

SB 51 A STAFF MEASURE SUMMARY

Carrier: Sen. Taylor

Senate Committee On Human Services, Mental Health and Recovery

Action Date: 03/25/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Anderson, Gelser, Lieber, Robinson, Taylor

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 2/11, 3/25

WHAT THE MEASURE DOES:

Refines provisions concerning investigations of suspected child abuse or sexual conduct in educational settings. Specifies required notifications and content of notice made by the Oregon Department of Education (ODE) upon receipt of specified information from the Department of Human Services (DHS). Prohibits ODE from disclosing any identifying information about persons reporting suspected abuse. Prohibits further disclosure by recipients of notice and deems same is not a public record. Defines administrators for purposes of statutes governing youth dating violence. Clarifies that ODE's obligation to notify others when an investigation of an unlicensed person is complete, includes legal guardians and known suspects. Clarifies notice of complete investigation need only be provided to regulatory boards ODE knows are relevant, and only if a report is substantiated. Specifies retention of records by ODE for 25 years. Clarifies right to appeal determination that a report is substantiated via contested case process. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Clarifying previous legislation, Senate Bill 155 (2019)
- Streamlining communications and notifications processes applicable to Department of Education
- Collaboration with Department of Human Services on amendment to avoid duplicative notifications

EFFECT OF AMENDMENT:

Provides for ODE discretion to notify educational providers already receiving notification from DHS, if ODE determines it is necessary to ensure child safety.

BACKGROUND:

In 2019 the Legislative Assembly enacted Senate Bill 155 to impose new obligations on the Department of Human Services (DHS), the Teacher Standards and Practices Commission (TSPC), and the Oregon Department of Education (ODE) with respect to investigations of suspected child abuse or sexual conduct in educational settings.

Senate Bill 51 A clarifies provisions of the earlier legislation primarily concerned with streamlining notifications, eliminating duplication, refining confidentiality provisions, and specifying retention of ODE records for 25 years, in cases of suspected sexual conduct or child abuse in educational settings.