

B-Engrossed
Senate Bill 749

Ordered by the Senate August 4
Including Senate Amendments dated March 29 and August 4

Sponsored by COMMITTEE ON EDUCATION AND WORKFORCE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires school boards to adopt policies on prevention, identification, initial evaluation and assessment of child abuse.]

[Requires school employees to report suspected child abuse by another employee to supervisor or other designated person.]

[Requires] **Directs** education providers to *[provide]* **require school employees to complete** training on child abuse prevention and identification *[to employees]* and to make training available to parents or legal guardians and students.

Defines terms.

Requires Department of Human Services or law enforcement agency to notify person who reported child abuse when department or agency investigation of report is concluded and to notify person about outcome of investigation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to children; creating new provisions; amending ORS 338.025, 338.115 and 419B.020; and de-
3 clarating an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section:**

6 (a) "Abuse" has the meaning given that term in ORS 419B.005.

7 (b) "Education provider" means:

8 (A) A school district.

9 (B) An education service district.

10 (C) The Oregon State School for the Blind.

11 (D) The Oregon State School for the Deaf.

12 (E) An educational program under the Youth Corrections Education Program.

13 (F) A public charter school as defined in ORS 338.005.

14 (G) Any state-operated program that provides educational services to kindergarten
15 through grade 12 students.

16 (H) A private school.

17 (c) "Private school" means a school that provides educational services as defined in ORS
18 345.505 to kindergarten through grade 12 students.

19 (d) "School board" means the governing board or governing body of an education pro-
20 vider.

21 (e) "School employee" means an employee of an education provider.

22 (2) An education provider shall require school employees to complete training each school

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 year designed to provide education on the prevention and identification of child abuse and
2 on the obligations of school employees under ORS 419B.005 to 419B.050 and under policies
3 adopted by the school board.

4 (3) Education providers shall make the training required under subsection (2) of this
5 section available to parents and legal guardians of students who attend a school operated by
6 the education provider. The training shall be provided separately from the training provided
7 to school employees under subsection (2) of this section.

8 (4) Education providers shall also make training that is designed to prevent child abuse
9 available to children who attend a school operated by the education provider.

10 **SECTION 2.** ORS 338.115 is amended to read:

11 338.115. (1) Statutes and rules that apply to school district boards, school districts or other
12 public schools [*shall*] **do** not apply to public charter schools. However, the following laws shall apply
13 to public charter schools:

14 (a) Federal law;

15 (b) ORS 192.410 to 192.505 (public records law);

16 (c) ORS 192.610 to 192.690 (public meetings law);

17 (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

18 (e) ORS 181.539, 326.603, 326.607 and 342.232 (criminal records checks);

19 (f) ORS 337.150 (textbooks);

20 (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);

21 (h) ORS 659.850 and 659.855 (discrimination);

22 (i) ORS 30.260 to 30.300 (tort claims);

23 (j) Health and safety statutes and rules;

24 (k) Any statute or rule that is listed in the charter;

25 (L) The statewide assessment system developed by the Department of Education for mathemat-
26 ics, science and English under ORS 329.485 (1);

27 (m) ORS 329.045 (academic content standards and instruction);

28 (n) Any statute or rule that establishes requirements for instructional time provided by a school
29 during each day or during a year;

30 (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment);

31 **(p) Section 1 of this 2005 Act (training on prevention and identification of child abuse);**
32 and

33 [*p*] **(q)** This chapter.

34 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
35 that apply to school district boards, school districts and other public schools may apply to a public
36 charter school.

37 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
38 “public school” shall include public charter school as those terms are used in that statute or rule.

39 (4) A public charter school [*shall*] **may** not violate the Establishment Clause of the First
40 Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or
41 be religion based.

42 (5) A public charter school shall maintain an active enrollment of at least 25 students.

43 (6) A public charter school may sue or be sued as a separate legal entity.

44 (7) The sponsor, members of the governing board of the sponsor acting in their official capacity
45 and employees of a sponsor acting in their official capacity are immune from civil liability with re-

1 spect to all activities related to a public charter school within the scope of their duties or employ-
2 ment.

3 (8) A public charter school may enter into contracts and may lease facilities and services from
4 a school district, education service district, state institution of higher education, other governmental
5 unit or any person or legal entity.

6 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
7 ability.

8 (10) A public charter school may receive and accept gifts, grants and donations from any source
9 for expenditure to carry out the lawful functions of the school.

10 (11) The school district in which the public charter school is located shall offer a high school
11 diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery to any public
12 charter school student who meets the district's and state's standards for a high school diploma,
13 certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery. If the school district
14 offers a Certificate of Initial Mastery subject area endorsement to students who attend school in the
15 district, then the school district shall offer the endorsement to any public charter school student
16 who meets the district's and state's standards for the endorsement.

17 (12) A high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mas-
18 tery subject area endorsement or Certificate of Advanced Mastery issued by a public charter school
19 shall grant to the holder the same rights and privileges as a high school diploma, certificate, Cer-
20 tificate of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of
21 Advanced Mastery issued by a nonchartered public school.

22 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the
23 sponsor as specified in the charter.

24 (14) A public charter school may receive services from an education service district in the same
25 manner as a nonchartered public school in the school district in which the public charter school is
26 located.

27 **SECTION 3.** ORS 338.025 is amended to read:

28 338.025. (1) The State Board of Education may adopt any rules necessary for the implementation
29 of this chapter. The rules shall follow the intent of this chapter.

30 (2) Upon application by a public charter school, the State Board of Education may grant a
31 waiver of any provision of this chapter if the waiver promotes the development of programs by
32 providers, enhances the equitable access by underserved families to the public education of their
33 choice, extends the equitable access to public support by all students or permits high quality pro-
34 grams of unusual cost. The State Board of Education may not waive any appeal provision in this
35 chapter or any provision under ORS 338.115 (1)(a) to [(o)] (p).

36 **SECTION 4.** ORS 419B.020 is amended to read:

37 419B.020. (1) Upon receipt of an oral report of child abuse, the Department of Human Services
38 or the law enforcement agency shall immediately:

39 (a) Cause an investigation to be made to determine the nature and cause of the abuse of the
40 child; and

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

43 (2) If the law enforcement agency conducting the investigation finds reasonable cause to believe
44 that abuse has occurred, the law enforcement agency shall notify by oral report followed by written
45 report the local office of the department. The department shall provide protective social services

1 of its own or of other available social agencies if necessary to prevent further abuses to the child
2 or to safeguard the child's welfare.

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

5 (4)(a) If a child is taken into protective custody by the department or a law enforcement official,
6 the department or law enforcement official shall, if possible, make reasonable efforts to advise the
7 parents or guardian immediately, regardless of the time of day, that the child has been taken into
8 custody, the reasons the child has been taken into custody and general information about the child's
9 placement, and the telephone number of the local office of the department and any after-hours tele-
10 phone numbers.

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

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

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

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

27 (6) A minor child of 12 years of age or older may refuse to consent to the examination described
28 in subsection (5) of this section. The examination shall be conducted by or under the supervision
29 of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under ORS chapter
30 678 and, whenever practicable, trained in conducting such examinations.

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

34 **SECTION 5. This 2005 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
36 **on its passage.**

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