

# House Bill 2996

Sponsored by Representative HOLVEY

## 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 **as introduced**.

Requires private schools to register with Department of Education. Requires administrators and teachers employed by private schools to be licensed by Teacher Standards and Practices Commission. Requires private school employees to have criminal records check.

Imposes civil penalty on private school that does not register with department.

Eliminates public charter school teacher registration established by commission. Requires administrators and teachers employed by public charter schools to be licensed by commission.

Requires any person who provides instruction for compensation to children in kindergarten through grade 12 to hold teaching license.

Becomes operative on July 1, 2010.

## A BILL FOR AN ACT

1  
2 Relating to education; creating new provisions; and amending ORS 181.539, 326.603, 329.840, 338.135,  
3 342.120, 342.121, 342.122, 342.125, 342.127, 342.135, 342.136, 342.143, 342.144, 342.165, 342.169,  
4 342.175, 342.176, 342.177, 342.180, 342.200, 342.203, 342.223, 342.360, 342.390, 342.495, 342.815,  
5 345.515, 345.525 and 345.992.

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

7 **SECTION 1.** ORS 326.603 is amended to read:

8 326.603. (1)(a) A school district **or private school** shall send to the Department of Education  
9 for purposes of a criminal records check any information, including fingerprints, for each person  
10 described in ORS 181.539 (1)(d), (e), (f), (h) or (i).

11 *[(b) A private school may send to the Department of Education for purposes of a criminal records*  
12 *check any information, including fingerprints, for each person described in ORS 181.539 (1)(d), (e), (f)*  
13 *or (h).]*

14 (2) The Department of Education shall request that the Department of State Police conduct a  
15 criminal records check as provided in ORS 181.534 and may charge the district or private school a  
16 fee as established by rule under ORS 181.534. The school district or private school may recover its  
17 costs or a portion thereof from the person described in ORS 181.539 (1)(d), (e), (f), (h) or (i). If the  
18 person described in ORS 181.539 (1)(e), (f) or (i) requests, the district shall and a private school may  
19 withhold the amount from amounts otherwise due the person, including a periodic payroll deduction  
20 rather than a lump sum payment.

21 (3)(a) If the Superintendent of Public Instruction informs the school district **or private school**  
22 that the person has been convicted of a crime listed in ORS 342.143 or has made a false statement  
23 as to the conviction of a crime, the superintendent shall notify the school district **or private school**  
24 of the fact and the district *[shall]* **or private school may** not employ or contract with the person.  
25 Notification by the superintendent that the school district *[shall]* **or private school may** not employ  
26 or contract with the person shall remove the person from any school district **or private school**  
27 policies, collective bargaining provisions regarding dismissal procedures and appeals and the pro-

**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 visions of ORS 342.805 to 342.937.

2 *[(b) The Superintendent of Public Instruction shall notify the private school if the person has been*  
 3 *convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction of a*  
 4 *crime. Based on the notice, the private school may choose not to employ or contract with the person.]*

5 (4) If a person described in subsection (1) of this section refuses to consent to the criminal re-  
 6 cords check or refuses to be fingerprinted or if the person falsely swears to the nonconviction of a  
 7 crime, the **school district or private school** shall terminate the employment or contract status of  
 8 the person. Termination under this subsection removes the person from any school district **or pri-**  
 9 **ivate school** policies, collective bargaining provisions regarding dismissal procedures and appeals  
 10 and the provisions of ORS 342.805 to 342.937.

11 (5) A school district **or private school** may not hire or continue to employ or contract with or  
 12 allow the contractor to continue to assign a person to the school project if the person described in  
 13 subsection (1) of this section has been convicted of a crime according to the provisions of ORS  
 14 342.143.

15 (6) As used in this section and ORS 326.607:

16 (a) "Private school" means a school that provides educational services as defined in ORS 345.505  
 17 and is registered as a private school under ORS 345.505 to 345.575.

18 (b) "School district" means:

19 (A) A school district as defined in ORS 330.003.

20 (B) The Oregon State School for the Blind.

21 (C) The Oregon State School for the Deaf.

22 (D) An educational program under the Youth Corrections Education Program.

23 (E) A public charter school as defined in ORS 338.005.

24 (F) An education service district.

25 **SECTION 2.** ORS 338.135 is amended to read:

26 338.135. (1) Employee assignment to a public charter school shall be voluntary.

27 (2) A public charter school or the sponsor of the public charter school may be considered the  
 28 employer of any employees of the public charter school. If a school district board is not the sponsor  
 29 of the public charter school, the school district board shall not be the employer of the employees  
 30 of the public charter school and the school district board may not collectively bargain with the  
 31 employees of the public charter school. The public charter school governing body shall control the  
 32 selection of employees at the public charter school.

33 (3) The school district board of the school district within which the public charter school is lo-  
 34 cated shall grant a leave of absence to any employee who chooses to work in the public charter  
 35 school. The length and terms of the leave of absence shall be set by negotiated agreement or by  
 36 board policy. However, the length of the leave of absence may not be less than two years unless:

37 (a) The charter of the public charter school is terminated or the public charter school is dis-  
 38 solved or closed during the leave of absence; or

39 (b) The employee and the school district board have mutually agreed to a different length of  
 40 time.

41 (4) An employee of a public charter school operating within a school district who is granted a  
 42 leave of absence from the school district and returns to employment with the school district shall  
 43 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.  
 44 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of  
 45 a public charter school not operating within the school district may make provisions for the return

1 of the employee to employment with the school district.

2 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a  
3 public employer and as such shall participate in the Public Employees Retirement System.

4 (6) For teacher licensing, employment experience in public charter schools shall be considered  
5 equivalent to experience in public schools.

6 [(7)(a) *Notwithstanding ORS 342.173, a public charter school may employ as an administrator a*  
7 *person who is not licensed by the Teacher Standards and Practices Commission.*]

8 [(b)] (7) Any person employed as **an administrator or as** a teacher in a public charter school  
9 shall be licensed [*or registered*] to teach by the Teacher Standards and Practices Commission.

10 [(c) *Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time*  
11 *equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the*  
12 *commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.*]

13 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district  
14 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member  
15 of a labor organization or organize with other employees to bargain collectively. Bargaining units  
16 at the public charter school may be separate from other bargaining units of the sponsor or of the  
17 school district in which the public charter school is located. Employees of a public charter school  
18 may be part of the bargaining units of the sponsor or of the school district in which the public  
19 charter school is located.

20 (9) A school district or the State Board of Education may not waive the right to sponsor a public  
21 charter school in a collective bargaining agreement.

22 **SECTION 3.** ORS 342.120 is amended to read:

23 342.120. As used in [*this chapter*] **ORS 342.120 to 342.430**, unless the context requires otherwise:

24 (1) “Administrator” includes all superintendents, assistant superintendents and principals in the  
25 public **or private** schools or education service districts.

26 (2) “Approved teacher education institution” is one which meets the standards of the Teacher  
27 Standards and Practices Commission for preparation of teachers for preprimary programs and grades  
28 1 through 12.

29 (3) “Approved teacher education program” is one offered by an approved teacher education in-  
30 stitution and is so recognized by the Teacher Standards and Practices Commission, after considering  
31 recommendations of the State Board of Education.

32 (4) “Commission” means the Teacher Standards and Practices Commission.

33 (5) “Educational assistant” means a classified school employee who does not require a license  
34 to teach, who is employed by a school district, **private school** or education service district and  
35 whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules  
36 established by the State Board of Education.

37 (6) “Instruction” includes direction of learning in class, in small groups, in individual situations,  
38 in the library and in guidance and counseling, but does not include the provision of related services,  
39 as defined in ORS 343.035, to a child identified as a child with disabilities pursuant to ORS 343.146  
40 to 343.183 when provided in accordance with ORS 343.221.

41 (7) “Intern teacher” means a regularly enrolled student of an approved teacher education insti-  
42 tution who teaches under the supervision of the staff of the institution and of the employing school  
43 district **or private school** in order to acquire practical experience in teaching and for which the  
44 student receives both academic credit from the institution and financial compensation from the  
45 school district, **private school** or education service district.

1 (8) "State board" means the State Board of Education.

2 (9) "Teacher" includes all licensed employees in *[the]* public **or private** schools or employed by  
 3 an education service district who have direct responsibility for instruction, coordination of educa-  
 4 tional programs or supervision or evaluation of teachers and who are compensated for their services  
 5 *[from public funds]*. "Teacher" does not include a school nurse as defined in ORS 342.455.

6 (10) "Teaching license" means a license issued under ORS 342.125 or 342.144.

7 **SECTION 4.** ORS 342.121 is amended to read:

8 342.121. (1) The Teacher Standards and Practices Commission shall issue licenses to teachers  
 9 and administrators who possess the minimum competencies, knowledge and skills to teach and ad-  
 10 minister in *[the]* public **and private** schools of the state.

11 **(2) Any person who provides instruction for compensation to a child who is in**  
 12 **kindergarten through grade 12 is required to hold a teaching license issued by the commis-**  
 13 **sion.**

14 *[(2)]* **(3)** In addition to a teaching or administrative license, a person may obtain certification,  
 15 indicating a higher degree of competency, knowledge and skill based on work experience and ad-  
 16 vanced study, from a professional organization of teachers or administrators, either on the state or  
 17 national level. However, a teaching certificate or administrative certificate *[shall]* **is** not *[be]* re-  
 18 quired to teach or administer in a public **or private** school of this state.

19 **SECTION 5.** ORS 342.122 is amended to read:

20 342.122. (1) There is created the Professional Organizations Certification Fund, separate and  
 21 distinct from the General Fund. Interest earned on moneys in the Professional Organizations Cer-  
 22 tification Fund shall be credited to the fund.

23 (2) The Teacher Standards and Practices Commission may accept from any source any grant,  
 24 donation or gift of money or other valuable thing made to the commission for purposes of the Pro-  
 25 fessional Organizations Certification Fund.

26 (3) Moneys credited to the Professional Organizations Certification Fund are continuously ap-  
 27 propriated to the commission for the purposes of advanced certifications of teachers and adminis-  
 28 trators in accordance with ORS 342.121 *[(2)]* **(3)**. The commission may draw checks or orders upon  
 29 the State Treasurer in making disbursements from the Professional Organizations Certification Fund  
 30 for the purposes stated in this subsection.

31 **SECTION 6.** ORS 342.125 is amended to read:

32 342.125. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and Prac-  
 33 tices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the  
 34 rules of the commission.

35 (2) Subject to subsection (4) of this section, teaching licenses shall be of the following types:

- 36 (a) Basic teaching license.
- 37 (b) Standard teaching license.
- 38 (c) Administrative license.
- 39 (d) Restricted teaching license.

40 (3) Subject to ORS 342.130 and to subsection (4) of this section and in addition to the teaching  
 41 licenses described in subsection (2) of this section, licenses shall be of the following types:

- 42 (a) Initial teaching license.
- 43 (b) Continuing teaching license.
- 44 (c) Initial personnel service license.
- 45 (d) Continuing personnel service license.

1 (e) Initial administrative license.

2 (f) Continuing administrative license.

3 (4) The Teacher Standards and Practices Commission may establish other types of teaching li-  
4 censes as it considers necessary for operation of the public **or private** schools of the state and may  
5 prescribe the qualifications for the licenses. However, no license established under the authority  
6 of this subsection is required for a regular classroom teaching position in the public **or private**  
7 schools.

8 *[(5)(a) The Teacher Standards and Practices Commission shall establish a public charter school*  
9 *teacher registry. The commission shall require the applicant and the public charter school to jointly*  
10 *submit an application requesting registration as a public charter school teacher. The application shall*  
11 *include:]*

12 *[(A) A description of the specific teaching position the applicant will fill;]*

13 *[(B) A description of the background of the applicant that is relevant to the teaching position, in-*  
14 *cluding any post-secondary education or other experience; and]*

15 *[(C) Documentation as required by the commission for the purposes of conducting a criminal re-*  
16 *records check as provided in ORS 181.534 and a background check through an interstate clearinghouse*  
17 *of revoked and suspended licenses.]*

18 *[(b) Subject to the results of the criminal records check and background check, the commission*  
19 *shall approve the application for registration. The commission may deny a request for registration only*  
20 *on the basis of the criminal records check or the background check through an interstate clearinghouse*  
21 *of revoked and suspended licenses. The registration is valid for three years and may be renewed upon*  
22 *joint application from the teacher and the public charter school.]*

23 *[(c) A registration as a public charter school teacher qualifies its holder to accept the teaching*  
24 *position described in the application in the public charter school that submitted the application with the*  
25 *holder of the registration.]*

26 [(6)] (5) The Teacher Standards and Practices Commission shall adopt an expedited process for  
27 the issuance of any license established pursuant to this section. The process may require a school  
28 district **or private school** superintendent or school district board **or private school** and the appli-  
29 cant to jointly submit an application requesting an emergency license. Within two working days af-  
30 ter receiving a completed application the commission shall issue the emergency license. However,  
31 the commission may limit the number of applications for expedited service from a school district,  
32 **private school** or education service district to not more than 100 applications in a period of two  
33 working days. For purposes of this subsection, the commission may not distinguish between a school  
34 district, **private school** or education service district involved in a labor dispute and any other  
35 school district, **private school** or education service district.

36 **SECTION 7.** ORS 342.127 is amended to read:

37 342.127. (1) The Teacher Standards and Practices Commission shall establish and the commission  
38 shall collect:

39 (a) A fee not to exceed \$100 for evaluation of the initial application for each teaching license  
40 for which application is made. If the applicant is eligible for the teaching license for which appli-  
41 cation is made and the license is issued within 90 days of original application, the commission shall  
42 issue the license without additional charge.

43 (b) A fee not to exceed \$100 for the renewal of each teaching license and a fee not to exceed  
44 \$20 for each duplicate teaching license.

45 (c) A fee not to exceed \$800 for a beginning teacher assessment conducted in lieu of an approved

1 preparation program required for licensure.

2 (d) A fee not to exceed \$200 for alternative assessment conducted in lieu of a passing score on  
3 a licensure examination established by the commission.

4 *[(e) A fee not to exceed \$75 for registration as a public charter school teacher that includes any fee  
5 charged pursuant to ORS 342.223 or rules adopted under ORS 181.534.]*

6 *[(f) A fee not to exceed \$75 for renewal of a registration as a public charter school teacher that  
7 includes any fee charged pursuant to ORS 342.223 or rules adopted under ORS 181.534.]*

8 (2) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
9 license, the Teacher Standards and Practices Commission shall collect a fee not to exceed \$150 for  
10 the evaluation of an applicant requesting licensing based upon completion of other than an Oregon  
11 approved teacher education program.

12 (3) In addition to the fees required by subsection (1) of this section, the Teacher Standards and  
13 Practices Commission shall collect a late application fee not to exceed \$25 per month up to a max-  
14 imum of \$125 from an applicant who fails to make timely application for renewal of the license [*or*  
15 *registration*]. The actual amount of the fee shall be determined in accordance with rules of the  
16 Teacher Standards and Practices Commission.

17 (4) In spite of the expiration date posted on the license, the license shall continue to be valid  
18 for purposes of ORS 342.173 for an additional 120 days. However, the district **or school** may require  
19 a statement from the applicant indicating that the applicant has completed the requirements for li-  
20 cense renewal.

21 (5) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
22 license, the commission shall collect a fee not to exceed \$150 for the reinstatement of a license that  
23 has been revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175.

24 (6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
25 license, the commission shall collect a fee not to exceed \$100 for the issuance of any emergency li-  
26 cense through an expedited process at the request of any school district, **private school** or educa-  
27 tion service district that seeks to employ the applicant.

28 (7) Fee rates established under this section shall cover, but not exceed, the full cost of admin-  
29 istrative expenses incurred by the commission during any biennium.

30 **SECTION 8.** ORS 342.135 is amended to read:

31 342.135. (1) A teaching license provided for in this section shall qualify its holder to accept any  
32 instructional assignment from preprimary through grade 12 for which the holder has completed the  
33 professional requirements established by the rules of the Teacher Standards and Practices Commis-  
34 sion.

35 (2)(a) A basic teaching license shall be issued on application to an otherwise qualified person  
36 who has completed an approved teacher education program and meets the other requirements that  
37 the Teacher Standards and Practices Commission may consider necessary to maintain and improve  
38 quality of instruction in the public **and private** schools of the state.

39 (b) Holders of the basic teaching license who meet the requirements of the Teacher Standards  
40 and Practices Commission to teach in the regular classroom program of the public **or private**  
41 schools in kindergarten through grade nine may renew the basic license to qualify them to continue  
42 in such teaching by verification of successful teaching experience and of continuing professional  
43 development in keeping with Teacher Standards and Practices Commission rules.

44 (c) A holder of the basic teaching license with an endorsement in art, educational media, foreign  
45 language, health, home economics, industrial arts, music, physical education and reading may renew

1 the initial basic license by verification of successful teaching experience and of continuing profes-  
 2 sional development in keeping with Teacher Standards and Practices Commission rules. This para-  
 3 graph applies to licenses for preprimary programs and grades 1 through 8 and shall include grade  
 4 9 if the teacher is teaching in a middle school or a junior high.

5 (d) Secondary teachers may teach in the public **or private** schools, grades 5 through 12, in those  
 6 subject fields in which they have met the requirements of the Teacher Standards and Practices  
 7 Commission.

8 (e) A holder of a standard teaching license who meets the requirements of the Teacher Stan-  
 9 dards and Practices Commission to teach in the regular classroom program of the public **or private**  
 10 schools in kindergarten through grade 12 is eligible to renew the standard license to qualify to  
 11 continue in such teaching by verification of successful teaching experience and of continuing pro-  
 12 fessional development consistent with rules of the Teacher Standards and Practices Commission.

13 (3)(a) A standard teaching license shall be issued on application to an otherwise qualified person  
 14 who has completed an approved teacher education program, has taught on a basic teaching license  
 15 for a minimum period of time to be determined by the Teacher Standards and Practices Commission,  
 16 and is recommended for licensing by the approved teacher education institution or the school dis-  
 17 trict **or private school**, whichever offered the program.

18 (b) Preparation shall be a planned education program consisting of courses taken in an approved  
 19 teacher education institution or in an in-service training program offered by a school district **or**  
 20 **private school** for which credit is given by an approved teacher education institution or some  
 21 combination of both, in accordance with rules of the Teacher Standards and Practices Commission.

22 (4) Notwithstanding subsection (2) of this section, the Teacher Standards and Practices Com-  
 23 mission shall by rule adopt dates by which continuing professional development is required for re-  
 24 newal of a basic or standard teaching license.

25 **SECTION 9.** ORS 342.136 is amended to read:

26 342.136. (1) An initial teaching, personnel service or administrative license shall qualify its  
 27 holder to accept any assignment from preprimary through grade 12 for which the holder has com-  
 28 pleted the requirements established by the rules of the Teacher Standards and Practices Commis-  
 29 sion.

30 (2) An initial license shall be issued on application to an otherwise qualified person who has  
 31 completed an approved professional education program and meets such other requirements as the  
 32 commission may consider necessary to maintain and improve the quality of instruction in the public  
 33 **or private** schools of the state.

34 (3) An initial license may be renewed if the applicant meets the requirements established by the  
 35 commission by rule.

36 **SECTION 10.** ORS 342.143 is amended to read:

37 342.143. (1) No teaching, personnel service or administrative license shall be issued to any per-  
 38 son until the person has attained the age of 18 years and has furnished satisfactory evidence of  
 39 proper educational training.

40 (2) The Teacher Standards and Practices Commission may also require an applicant for a  
 41 teaching, personnel service or administrative license to furnish evidence satisfactory to the com-  
 42 mission of good moral character, mental and physical health, and such other evidence as it may  
 43 deem necessary to establish the applicant's fitness to serve as a teacher.

44 (3) Without limiting the powers of the Teacher Standards and Practices Commission under sub-  
 45 section (2) of this section and notwithstanding ORS 670.280:

1 (a) No teaching, personnel service or administrative license [*or registration as a public charter*  
2 *school teacher*] shall be issued to any person who:

3 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,  
4 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445,  
5 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993  
6 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.012,  
7 167.017, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087, 167.090, 475.848, 475.852, 475.858, 475.860,  
8 475.862, 475.864 (4), 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or  
9 475.906;

10 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in  
11 subparagraph (A) of this paragraph; or

12 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as  
13 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

14 (b) The Teacher Standards and Practices Commission may refuse to issue a license [*or registra-*  
15 *tion*] to any person who has been convicted of a crime involving the illegal use, sale or possession  
16 of controlled substances.

17 (4) In denying the issuance of a license [*or registration*] under this section, the commission shall  
18 follow the procedure set forth in ORS 342.176 and 342.177.

19 (5) The Department of Education shall provide school districts, [*and*] public charter schools **and**  
20 **private schools** a copy of the list contained in subsection (3) of this section.

21 **SECTION 11.** ORS 342.144 is amended to read:

22 342.144. (1) As used in this section, "American Indian tribe" means an Indian tribe as that term  
23 is defined in ORS 97.740.

24 (2) The Legislative Assembly declares that teaching American Indian languages is essential to  
25 the proper education of American Indian children.

26 (3) The Teacher Standards and Practices Commission shall establish an American Indian lan-  
27 guages teaching license.

28 (4) Each American Indian tribe may develop a written and oral test that must be successfully  
29 completed by an applicant for an American Indian languages teaching license in order to determine  
30 whether the applicant is qualified to teach the tribe's native language. When developing the test, the  
31 tribe shall determine:

32 (a) Which dialects will be used on the test;

33 (b) Whether the tribe will standardize the tribe's writing system; and

34 (c) How the teaching methods will be evaluated in the classroom.

35 (5) The test shall be administered at an appropriate location that does not create hardship for  
36 the tribal members administering the test.

37 (6) The commission may not require an applicant to hold a specific academic degree, to complete  
38 a specific amount of education or to complete a teacher education program to receive an American  
39 Indian languages teaching license.

40 (7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching  
41 position in a school district, public charter school, **private school**, education service district, com-  
42 munity college or state institution of higher education.

43 (b) A holder of an American Indian languages teaching license who does not also have a  
44 teaching license issued under ORS 342.125 may not teach in a school district, **public charter**  
45 **school**, **private school** or education service district any subject other than the American Indian

1 language they are approved to teach by the tribe.

2 [(c) A holder of an American Indian languages teaching license who does not also have a teaching  
3 license or registration issued under ORS 342.125 may not teach in a public charter school any subject  
4 other than the American Indian language they are approved to teach by the tribe.]

5 (8)(a) As used in this subsection, “technical assistance program” means a program provided to  
6 an American Indian languages teacher by a licensed teacher with three or more years of teaching  
7 experience. A technical assistance program may include direct classroom observation and consulta-  
8 tion, assistance in instructional planning and preparation, support in implementation and delivery  
9 of classroom instruction, and other assistance intended to enhance the professional performance and  
10 development of the American Indian languages teacher.

11 (b) The holder of an American Indian languages teaching license who does not also have an  
12 administrative license[,] **or** teaching license [*or registration*] issued under ORS 342.125 and who is  
13 employed by a school district, public charter school, **private school** or education service district  
14 shall participate in a technical assistance program with a person holding a teaching license issued  
15 by the commission under ORS 342.125. The technical assistance program shall meet the guidelines  
16 specified in ORS 329.815 (1) to (3).

17 (9) An American Indian languages teaching license shall be valid for three years and may be  
18 renewed upon application from the holder of the license.

19 **SECTION 12.** ORS 342.165 is amended to read:

20 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall  
21 adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension  
22 or reinstatement of licenses [*or registrations*] issued under ORS 342.120 to 342.430. The commission  
23 shall also adopt rules establishing means in addition to those prescribed by law whereby teachers  
24 are able to add additional endorsements to their teaching licenses.

25 (2) In establishing rules the commission shall consider:

26 (a) Its responsibilities to represent the public interest in the development of educational policies;

27 (b) The capabilities of Oregon teacher education institutions to prepare teachers;

28 (c) The norms required for the teaching assignments;

29 (d) The improvement of teaching;

30 (e) The adequacy of the teacher supply;

31 (f) The value of experience or nonacademic learning;

32 (g) The responsibilities imposed upon school districts **or private schools** by geographic and  
33 demographic conditions;

34 (h) The recommendations of the State Board of Education and Superintendent of Public In-  
35 struction; and

36 (i) Other matters that tend to improve education.

37 **SECTION 13.** ORS 342.169 is amended to read:

38 342.169. (1) The State Board of Education shall establish by rule the ratio of the number of pu-  
39 pils to the number of staff members who must hold current, recognized first aid cards in each **public**  
40 **or private** school.

41 (2) In order to attain or maintain the ratio set under subsection (1) of this section, the **school**  
42 **district or private school** may require any staff member as a condition of employment to hold a  
43 current, recognized first aid card. The staff member shall have 90 days from the date on which the  
44 **school** district **or private school** imposes the requirement to obtain the first aid card.

45 (3) The **school** district **or private school** shall waive the requirement of subsection (2) of this

1 section for any staff member who has had the requirement waived by the Teacher Standards and  
 2 Practices Commission and may waive the requirement for other staff who are unable by reason of  
 3 disability to obtain recognized first aid cards.

4 (4) The **school** district **or private school** shall certify annually to the Department of Education  
 5 that it complies with the ratio requirement set under subsection (1) of this section.

6 **SECTION 14.** ORS 342.175 is amended to read:

7 342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license  
 8 of a teacher or administrator, discipline a teacher or administrator or suspend or revoke the right  
 9 of any person to apply for a license if the person has held a license at any time within five years  
 10 prior to issuance of the notice of charges under ORS 342.176 based on the following:

11 (a) Conviction of a crime not listed in ORS 342.143 (3);

12 (b) Gross neglect of duty;

13 (c) Any gross unfitness;

14 (d) Conviction of a crime for violating any law of this or any state or of the United States in-  
 15 volving the illegal use, sale or possession of controlled substances;

16 (e) Any false statement knowingly made in an application for issuance, renewal or reinstatement  
 17 of a license; or

18 (f) Failure to comply with any condition of reinstatement under subsection (3) of this section or  
 19 any condition of probation under ORS 342.177 (3)(b).

20 (2) Notwithstanding ORS 670.280, the commission shall revoke any license [*or registration*] and  
 21 shall revoke the right of any person to apply for a license [*or registration*] if the person has held a  
 22 license [*or registration*] at any time within five years prior to issuance of the notice of charges under  
 23 ORS 342.176 when the holder or person has been convicted of any crime described in ORS 342.143  
 24 (3).

25 (3) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (4) of  
 26 this section, any person whose license [*or registration*] has been suspended or revoked or whose  
 27 privilege to apply for a license [*or registration*] has been revoked may apply to the commission for  
 28 reinstatement of the license [*or registration*] after one year from the date of the suspension or re-  
 29 vocation. The commission may require an applicant for reinstatement to furnish evidence satisfac-  
 30 tory to the commission of good moral character, mental and physical health and such other evidence  
 31 as the commission may consider necessary to establish the applicant's fitness. The commission may  
 32 impose a probationary period and such conditions as it considers necessary upon approving an ap-  
 33 plication for reinstatement.

34 (4) The commission shall reconsider immediately a license [*or registration*] suspension or revo-  
 35 cation or the situation of a person whose privilege to apply for a license [*or registration*] has been  
 36 revoked, upon application therefor, when the license [*or registration*] suspension or revocation or the  
 37 privilege revocation is based on a criminal conviction that is reversed on appeal.

38 (5) Violation of rules adopted by the commission relating to competent and ethical performance  
 39 of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

40 (6) A copy of the record of conviction, certified to by the clerk of the court entering the con-  
 41 viction, shall be conclusive evidence of a conviction described in this section.

42 **SECTION 15.** ORS 342.176 is amended to read:

43 342.176. (1) Upon receipt of a complaint or information that a person has violated ORS 342.143  
 44 or 342.175, the Teacher Standards and Practices Commission shall promptly undertake an investi-  
 45 gation.

1 (2) The commission may appoint an investigator and shall furnish the investigator with appro-  
 2 priate professional and other special assistance reasonably required to conduct the investigation,  
 3 and the investigator is empowered to subpoena witnesses over the signature of the executive direc-  
 4 tor, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

5 (3) Following completion of the investigation, the executive director shall report in writing any  
 6 findings and recommendations to:

7 (a) The commission, meeting in executive session, at its next regular meeting following com-  
 8 pletion of the investigation; and

9 (b) The person against whom the charge is made.

10 (4) The documents and materials used in the investigation and the report of the executive di-  
 11 rector are confidential and not subject to public inspection unless the commission makes a final  
 12 determination that the person charged has violated ORS 342.143 or 342.175.

13 (5) If the commission finds from the report that there is sufficient cause to justify holding a  
 14 hearing under ORS 342.177, it shall notify in writing:

15 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for  
 16 hearing;

17 (b) The complainant; and

18 (c) The employing **school district, public charter school, private school or education service**  
 19 **district**, if any.

20 (6) If the commission finds from the report that there is not sufficient cause to justify holding  
 21 a hearing under ORS 342.177, it shall notify in writing:

22 (a) The person charged;

23 (b) The complainant; and

24 (c) The employing **school district, public charter school, private school or education service**  
 25 **district**, if any.

26 (7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section  
 27 in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

28 **SECTION 16.** ORS 342.177 is amended to read:

29 342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an administrative law judge  
 30 assigned from the Office of Administrative Hearings established under ORS 183.605.

31 (b) Notwithstanding paragraph (a) of this subsection, the Teacher Standards and Practices  
 32 Commission shall conduct any hearing that results from the suspension of the teaching license of a  
 33 teacher under ORS 342.553.

34 (c) Any hearing conducted under this subsection shall be private unless the person against  
 35 whom the charge is made requests a public hearing. Students attending school in the **school** district  
 36 [*which*] **or at the public charter school, private school or education service district that** em-  
 37 ploys the person [*shall*] **may** not be permitted to attend any hearing except as witnesses duly  
 38 subpoenaed to testify with respect to the charges made. The person against whom the charge is  
 39 made shall have the right to be represented by counsel and to present evidence and argument. The  
 40 evidence must be confined to the charges.

41 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas  
 42 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an  
 43 attorney of record subscribed by the signature of the attorney or by the executive director. Wit-  
 44 nesses appearing pursuant to subpoena, other than the parties or officers or employees of the com-  
 45 mission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The

1 commission or the person charged shall have the right to compel the attendance and obedience of  
 2 witnesses in the same manner as provided under ORS 183.440 (2).

3 (3) The commission shall render its decision at its next regular meeting following the hearing.  
 4 If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven,  
 5 the commission may take any or all of the following disciplinary action against the person charged:

6 (a) Issue a public reprimand.

7 (b) Place the person on probation for a period not to exceed four years and subject to such  
 8 conditions as the commission considers necessary.

9 (c) Suspend the license of the teacher or administrator for a period not to exceed one year.

10 (d) Revoke the license of the teacher or administrator.

11 (e) Revoke the privilege to apply for a license.

12 (4) If the decision of the commission is that the charge is not proven, the commission shall order  
 13 the charges dismissed.

14 (5) The commission shall notify in writing the person charged, the school district, **public char-**  
 15 **ter school, private school or education service district** by which the person is employed and the  
 16 Superintendent of Public Instruction of the decision.

17 **SECTION 17.** ORS 342.180 is amended to read:

18 342.180. (1) Any person whose license [*or registration*] has been suspended or revoked or who  
 19 has been disciplined, or who has been refused issuance or reinstatement of a license [*or*  
 20 *registration*], and is aggrieved at the decision of the Teacher Standards and Practices Commission,  
 21 may appeal in the manner provided in ORS 183.480.

22 (2) If the Superintendent of Public Instruction, the district school board, [*or*] the public charter  
 23 school, **the private school or the education service district** employing the teacher or adminis-  
 24 trator is aggrieved at the decision of the commission, the superintendent, the board or the school  
 25 may appeal from the decision in the manner provided in ORS 183.480.

26 (3) Unless the decision of the commission is accompanied by a finding that immediate suspension  
 27 or revocation of the teaching license [*or registration*] is necessary to protect the safety and well-  
 28 being of students, an appeal made under this section in a proceeding to suspend or revoke shall  
 29 operate as a stay of the suspension or revocation, if any, until the determination of the appeal.

30 **SECTION 18.** ORS 342.200 is amended to read:

31 342.200. In order to allow the school districts **and private schools** of the state to take full ad-  
 32 vantage of various professional skills and disciplines not directly developed through teaching expe-  
 33 rience or professional education for which teaching experience is a prerequisite, it is the public  
 34 policy of the State of Oregon that the Teacher Standards and Practices Commission, in establishing  
 35 professional requirements and experience under ORS 342.140, shall consider professional skills, ed-  
 36 ucation and experience not directly related to, nor contingent upon, teaching experience or training  
 37 as a classroom teacher.

38 **SECTION 19.** ORS 342.203 is amended to read:

39 342.203. (1) Annually not later than March 1, the Teacher Standards and Practices Commission  
 40 shall cause to be circulated among all of the [*common and union high*] school districts, **public**  
 41 **charter schools, registered private schools** and education service districts in this state a list of  
 42 all teachers and administrators whose teaching or administrative licenses have been suspended or  
 43 revoked or who have been reprimanded or placed on probation during the preceding 12 months.

44 (2) If the decision of the commission is appealed under ORS 342.180, the teacher's or adminis-  
 45 trator's name shall not be placed on the list authorized by subsection (1) of this section unless and

1 until such decision has been sustained by the Court of Appeals or until the appeal has been dropped.

2 **SECTION 20.** ORS 342.223 is amended to read:

3 342.223. (1) The Teacher Standards and Practices Commission may charge a person described in  
4 ORS 181.539 (1)(a) to (c)[,] **and** (g) [*or (j)*] a fee not to exceed the full cost of acquiring and furnishing  
5 the information described in ORS 181.525 and 181.534.

6 (2) The making of any false statement as to the conviction of a crime is grounds for refusal to  
7 issue, renew or reinstate a license[,], **or** certificate [*or registration*] and is in addition to the grounds  
8 stated in ORS 342.143.

9 (3) A person may appeal the refusal to issue an initial license[,], **or** certificate [*or registration*]  
10 under this section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or  
11 reinstate a license [*or registration*] is subject to ORS 342.175 to 342.180, and the commission shall  
12 notify the person of the right to appeal.

13 **SECTION 21.** ORS 342.360 is amended to read:

14 342.360. (1) The membership of the Teacher Standards and Practices Commission shall consist  
15 of:

16 (a) Four elementary teachers;

17 (b) Four junior or senior high school teachers;

18 (c) One elementary school administrator;

19 (d) One junior or senior high school administrator;

20 (e) One superintendent of city schools;

21 (f) One county superintendent or a superintendent employed by an education service district  
22 board;

23 (g) One member from the faculty of an approved private teacher education institution in Oregon;

24 (h) One member from the faculty of a state institution of higher education;

25 (i) One member who is also a member of a district school board **or a private school board**; and

26 (j) Two members of the general public.

27 (2) Except for those members appointed under subsection (1)(i) and (j) of this section, members  
28 must have been actively engaged in teaching, supervising or administering in the public **or private**  
29 schools or in approved teacher education institutions in Oregon for the period of five years imme-  
30 diately preceding appointment. Acting as an elected representative of teachers, supervisors or ad-  
31 ministrators shall be considered teaching, supervising or administering for the purposes of the  
32 five-year experience requirement. In addition, members appointed under subsection (1)(a) to (f) of this  
33 section must hold valid Oregon teaching or administrative licenses other than restricted teaching  
34 or administrative licenses.

35 (3)(a) Throughout the term for which appointed, one of the members appointed under subsection  
36 (1)(a) to (j) of this section must hold a teaching license with an endorsement in some aspect of spe-  
37 cial education or have demonstrated knowledge or experience in special education.

38 (b) As used in this subsection, "special education" means specially designed education to meet  
39 the goals of the individual education program of a child with disabilities including regular classroom  
40 instruction, instruction in physical education, home instruction, related services and instruction in  
41 hospitals, institutions and special schools.

42 **SECTION 22.** ORS 342.390 is amended to read:

43 342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six  
44 months at a place, day and hour determined by the commission. The commission shall also meet at  
45 such other times and places as are specified by the call of the chairperson or of a majority of the

1 members of the commission.

2 (2) A member of the commission who is employed at a public school or by a private teacher  
 3 education institution or by a state institution of higher education shall receive no compensation for  
 4 services as a member; but subject to any other applicable law regulating travel and other expenses  
 5 for state officers, the member shall receive actual and necessary travel and other expenses incurred  
 6 in the performance of official duties as provided by ORS 292.495 (2).

7 (3) A member of the commission who serves on the commission in the capacity of a district  
 8 school board member or as a member of the general public shall be entitled to compensation and  
 9 expenses as provided in ORS 292.495 (1) and (2).

10 (4) **A member of the commission who is employed by a private school or serves on a**  
 11 **private school board shall be entitled to compensation and expenses as provided in ORS**  
 12 **292.495 (1) and (2).**

13 **SECTION 23.** ORS 342.495 is amended to read:

14 342.495. (1) The holder of a school nurse certificate issued under ORS 342.475 (1) to (3) is qual-  
 15 ified to accept employment to conduct and coordinate the health services programs of any public  
 16 **or private** school in the State of Oregon. A person licensed as a registered nurse may use the term  
 17 “nurse” as part of a title when employed by a school.

18 (2) No **public or private** school or school district is required to employ as a nurse a person  
 19 certified under ORS 342.475 (1) to (3).

20 **SECTION 24.** ORS 342.815 is amended to read:

21 342.815. As used in ORS 342.805 to 342.937 unless the context requires otherwise:

22 (1) [Notwithstanding ORS 342.120,] “Administrator” includes **all principals in a fair dismissal**  
 23 **district and** any teacher the majority of whose employed time is devoted to service as a supervisor,  
 24 principal, vice principal or director of a department or the equivalent in a fair dismissal district but  
 25 shall not include the superintendent, deputy superintendent or assistant superintendent [*of any such*  
 26 *district*] or any substitute or temporary teacher [*employed by such a district*].

27 (2) “Board” means the board of directors of a fair dismissal school district.

28 (3) “Contract teacher” means any teacher who has been regularly employed by a school district  
 29 for a probationary period of three successive school years, and who has been retained for the next  
 30 succeeding school year. The district school board may enter into agreements that provide for a  
 31 shorter probationary period of not less than one year for teachers who have satisfied the three-year  
 32 probationary period in another Oregon school district.

33 (4) “District superintendent” means the superintendent of schools of a fair dismissal district or,  
 34 in the absence of the superintendent, the person designated to fulfill the superintendent’s functions.

35 (5) “Fair dismissal district” means any common or union high school district or education ser-  
 36 vice district.

37 (6) “Probationary teacher” means any teacher employed by a fair dismissal district who is not  
 38 a contract teacher.

39 (7) “Program of assistance for improvement” means a written plan for a contract teacher that  
 40 with reasonable specificity:

41 (a) Helps teachers adapt and improve to meet changing demands of the Oregon Educational Act  
 42 for the 21st Century in ORS chapter 329 if applicable.

43 (b) Identifies specific deficiencies in the contract teacher’s conduct or performance.

44 (c) Sets forth corrective steps the contract teacher may pursue to overcome or correct the de-  
 45 ficiencies.

1 (d) Establishes the assessment techniques by which the district will measure and determine  
 2 whether the teacher has sufficiently corrected the deficiencies to meet district standards.

3 (8) "Substitute teacher" means any teacher who is employed to take the place of a probationary  
 4 or contract teacher who is temporarily absent.

5 (9) [Notwithstanding ORS 342.120,] "Teacher" means any person who holds a teaching license  
 6 [or registration] as provided in ORS 342.125 or 342.144 or who is otherwise authorized to teach in  
 7 the public schools of this state and who is employed half-time or more as an instructor or adminis-  
 8 trator.

9 (10) "Temporary teacher" means a teacher employed to fill a position designated as temporary  
 10 or experimental or to fill a vacancy which occurs after the opening of school because of unantic-  
 11 ipated enrollment or because of the death, disability, retirement, resignation, contract nonextension  
 12 or dismissal of a contract or probationary teacher.

13 **SECTION 25.** ORS 345.515 is amended to read:

14 345.515. A **private** school [may] **shall** be registered as a private school with the Department of  
 15 Education in the manner provided in ORS 345.505 to 345.575.

16 **SECTION 26.** ORS 345.525 is amended to read:

17 345.525. (1) The owner or operator of a private school, or the superintendent or principal  
 18 thereof, [may] **shall** apply to the Department of Education for registration of the school by submit-  
 19 ting an application [therefor] on a form provided by the department.

20 (2) In order to become registered, the applicant must demonstrate to the satisfaction of the de-  
 21 partment that:

22 (a) The teachers in the applicant schools are possessed of those qualifications necessary to es-  
 23 tablish the applicant's fitness as a teacher[, *but such qualifications shall not include the requirement*  
 24 *that teachers be licensed*].

25 (b) The applicant and the school employees are qualified by education and experience to provide  
 26 instruction at the grade level or in the program to which they are assigned.

27 **(c) The administrators and teachers employed by the school are licensed by the Teacher**  
 28 **Standards and Practices Commission.**

29 [(c)] (d) The facility at which the school is located and the operation thereof are adequate to  
 30 protect the health and safety of the children enrolled therein, including but not limited to providing  
 31 fire protection and sanitation.

32 [(d)] (e) The curriculum in prekindergarten, kindergarten and grades 1 through 12 shall be such  
 33 that it will consider the goals of modern education and the requirements of a sound, comprehensive  
 34 curriculum with particular emphasis on establishment of the highest practical standards, and in  
 35 secondary schools establishment of academic standards necessary for students to qualify to attend  
 36 community colleges and institutions of higher education both within and without the State of  
 37 Oregon. Courses shall be taught for a period of time equivalent to that required for children at-  
 38 tending public schools in the 1994-1995 school year.

39 **SECTION 27.** ORS 345.992 is amended to read:

40 345.992. (1) In addition to any other penalty provided by law, any person who violates any pro-  
 41 vision of ORS 345.020, 345.030, 345.070, 345.115 or 345.117, or who engages in an unlawful trade  
 42 practice as defined by ORS 646.608 shall incur a civil penalty for each violation in the amount pre-  
 43 scribed by the schedule adopted under ORS 345.995.

44 **(2) In addition to any other penalty provided by law, any person who violates any pro-**  
 45 **vision of ORS 345.515 or 345.525 shall incur a civil penalty for each violation in an amount**

1 **prescribed by rule adopted by the State Board of Education. A civil penalty imposed under**  
 2 **this subsection may not exceed \$\_\_\_\_\_ per violation.**

3 [(2)] (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

4 **SECTION 28.** ORS 181.539 is amended to read:

5 181.539. (1) For the purpose of requesting a state or nationwide criminal records check under  
 6 ORS 181.534, the Teacher Standards and Practices Commission and the Department of Education  
 7 may require the fingerprints of:

8 (a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as  
 9 a teacher, administrator or personnel specialist if the person has not submitted to a criminal records  
 10 check by the commission within the previous year.

11 (b) A person who is applying for reinstatement of a license as a teacher, administrator or per-  
 12 sonnel specialist whose license has lapsed for at least three years.

13 (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school  
 14 nurse.

15 (d) A school district or private school contractor, whether part-time or full-time, or an employee  
 16 thereof, whether part-time or full-time, who has direct, unsupervised contact with students as de-  
 17 termined by the district or private school.

18 (e) A person newly hired, whether part-time or full-time, by a school district or private school  
 19 in a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised  
 20 contact with children as determined by the district or private school.

21 (f) A person employed, whether part-time or full-time, by a school district or private school in  
 22 a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised  
 23 contact with children as determined by the district or private school.

24 (g) A person who is registering with the commission for student teaching, practicum or  
 25 internship as a teacher, administrator or personnel specialist, if the person has not submitted to a  
 26 criminal records check by the commission within the previous year for student teaching, practicum  
 27 or internship as a teacher, administrator or personnel specialist.

28 (h) A person who is a community college faculty member providing instruction at a kindergarten  
 29 through grade 12 school site during the regular school day.

30 (i) A person who is an employee of a public charter school.

31 [(j) A person who is applying for initial issuance of a registration as a public charter school  
 32 teacher under ORS 342.125.]

33 (2) Notwithstanding subsection (1) of this section, the commission and the department may not  
 34 require fingerprints of a person described in subsection (1)(d), (e), (f), (h) or (i) of this section if the  
 35 person or the person's employer was checked in one school district or private school and is cur-  
 36 rently seeking to work in another district or private school unless the person lived outside this state  
 37 during the interval between the two periods of time of working in the district or private school.

38 (3) Nothing in this section requires a person described in subsection (1)(d), (e) or (i) of this  
 39 section to submit to fingerprinting until the person has been offered employment or a contract by  
 40 a school district or private school. Contractor employees shall not be required to submit to finger-  
 41 printing until the contractor has been offered a contract.

42 (4) As used in this section:

43 (a) "Private school" means a school that provides educational services as defined in ORS 345.505  
 44 and is registered as a private school under ORS 345.505 to 345.575.

45 (b) "School district" means:

- 1 (A) A school district as defined in ORS 330.003.
- 2 (B) The Oregon State School for the Blind.
- 3 (C) The Oregon State School for the Deaf.
- 4 (D) An educational program under the Youth Corrections Education Program.
- 5 (E) A public charter school as defined in ORS 338.005.
- 6 (F) An education service district.

7 **SECTION 29.** ORS 329.840 is amended to read:

8 329.840. (1) There is created the Oregon Virtual School District within the Department of Edu-  
 9 cation. The purpose of the Oregon Virtual School District is to provide online courses to  
 10 kindergarten through grade 12 public school students.

11 (2) The Oregon Virtual School District shall provide online courses that meet academic content  
 12 standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Educa-  
 13 tion. Any person who teaches an online course must be properly licensed [*or registered*] as required  
 14 by ORS 338.135 and 342.173 for a person employed by a school district or public charter school. All  
 15 school districts and public charter schools may allow students to access the online courses offered  
 16 by the Oregon Virtual School District.

17 (3) The Superintendent of Public Instruction may contract with education service districts,  
 18 school districts, public charter schools, community colleges, state institutions of higher education  
 19 or any other public entity to provide online courses through the Oregon Virtual School District.

20 (4) Statutes and rules that apply to other school districts do not apply to the Oregon Virtual  
 21 School District except as provided under this section or by rule of the State Board of Education.  
 22 The Oregon Virtual School District is not considered a school district for purposes of apportionment  
 23 of the State School Fund and the department may not receive a direct apportionment under ORS  
 24 327.008 from the State School Fund for the Oregon Virtual School District.

25 (5) The board may adopt the rules necessary for the administration of the Oregon Virtual School  
 26 District and shall adopt rules to establish:

- 27 (a) The procedure and criteria to be used for the selection of online courses to be offered  
 28 through the Oregon Virtual School District;
- 29 (b) The qualifications of students who may access online courses through the Oregon Virtual  
 30 School District;
- 31 (c) The number of credits for which students may access online courses through the Oregon  
 32 Virtual School District; and
- 33 (d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School  
 34 District.

35 **SECTION 30.** **The State Board of Education, the Teacher Standards and Practices Com-**  
 36 **mission, public charter schools and private schools may take all actions necessary prior to**  
 37 **July 1, 2010, to implement the amendments to ORS 181.539, 326.603, 329.840, 338.135, 342.120,**  
 38 **342.121, 342.122, 342.125, 342.127, 342.135, 342.136, 342.143, 342.144, 342.165, 342.169, 342.175,**  
 39 **342.176, 342.177, 342.180, 342.200, 342.203, 342.223, 342.360, 342.390, 342.495, 342.815, 345.515,**  
 40 **345.525 and 345.992 by sections 1 to 29 of this 2007 Act on and after July 1, 2010.**

41 **SECTION 31.** **The amendments to ORS 181.539, 326.603, 329.840, 338.135, 342.120, 342.121,**  
 42 **342.122, 342.125, 342.127, 342.135, 342.136, 342.143, 342.144, 342.165, 342.169, 342.175, 342.176,**  
 43 **342.177, 342.180, 342.200, 342.203, 342.223, 342.360, 342.390, 342.495, 342.815, 345.515, 345.525 and**  
 44 **345.992 by sections 1 to 29 of this 2007 Act become operative on July 1, 2010.**