

**SB 1522 A STAFF MEASURE SUMMARY****Carrier:** Sen. Gelser**Senate Committee On Education****Action Date:** 02/11/20**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Gelser, Hass, Heard, Thomsen, Wagner**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Lisa Gezelter, LPRO Analyst**Meeting Dates:** 2/4, 2/11**WHAT THE MEASURE DOES:**

Allows school districts and employees accused of sexual conduct to receive investigative reports from the Teacher Standards and Practices Commission and the Oregon Department of Education. Allows districts to use those reports to make discipline and employment determinations. Creates exceptions to the verbal communication portion of the sexual conduct definition for classes such as health, and creates an exception to the sexual conduct definition for students who also work for school districts so that they may have consensual relationships with their peers. Adds education service district board members to the list of mandatory reporters in ORS 419B.005. Allows gradual phase-in of year-round physical education requirement. Allows aggrieved employees in cases of sexual violence, sexual harassment, or sexual conduct to request closed disciplinary hearings for perpetrators of the alleged conduct. Establishes that income paid to member of Public Employees Retirement System (PERS) for services to public charter school during continuous period of employment shall be treated as if it were taxable income under Oregon law if the member was hired by public charter school in a qualifying position between August 29, 2003, and December 31, 2017, inclusive, and member resided and performed those services anywhere in the United States. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Sexual conduct definition
- Students' counseling needs
- Physical education requirements
- Public Employees Retirement System

**EFFECT OF AMENDMENT:**

Modifies definitions of sexual conduct and student employee, allows school districts to receive Teacher Standards and Practices Commission's and Oregon Department of Education's investigative reports, and allows gradual phase-in of year-round physical education requirement. Allows aggrieved employees in cases of sexual violence, sexual harassment, or sexual conduct to request closed disciplinary hearings for perpetrators of the alleged conduct. Establishes that income paid to members of Public Employees Retirement System (PERS) for services to public charter schools during continuous period of employment shall be treated as if it were taxable income under Oregon law if member was hired by public charter school in qualifying position between August 29, 2003, and December 31, 2017, inclusive, and member resided and performed those services anywhere in the United States. Provides for continuation of small school funding under certain circumstances.

**BACKGROUND:**

Senate Bill 155 (2019) enacted several new provisions relating to abuse and sexual conduct by school staff, allowing school districts to rely on investigations conducted by state agencies and use the information generated in those investigations to make employment determinations.

**SB 1522 A STAFF MEASURE SUMMARY**

Senate Bill 1522 enacts technical changes in order to provide for smoother implementation, ensuring school districts' access to investigative reports. The bill also allows a gradual phase-in of certain physical education requirements, allows aggrieved employees to request closed disciplinary hearings under certain circumstances, establishes taxability of income for certain public charter school employees, provides for continuation of small school funding under certain circumstances, and adds education service district board members to the list of mandatory reporters in ORS 419B.005.