

SENATE AMENDMENTS TO SENATE BILL 749

By COMMITTEE ON EDUCATION AND WORKFORCE

March 29

- 1 On page 1 of the printed bill, line 2, delete “and 338.115” and insert “, 338.115 and 419B.020”.
2 Delete lines 5 through 27 and insert:
3 **“SECTION 1. As used in sections 1 to 4 of this 2005 Act:**
4 **“(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.**
5 **“(2) ‘Education provider’ means:**
6 **“(a) A school district.**
7 **“(b) An education service district.**
8 **“(c) The Oregon State School for the Blind.**
9 **“(d) The Oregon State School for the Deaf.**
10 **“(e) An educational program under the Youth Corrections Education Program.**
11 **“(f) A public charter school as defined in ORS 338.005.**
12 **“(g) Any state-operated program that provides educational services to kindergarten**
13 **through grade 12 students.**
14 **“(h) A private school.**
15 **“(3) ‘Private school’ means a school that provides educational services as defined in ORS**
16 **345.505 to kindergarten through grade 12 students.**
17 **“(4) ‘School board’ means the governing board or governing body of an education pro-**
18 **vider.**
19 **“(5) ‘School employee’ means an employee of an education provider.**
20 **“SECTION 2. Each school board shall adopt policies on the prevention, identification, in-**
21 **itial evaluation and assessment of child abuse. The policies shall:**
22 **“(1) Specify that child abuse by school employees is not tolerated;**
23 **“(2) Specify that all school employees are subject to the policies;**
24 **“(3) Require that all school employees report suspected child abuse to a law enforcement**
25 **agency, the Department of Human Services or a designee of the department as required by**
26 **ORS 419B.010 and 419B.015 and report suspected child abuse to the employees’ supervisors**
27 **or other persons designated by the policy as required by section 3 of this 2005 Act;**
28 **“(4) Designate a person to receive reports of suspected child abuse by school employees**
29 **and specify the procedures to be followed by that person upon receipt of a report;**
30 **“(5) Require the posting in each school building of the name and contact information for**
31 **the person designated for the school building to receive reports of suspected child abuse by**
32 **school employees and the procedures the person will follow upon receipt of a report;**
33 **“(6) Specify that the initiation of a report in good faith about suspected child abuse may**
34 **not adversely affect any terms or conditions of employment or the work environment of the**
35 **complainant;**

1 “(7) Specify that the school board or any school employee will not discipline a student for
2 the initiation of a report in good faith about suspected child abuse by a school employee;

3 “(8) Require notification by the education provider to the person who initiated the report
4 about actions taken by the education provider based on the report; and

5 “(9) Require all school employees to attend child abuse prevention training as required
6 by section 4 of this 2005 Act.

7 “SECTION 3. (1) Any school employee having reasonable cause to believe that any child
8 with whom the employee comes in contact has suffered abuse by another school employee,
9 or that another school employee with whom the employee comes in contact has abused a
10 child, shall immediately report the information to a supervisor or other person designated
11 by the school board.

12 “(2) A person who receives a report under subsection (1) of this section, shall follow the
13 procedures required by the policy adopted by the school board under section 2 of this 2005
14 Act.

15 “SECTION 4. (1) An education provider shall require school employees to complete
16 training each school year designed to provide education on the prevention and identification
17 of child abuse and on the obligations of school employees under ORS 419B.005 to 419B.050.
18 The training shall also include an explanation of the policies adopted under section 2 of this
19 2005 Act.

20 “(2) Education providers shall make the training required under subsection (1) of this
21 section available to parents and legal guardians of students who attend a school operated by
22 the education provider. The training shall be provided separately from the training provided
23 to school employees under subsection (1) of this section.

24 “(3) Education providers shall also make training that is designed to prevent child abuse
25 available to children who attend a school operated by the education provider.”.

26 On page 2, delete lines 1 through 25.

27 On page 4, after line 5, insert:

28 “SECTION 7. ORS 419B.020 is amended to read:

29 “419B.020. (1) Upon receipt of an oral report of child abuse, the Department of Human Services
30 or the law enforcement agency shall immediately:

31 “(a) Cause an investigation to be made to determine the nature and cause of the abuse of the
32 child; and

33 “(b) Notify the Child Care Division if the alleged child abuse occurred in a child care facility
34 as defined in ORS 657A.250.

35 “(2) If the law enforcement agency conducting the investigation finds reasonable cause to be-
36 lieve that abuse has occurred, the law enforcement agency shall notify by oral report followed by
37 written report the local office of the department. The department shall provide protective social
38 services of its own or of other available social agencies if necessary to prevent further abuses to
39 the child or to safeguard the child’s welfare.

40 “(3) If a child is taken into protective custody by the department, the department shall promptly
41 make reasonable efforts to ascertain the name and address of the child’s parents or guardian.

42 “(4)(a) If a child is taken into protective custody by the department or a law enforcement offi-
43 cial, the department or law enforcement official shall, if possible, make reasonable efforts to advise
44 the parents or guardian immediately, regardless of the time of day, that the child has been taken
45 into custody, the reasons the child has been taken into custody and general information about the

1 child's placement, and the telephone number of the local office of the department and any after-hours
2 telephone numbers.

3 "(b) Notice may be given by any means reasonably certain of notifying the parents or guardian,
4 including but not limited to written, telephonic or in-person oral notification. If the initial notifica-
5 tion is not in writing, the information required by paragraph (a) of this subsection also shall be
6 provided to the parents or guardian in writing as soon as possible.

7 "(c) The department also shall make a reasonable effort to notify the noncustodial parent of the
8 information required by paragraph (a) of this subsection in a timely manner.

9 "(d) If a child is taken into custody while under the care and supervision of a person or organ-
10 ization other than the parent, the department, if possible, shall immediately notify the person or
11 organization that the child has been taken into protective custody.

12 "(5) If a law enforcement officer or the department, when taking a child into protective custody,
13 has reasonable cause to believe that the child has been affected by sexual abuse and rape of a child
14 as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely to
15 disappear, the court may authorize a physical examination for the purposes of preserving evidence
16 if the court finds that it is in the best interest of the child to have such an examination. Nothing
17 in this section affects the authority of the department to consent to physical examinations of the
18 child at other times.

19 "(6) A minor child of 12 years of age or older may refuse to consent to the examination de-
20 scribed in subsection (5) of this section. The examination shall be conducted by or under the
21 supervision of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under
22 ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

23 "**(7) The department or the law enforcement agency shall notify the person who made the**
24 **report of child abuse to the department or the law enforcement agency when the investi-**
25 **gation is concluded and notify the person about the outcome of the investigation."**

26 In line 6, delete "7" and insert "8".
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