On page 1 of the printed A-engrossed bill, line 3, after “419B.035;” insert “repealing section 4, chapter ___, Oregon Laws 2021 (Enrolled House Bill 2136);”

On page 3, after line 9, insert:

“SECTION 1a. If House Bill 2136 becomes law, section 4, chapter ___, Oregon Laws 2021 (Enrolled House Bill 2136) (amending ORS 339.370), is repealed and ORS 339.370, as amended by section 1 of this 2021 Act, is amended to read:

“339.370. As used in ORS 339.370 to 339.400:

“(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.

“(2) ‘Agent’ means a person acting as an agent for an education provider in a manner that requires the person to have direct, unsupervised contact with students.

“(3) ‘Commission licensee’ has the meaning given that term in ORS 342.120.

“(4) ‘Contractor’ means a person providing services to an education provider under a contract in a manner that requires the person to have direct, unsupervised contact with students.

“(5) ‘Education provider’ means:

“(A) A school district, as defined in ORS 332.002.

“(B) The Oregon School for the Deaf.

“(C) An educational program under the Youth Corrections Education Program.

“(D) A public charter school, as defined in ORS 338.005.

“(E) An education service district, as defined in ORS 334.003.

“(F) Any state-operated program that provides educational services to students.

“(G) A private school.

“(b) ‘Education provider’ does not include:

“(A) The Oregon Youth Authority;

“(B) The Department of Corrections; or

“(C) The Department of Education, except when functioning as an education provider on behalf of the Oregon School for the Deaf.

“(5) ‘Investigation’ means a detailed inquiry into the factual allegations of a report of suspected abuse or suspected sexual conduct that:

“(a) Is based on interviews with the person who initiated the report, the person who may have been subjected to abuse or sexual conduct, witnesses and the person who is the subject of the report; and

“(b) Results in a finding that the report:

“(A) Is a substantiated report;

“(B) Cannot be substantiated; or
“(C) Is not a report of abuse or sexual conduct.

“(6) (7) ‘Law enforcement agency’ has the meaning given that term in ORS 419B.005.

“(7) ‘License’ includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.

“(8) ‘Licensed administrator’ means a person who is employed as an administrator of an education provider and who:

“(a) Holds an administrative license issued by the Teacher Standards and Practices Commission under ORS 342.125 (3)(f) or (g); or

“(b) Does not hold an administrative license issued by the commission because the person is employed by an education provider that does not require administrators to be licensed by the commission.

“(9) ‘Private school’ means a school that provides to students instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

“(10) ‘School board’ means the entity charged with adopting policies for an education provider.


“(12)(a) ‘Sexual conduct’ means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are:

“(A) Sexual advances or requests for sexual favors directed toward the student; or

“(B) Of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with the student’s educational performance, or of creating an intimidating, hostile or offensive educational environment.

“(b) ‘Sexual conduct’ does not include touching:

“(A) That is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer; and

“(B) For which there is no sexual intent.

“(13) ‘Student’ means any person:

“(a) Who is:

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

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

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

“(14) ‘Substantiated report’ means a report of abuse or sexual conduct that a law enforcement agency, the Department of Human Services, the Teacher Standards and Practices Commission, the Department of Education or an education provider has reasonable cause to believe, based on the available evidence after conducting an investigation, is founded.

“(15) ‘Volunteer’ means a person acting as a volunteer for an education provider in a manner that requires the person to have direct, unsupervised contact with students.

“SECTION 1b. If House Bill 2136 becomes law, the amendments to ORS 339.370 by section 1a of this 2021 Act become operative on January 1, 2022.”.

On page 4, line 18, delete “25” and insert “75”.

HA to A-Eng. SB 51 (A to RC)