



OREGON
DEPARTMENT OF
EDUCATION

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SB 155 (2019) Changes

SB 51 A

House Human Services Committee

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ODE's EQUITY STANCE

“Education equity is the equitable implementation of policy, practices, procedures, and legislation that **translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families** including civil rights protected classes. This means the **restructuring and dismantling of systems** and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.”

SB 51 A: SB 155 (2019) Changes

GOOD GOVERNANCE

Senate Bill 155 (2019) directs ODE to do three things:

1. Investigate allegations of suspected sexual conduct that involve a student and an individual who is a school employee, contractor, agent, or volunteer who is not licensed with the Teacher Standards and Practices Commission (TSPC).
2. Provide verification information to education providers when they are hiring an individual who is not licensed by TSPC as a school employee or bringing on a contractor, agent, or volunteer to provide services in schools.
3. Provide notification to education providers when ODE receives notification from the Department of Human Services that a report of abuse involving a child and a person who is a school employee, contractor, agent or volunteer has been made.

GOOD GOVERNANCE

Issues Addressed by SB 51 as Introduced

Licensed administrator

- ORS 339.372 requires education providers to designate a licensed administrator and an alternate licensed administrator to receive reports of suspected sexual conduct. However, private school administrators are not required to be licensed and charter schools may have a licensed or registered administrator.
- SB 51 A amends ORS 339.370 by adding a definition for licensed administrator to provide that a licensed administrator can include an individual who does not hold an administrative license issued by TSPC if the person is employed by an education provider that does not require administrators to be licensed.

GOOD GOVERNANCE

Issues Addressed by SB 51 as Introduced (cont.)

Definition of “education provider”

- SB 155 (2019) assigns certain responsibilities to “education providers.” ODE is included in the definition of education provider when it is “functioning as an education provider” on behalf of the Youth Corrections Education Program (YCEP), or a public charter school that is sponsored by the State Board of Education. The designation is inaccurate, creates overlapping responsibilities, and assigns ODE responsibilities it is not able to carry out.
- SB 51 A amends the ORS 339.370 definition of education provider, by removing the designation of ODE as an education provider for educational programs under YCEP and the four state-sponsored charter schools.

SB 51 A: SB 155 (2019) Changes

GOOD GOVERNANCE

Issues Addressed by SB 51 as Introduced (cont.)

Notifications

- ODE is required to provide various notifications. In the process of implementing the bill, ODE staff discovered issues that prevent ODE from completing these notifications as required.
- SB 51 A provides ODE with the necessary authority or to complete the required notifications.

Appeal

- SB 155 (2019) does not set any limits on who may appeal a final determination made by ODE.
- SB 51 A amends ORS 339.391 to allow only a subject of an investigation who receives a substantiated report to appeal a final determination.

GOOD GOVERNANCE

Issues Addressed by SB 51 as Introduced (cont.)

Records Retention

- ORS 339.391 requires ODE to “retain documents and materials related to any report received under this section, regardless of whether the department found sufficient cause to justify holding a hearing under this section.”
- SB 51 A amends ORS 339.391 to require retention of documents/materials for a specified period of time. Under current retention schedules, ODE retains for 20 years, and TSPC retains for 25 years. Senate Bill 155 required ODE to retain, but did not specify for how long; for that reason, ODE has proposed in SB 51 A to align with TSPC’s retention schedule.

GOOD GOVERNANCE

SB 51 A - Amendment in the Senate and Adopted

- This amendment was a collaboration between ODE and ODHS.
- ODE has been essentially functioning as a “middle man” between ODHS and education providers. Education providers currently receive duplicative notifications separately from both ODHS and ODE, which often leads to confusion.
- The adopted amendment makes ODHS responsible for notifying education providers of any reports of abuse and removes ODE from the role as “middle man.” This change still allows ODE to notify an education provider if need be, but does not require ODE to send another notification on top of what ODHS is already communicating.

Questions...

