an investigation based on a complaint filed under
26 paragraph (a) of this subsection, the commission may require verification
27 that attempts were made to resolve the complaint through the complaint
28 process of the school district that employs the person against whom the
29 complaint was filed. **The commission may not require verification if the**
30 **complaint concerns the safety of a student, as defined in ORS 339.370,**

1 **including an allegation of sexual conduct or abuse.**

2 “(c) After receiving [*sufficient*] **any required** verification as provided by
3 paragraph (b) of this subsection, the Teacher Standards and Practices Com-
4 mission shall promptly undertake an investigation upon receipt of a com-
5 plaint or information that may constitute grounds for:

6 “(A) Refusal to issue a license or registration, as provided under ORS
7 342.143;

8 “(B) Suspension or revocation of a license or registration, discipline of a
9 person holding a license or registration, or suspension or revocation of the
10 right to apply for a license or registration, as provided under ORS 342.175;
11 or

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

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

22 “(b) **If, in the course of an investigation, the commission becomes**
23 **aware of information that gives rise to reasonable cause to believe**
24 **that abuse occurred, the commission shall ensure that a report is**
25 **made to a law enforcement agency, the Department of Human Ser-**
26 **vices or a designee of the department, as required by ORS 419B.010 and**
27 **419B.015.**

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

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

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

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

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

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

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

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

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

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

24 “(b) The complainant; and

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

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

29 “(a) The person charged;

30 “(b) The complainant; and

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

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

5 **“SECTION 10. The amendments to ORS 342.176 by section 9 of this**
6 **2019 Act apply to complaints received on or after the effective date of**
7 **this 2019 Act.**

8 **“SECTION 11.** ORS 338.115 is amended to read:

9 “338.115. (1) Statutes and rules that apply only to school district boards,
10 school districts or other public schools do not apply to public charter
11 schools. However, the following laws do apply to public charter schools:

12 “(a) Federal law;

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

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

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

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

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

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

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

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

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

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

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

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

27 “(n) ORS 337.150 (textbooks);

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

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

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

1 “(r) ORS 339.326 (notice concerning students subject to juvenile court
2 petitions);

3 “(s) ORS 339.370[, 339.372, 339.388 and] to 339.400 (reporting of abuse and
4 sexual conduct and training on prevention and identification of abuse and
5 sexual conduct);

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

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

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

9 “(w) Any statute or rule that establishes requirements for instructional
10 time provided by a school during each day or during a year;

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

12 “(y) Statutes and rules that apply to a special government body, as de-
13 fined in ORS 174.117, or a public body, as defined in ORS 174.109;

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

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

16 “(bb) This chapter.

17 “(2) Notwithstanding subsection (1) of this section, a charter may specify
18 that statutes and rules that apply only to school district boards, school dis-
19 tricts and other public schools may apply to a public charter school.

20 “(3) If a statute or rule applies to a public charter school, then the terms
21 ‘school district’ and ‘public school’ include public charter school as those
22 terms are used in that statute or rule.

23 “(4) A public charter school may not violate the Establishment Clause of
24 the First Amendment to the United States Constitution or section 5, Article
25 I of the Oregon Constitution, or be religion based.

26 “(5)(a) A public charter school shall maintain an active enrollment of at
27 least 25 students.

28 “(b) For a public charter school that provides educational services under
29 a cooperative agreement described in ORS 338.080, the public charter school
30 is in compliance with the requirements of this subsection if the public

1 charter school provides educational services under the cooperative agreement
2 to at least 25 students, without regard to the school districts in which the
3 students are residents.

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

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

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

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

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

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

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

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

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

4 **“SECTION 12. Section 13 of this 2019 Act is added to and made a
5 part of ORS 419B.005 to 419B.050.**

6 **“SECTION 13. (1) As used in this section:**

7 **“(a) ‘Education provider’ has the meaning given that term in ORS
8 339.370.**

9 **“(b) ‘School employee’ means a person who is an employee of an
10 education provider and who interacts with a student because of the
11 person’s status as an employee of an education provider.**

12 **“(c) ‘Student’ has the meaning given that term in ORS 339.370.**

13 **“(2) If the Department of Human Services or a law enforcement
14 agency receives a report of suspected abuse by a school employee of a
15 child who is a student, an investigation must be completed as de-
16 scribed in ORS 419B.005 to 419B.050.**

17 **“(3)(a) The Department of Human Services shall notify the Depart-
18 ment of Education of any reports received under subsection (2) of this
19 section.**

20 **“(b) The name and address of, and other identifying information
21 about, the person who made the report may not be disclosed under this
22 subsection, but the Department of Human Services shall make avail-
23 able any information necessary to ensure the safety of the child who
24 is a student. Any person or entity to whom notification is made under
25 this subsection may not release any information not authorized by this
26 subsection.**

27 **“(c) The Department of Human Services shall make the notification
28 required by paragraph (a) of this subsection within three business days
29 of receiving the report of abuse and the Department of Education shall
30 immediately notify the appropriate education providers to ensure the**

1 **safety of the child.**

2 **“(4) An investigation shall be conducted under this section regard-**
3 **less of any other investigations being conducted regarding the same**
4 **report.**

5 **“SECTION 14. Section 13 of this 2019 Act applies to reports of sus-**
6 **pected abuse received on or after the effective date of this 2019 Act.**

7 **“SECTION 15. ORS 419B.005 is amended to read:**

8 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
9 quires otherwise:

10 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

24 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
25 chapter 163, and any other conduct which allows, employs, authorizes, per-
26 mits, induces or encourages a child to engage in the performing for people
27 to observe or the photographing, filming, tape recording or other exhibition
28 which, in whole or in part, depicts sexual conduct or contact, as defined in
29 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving
30 a child or rape of a child, but not including any conduct which is part of

1 any investigation conducted pursuant to ORS 419B.020 or which is designed
2 to serve educational or other legitimate purposes; and

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

7 “(F) Negligent treatment or maltreatment of a child, including but not
8 limited to the failure to provide adequate food, clothing, shelter or medical
9 care that is likely to endanger the health or welfare of the child.

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

12 “(H) Buying or selling a person under 18 years of age as described in ORS
13 163.537.

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

16 “(J) Unlawful exposure to a controlled substance, as defined in ORS
17 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
18 fined in ORS 475B.015, that subjects a child to a substantial risk of harm to
19 the child’s health or safety.

20 “**(K) Any sexual contact between a student and a school employee,**
21 **as those terms are defined in ORS 339.370.**

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

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

25 “(a) Is under 18 years of age; or

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

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

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

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

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

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

3 **“(4)(a) ‘Investigation’ means a detailed inquiry into or assessment**
4 **of the safety and well-being of a child alleged to have experienced**
5 **abuse.**

6 **“(b) ‘Investigation’ does not include screening activities conducted**
7 **upon the receipt of a report.**

8 “[4] (5) ‘Law enforcement agency’ means:

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

10 “(b) A county sheriff’s office.

11 “(c) The Oregon State Police.

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

14 “(e) A county juvenile department.

15 “[5] (6) ‘Public or private official’ means:

16 “(a) Physician or physician assistant licensed under ORS chapter 677 or
17 naturopathic physician, including any intern or resident.

18 “(b) Dentist.

19 “(c) School employee, including an employee of a higher education insti-
20 tution.

21 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
22 aide, home health aide or employee of an in-home health service.

23 “(e) Employee of the Department of Human Services, Oregon Health Au-
24 thority, Early Learning Division, Youth Development Division, Office of
25 Child Care, the Oregon Youth Authority, a local health department, a com-
26 munity mental health program, a community developmental disabilities pro-
27 gram, a county juvenile department, a child-caring agency as that term is
28 defined in ORS 418.205 or an alcohol and drug treatment program.

29 “(f) Peace officer.

30 “(g) Psychologist.

- 1 “(h) Member of the clergy.
- 2 “(i) Regulated social worker.
- 3 “(j) Optometrist.
- 4 “(k) Chiropractor.
- 5 “(L) Certified provider of foster care, or an employee thereof.
- 6 “(m) Attorney.
- 7 “(n) Licensed professional counselor.
- 8 “(o) Licensed marriage and family therapist.
- 9 “(p) Firefighter or emergency medical services provider.
- 10 “(q) A court appointed special advocate, as defined in ORS 419A.004.
- 11 “(r) A child care provider registered or certified under ORS 329A.030 and
12 329A.250 to 329A.450.
- 13 “(s) Member of the Legislative Assembly.
- 14 “(t) Physical, speech or occupational therapist.
- 15 “(u) Audiologist.
- 16 “(v) Speech-language pathologist.
- 17 “(w) Employee of the Teacher Standards and Practices Commission di-
18 rectly involved in investigations or discipline by the commission.
- 19 “(x) Pharmacist.
- 20 “(y) An operator of a preschool recorded program under ORS 329A.255.
- 21 “(z) An operator of a school-age recorded program under ORS 329A.257.
- 22 “(aa) Employee of a private agency or organization facilitating the pro-
23 vision of respite services, as defined in ORS 418.205, for parents pursuant to
24 a properly executed power of attorney under ORS 109.056.
- 25 “(bb) Employee of a public or private organization providing child-related
26 services or activities:
- 27 “(A) Including but not limited to youth groups or centers, scout groups
28 or camps, summer or day camps, survival camps or groups, centers or camps
29 that are operated under the guidance, supervision or auspices of religious,
30 public or private educational systems or community service organizations;

1 and

2 “(B) Excluding community-based, nonprofit organizations whose primary
3 purpose is to provide confidential, direct services to victims of domestic vi-
4 olence, sexual assault, stalking or human trafficking.

5 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional
6 or professional athlete, if compensated and if the athlete is a child.

7 “(dd) Personal support worker, as defined by rule adopted by the Home
8 Care Commission.

9 “(ee) Home care worker, as defined in ORS 410.600.

10 **“SECTION 16.** ORS 419B.005, as amended by section 21, chapter 75,
11 Oregon Laws 2018, is amended to read:

12 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
13 quires otherwise:

14 “(1)(a) ‘Abuse’ means:

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

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

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

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

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

28 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
29 chapter 163, and any other conduct which allows, employs, authorizes, per-
30 mits, induces or encourages a child to engage in the performing for people

1 to observe or the photographing, filming, tape recording or other exhibition
2 which, in whole or in part, depicts sexual conduct or contact, as defined in
3 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving
4 a child or rape of a child, but not including any conduct which is part of
5 any investigation conducted pursuant to ORS 419B.020 or which is designed
6 to serve educational or other legitimate purposes; and

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

11 “(F) Negligent treatment or maltreatment of a child, including but not
12 limited to the failure to provide adequate food, clothing, shelter or medical
13 care that is likely to endanger the health or welfare of the child.

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

16 “(H) Buying or selling a person under 18 years of age as described in ORS
17 163.537.

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

20 “(J) Unlawful exposure to a controlled substance, as defined in ORS
21 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
22 fined in ORS 475B.015, that subjects a child to a substantial risk of harm to
23 the child’s health or safety.

24 “**(K) Any sexual contact between a student and a school employee,**
25 **as those terms are defined in ORS 339.370.**

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

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

29 “(a) Is under 18 years of age; or

30 “(b) Is under 21 years of age and residing in or receiving care or services

1 at a child-caring agency as that term is defined in ORS 418.205.

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

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

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

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

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

7 **“(4)(a) ‘Investigation’ means a detailed inquiry into or assessment**
8 **of the safety and well-being of a child alleged to have experienced**
9 **abuse.**

10 **“(b) ‘Investigation’ does not include screening activities conducted**
11 **upon the receipt of a report.**

12 “[4] (5) ‘Law enforcement agency’ means:

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

14 “(b) A county sheriff’s office.

15 “(c) The Oregon State Police.

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

18 “(e) A county juvenile department.

19 “[5] (6) ‘Public or private official’ means:

20 “(a) Physician or physician assistant licensed under ORS chapter 677 or
21 naturopathic physician, including any intern or resident.

22 “(b) Dentist.

23 “(c) School employee, including an employee of a higher education insti-
24 tution.

25 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
26 aide, home health aide or employee of an in-home health service.

27 “(e) Employee of the Department of Human Services, Oregon Health Au-
28 thority, Early Learning Division, Youth Development Division, Office of
29 Child Care, the Oregon Youth Authority, a local health department, a com-
30 munity mental health program, a community developmental disabilities pro-

1 gram, a county juvenile department, a child-caring agency as that term is
2 defined in ORS 418.205 or an alcohol and drug treatment program.

3 “(f) Peace officer.

4 “(g) Psychologist.

5 “(h) Member of the clergy.

6 “(i) Regulated social worker.

7 “(j) Optometrist.

8 “(k) Chiropractor.

9 “(L) Certified provider of foster care, or an employee thereof.

10 “(m) Attorney.

11 “(n) Licensed professional counselor.

12 “(o) Licensed marriage and family therapist.

13 “(p) Firefighter or emergency medical services provider.

14 “(q) A court appointed special advocate, as defined in ORS 419A.004.

15 “(r) A child care provider registered or certified under ORS 329A.030 and
16 329A.250 to 329A.450.

17 “(s) Member of the Legislative Assembly.

18 “(t) Physical, speech or occupational therapist.

19 “(u) Audiologist.

20 “(v) Speech-language pathologist.

21 “(w) Employee of the Teacher Standards and Practices Commission di-
22 rectly involved in investigations or discipline by the commission.

23 “(x) Pharmacist.

24 “(y) An operator of a preschool recorded program under ORS 329A.255.

25 “(z) An operator of a school-age recorded program under ORS 329A.257.

26 “(aa) Employee of a private agency or organization facilitating the pro-
27 vision of respite services, as defined in ORS 418.205, for parents pursuant to
28 a properly executed power of attorney under ORS 109.056.

29 “(bb) Employee of a public or private organization providing child-related
30 services or activities:

1 “(A) Including but not limited to youth groups or centers, scout groups
2 or camps, summer or day camps, survival camps or groups, centers or camps
3 that are operated under the guidance, supervision or auspices of religious,
4 public or private educational systems or community service organizations;
5 and

6 “(B) Excluding community-based, nonprofit organizations whose primary
7 purpose is to provide confidential, direct services to victims of domestic vi-
8 olence, sexual assault, stalking or human trafficking.

9 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional
10 or professional athlete, if compensated and if the athlete is a child.

11 “(dd) Personal support worker, as defined in ORS 410.600.

12 “(ee) Home care worker, as defined in ORS 410.600.

13 **“SECTION 17. ORS 419B.020 is amended to read:**

14 **“419B.020. (1) If the Department of Human Services or a law enforcement**
15 **agency receives a report of child abuse, the department or the agency shall**
16 **immediately:**

17 **“(a) Cause an investigation to be made to determine the nature and cause**
18 **of the abuse of the child; and**

19 **“(b) [Notify] Make the following notifications:**

20 **“(A) To the Office of Child Care if the alleged child abuse occurred in**
21 **a child care facility as defined in ORS 329A.250[.]; or**

22 **(B) To the Department of Education if the alleged child abuse oc-**
23 **curred in a school or related to a school-sponsored activity.**

24 **“(2) The Department of Human Services shall ensure that an in-**
25 **vestigation required by subsection (1) of this section is completed for**
26 **each report of child abuse, even if the report of child abuse was re-**
27 **ceived by a law enforcement agency.**

28 **“[(2)] (3) If the abuse reported in subsection (1) of this section is alleged**
29 **to have occurred at a child care facility or in a school or related to a**
30 **school-sponsored activity:**

1 “(a) The department and the law enforcement agency shall jointly deter-
2 mine the roles and responsibilities of the department and the agency in their
3 respective investigations; and

4 “(b) The department and the agency shall each report the outcomes of
5 their investigations to the Office of Child Care **or to the Department of**
6 **Education.**

7 “[(3)] (4) If the law enforcement agency conducting the investigation finds
8 reasonable cause to believe that abuse has occurred, the law enforcement
9 agency shall notify by oral report followed by written report the local office
10 of the Department **of Human Services.** The department shall provide pro-
11 tective social services of its own or of other available social agencies if
12 necessary to prevent further abuses to the child or to safeguard the child’s
13 welfare.

14 “[(4)] (5) If a child is taken into protective custody by the department, the
15 department shall promptly make reasonable efforts to ascertain the name and
16 address of the child’s parents or guardian.

17 “[(5)(a)] (6)(a) If a child is taken into protective custody by the depart-
18 ment or a law enforcement official, the department or law enforcement offi-
19 cial shall, if possible, make reasonable efforts to advise the parents or
20 guardian immediately, regardless of the time of day, that the child has been
21 taken into custody, the reasons the child has been taken into custody and
22 general information about the child’s placement, and the telephone number
23 of the local office of the department and any after-hours telephone numbers.

24 “(b) Notice may be given by any means reasonably certain of notifying
25 the parents or guardian, including but not limited to written, telephonic or
26 in-person oral notification. If the initial notification is not in writing, the
27 information required by paragraph (a) of this subsection also shall be pro-
28 vided to the parents or guardian in writing as soon as possible.

29 “(c) The department also shall make a reasonable effort to notify the
30 noncustodial parent of the information required by paragraph (a) of this

1 subsection in a timely manner.

2 “(d) If a child is taken into custody while under the care and supervision
3 of a person or organization other than the parent, the department, if possible,
4 shall immediately notify the person or organization that the child has been
5 taken into protective custody.

6 “[~~(6)~~] **(7)** If a law enforcement officer or the department, when taking a
7 child into protective custody, has reasonable cause to believe that the child
8 has been affected by sexual abuse and rape of a child as defined in ORS
9 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely
10 to disappear, the court may authorize a physical examination for the pur-
11 poses of preserving evidence if the court finds that it is in the best interest
12 of the child to have such an examination. Nothing in this section affects the
13 authority of the department to consent to physical examinations of the child
14 at other times.

15 “[~~(7)~~] **(8)** A minor child of 12 years of age or older may refuse to consent
16 to the examination described in subsection [~~(6)~~] **(7)** of this section. The ex-
17 amination shall be conducted by or under the supervision of a physician li-
18 censed under ORS chapter 677, a physician assistant licensed under ORS
19 677.505 to 677.525, a naturopathic physician licensed under ORS chapter 685
20 or a nurse practitioner licensed under ORS chapter 678 and, whenever prac-
21 ticable, trained in conducting such examinations.

22 “[~~(8)~~] **(9)** When the department completes an investigation under this
23 section, if the person who made the report of child abuse provided contact
24 information to the department, the department shall notify the person about
25 whether contact with the child was made, whether the department deter-
26 mined that child abuse occurred and whether services will be provided. The
27 department is not required to disclose information under this subsection if
28 the department determines that disclosure is not permitted under ORS
29 419B.035.”.

30