

SB 51-A3  
(LC 624)  
5/18/21 (HRL/ps)

Requested by HOUSE COMMITTEE ON HUMAN SERVICES (at the request of Representative  
Anna Williams)

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO  
A-ENGROSSED SENATE BILL 51**

1 On page 3 of the printed A-engrossed bill, after line 9, insert:

2 **“SECTION 1a. If House Bill 2136 becomes law, section 1 of this 2021**  
3 **Act (amending ORS 339.370) is repealed and ORS 339.370, as amended**  
4 **by section 4, chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 2136),**  
5 **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) ‘Agent’ means a person acting as an agent for an education provider  
9 in a manner that requires the person to have direct, unsupervised contact  
10 with students.

11 “(3) ‘Commission licensee’ has the meaning given that term in ORS  
12 342.120.

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

16 “(5)(a) ‘Education provider’ means:

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

18 “(B) The Oregon School for the Deaf.

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

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

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

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

4 “(G) A private school.

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

6 “(A) The Oregon Youth Authority;

7 “(B) The Department of Corrections; or

8 “(C) The Department of Education, except when functioning as an edu-  
9 cation provider on behalf of[.]

10 “[*i*] the Oregon School for the Deaf.[.]

11 “[*ii*] *An educational program under the Youth Corrections Education*  
12 *Program; or]*

13 “[*iii*] *A public charter school, as defined in ORS 338.005, that is sponsored*  
14 *by the Department of Education.]*

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

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

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

21 “(A) Is a substantiated report;

22 “(B) Cannot be substantiated; or

23 “(C) Is not a report of abuse or sexual conduct.

24 “(7) ‘Law enforcement agency’ has the meaning given that term in ORS  
25 419B.005.

26 “[*8*] *‘Licensed administrator’ means a person who holds an administrative*  
27 *license, as that term is defined in ORS 342.120.]*

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

30 “(a) **Holds an administrative license issued by the Teacher Stan-**

1 **dards and Practices Commission under ORS 342.125 (3)(f) or (g); or**

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

5 “(9) ‘Private school’ means a school that provides to students instruc-  
6 tional programs that are not limited solely to dancing, drama, music, reli-  
7 gious or athletic instruction.

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

10 “(11) ‘School employee’ means an employee of an education provider.

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

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

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

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

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

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

25 “(13) ‘Student’ means any person:

26 “(a) Who is:

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

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

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

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

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

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