

# Enrolled Senate Bill 214

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Superintendent of Public Instruction Susan Castillo for Department of Education)

CHAPTER .....

AN ACT

Relating to public charter schools; creating new provisions; amending ORS 181.539, 338.005, 338.025, 338.035, 338.115, 338.135, 342.125, 342.127, 342.143, 342.175, 342.176, 342.177 and 342.223; and declaring an emergency.

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

**SECTION 1.** ORS 338.035 is amended to read:

338.035. (1) A public charter school may be established:

- (a) As a new public school;
  - (b) From an existing public school or a portion of the school; or
  - (c) From an existing alternative education program, as defined in ORS 336.615.
- (2)(a) Before a public charter school may operate as a public charter school, it must:
- (A) Be approved by a sponsor;
  - (B) Be established as a nonprofit organization under the laws of Oregon; and
  - (C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

(b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and (C) of this subsection do not apply to [*a public charter school that is operated by a school district*]:

- (A) A school in a school district that is composed of only one school; and**
- (B) A school in a school district that is a remote and necessary school district on the date the school first begins operation as a public charter school.**

(3) An applicant seeking to establish a public charter school shall submit a proposal pursuant to ORS 338.045 to the school district board of the school district within which the public charter school will be located at least 120 days prior to the date upon which the public charter school would begin operating. However, it is recommended that an applicant consult with the school district board prior to submitting a proposal.

(4) An applicant seeking to establish a public charter school shall provide to the State Board of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a copy of any subsequent approval by the school district board.

(5)(a) One or more, but not all, schools in a school district may become public charter schools.

(b) Notwithstanding paragraph (a) of this subsection, a school in a school district that is composed of only one school may become a public charter school.

(6)(a) A school district board or the State Board of Education may not approve a public charter school proposal that authorizes the conversion of any private school that is tuition based to a public charter school.

(b) Notwithstanding paragraph (a) of this subsection, a school district board or the State Board of Education may authorize the conversion of an existing alternative education program, as defined in ORS 336.615, to a public charter school.

(7) A school district board or the State Board of Education may not approve a public charter school proposal that is affiliated with a nonpublic sectarian school or a religious institution.

**SECTION 2.** ORS 338.005 is amended to read:

338.005. As used in this chapter, unless the context requires otherwise:

(1) "Applicant" means any person or group that develops and submits a written proposal for a public charter school to a sponsor.

(2) "Public charter school" means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to this chapter.

**(3) "Remote and necessary school district" means a school district that offers kindergarten through grade 12 and has:**

**(a) An average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of less than 110; and**

**(b) A school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.**

~~[(3)]~~ (4) "Sponsor" means:

(a) The board of the common school district or the union high school district in which the public charter school is located that has developed a written charter with an applicant to create a public charter school.

(b) The State Board of Education pursuant to ORS 338.075.

**SECTION 3. The amendments to ORS 338.005 and 338.035 by sections 1 and 2 of this 2007 Act apply to a public charter school that:**

**(1) First begins operation as a public charter school on or after the effective date of this 2007 Act; or**

**(2) Renews its charter on or after the effective date of this 2007 Act.**

**SECTION 4.** ORS 338.025 is amended to read:

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

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

**SECTION 5.** ORS 338.115 is amended to read:

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

- (a) Federal law;
- (b) ORS 192.410 to 192.505 (public records law);
- (c) ORS 192.610 to 192.690 (public meetings law);
- (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (e) ORS 181.534, 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
- (f) ORS 337.150 (textbooks);
- (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (h) ORS 659.850 and 659.855 (discrimination);

- (i) ORS 30.260 to 30.300 (tort claims);
- (j) Health and safety statutes and rules;
- (k) Any statute or rule that is listed in the charter;
- (L) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (1);
- (m) ORS 329.045 (academic content standards and instruction);
- (n) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
- (o) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
- (p) ORS 339.370, 339.372 and 339.375 (reporting of child abuse);
- (q) ORS chapter 657 (Employment Department Law); and**
- [(q)] **(r) This chapter.**

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

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

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

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

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

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

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

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

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

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

(12) A high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of Advanced Mastery issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of Advanced Mastery issued by a nonchartered public school.

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

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

**SECTION 6.** ORS 338.135 is amended to read:

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

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

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

(a) The charter of the public charter school is terminated or the public charter school is dissolved or closed during the leave of absence; or

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

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

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

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

(7)(a) *[Notwithstanding ORS 342.173, a public charter school may employ as an administrator a person who is not licensed by the Teacher Standards and Practices Commission.]* **Any person employed as an administrator in a public charter school shall be licensed or registered to administer by the Teacher Standards and Practices Commission.**

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

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

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

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

**SECTION 7. The amendments to ORS 338.135 by section 6 of this 2007 Act first apply to the 2007-2008 school year.**

**SECTION 8.** ORS 342.125 is amended to read:

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

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

(a) Basic teaching license.

(b) Standard teaching license.

(c) Administrative license.

(d) Restricted teaching license.

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

(a) Initial teaching license.

(b) Continuing teaching license.

(c) Initial personnel service license.

(d) Continuing personnel service license.

(e) Initial administrative license.

(f) Continuing administrative license.

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

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

(A) A description of the specific teaching **or administrator** position the applicant will fill;

(B) A description of the background of the applicant that is relevant to the teaching **or administrator** position, including any post-secondary education or other experience; and

(C) Documentation as required by the commission for the purposes of conducting a criminal records check as provided in ORS 181.534 and a background check through an interstate clearinghouse of revoked and suspended licenses.

(b) Subject to the results of the criminal records check and background check **and to information received under ORS 342.143 (2)**, the commission shall approve the application for registration. The commission may deny a request for registration only on the basis of the criminal records check, [or] the background check through an interstate clearinghouse of revoked and suspended licenses **or the information received under ORS 342.143 (2)**. The registration is valid for three years and may be renewed upon joint application from the teacher **or administrator** and the public charter school.

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

**(d) A registration as a public charter school administrator qualifies its holder to accept the administrator position described in the application in the public charter school that submitted the application with the holder of the registration.**

(6) The Teacher Standards and Practices Commission shall adopt an expedited process for the issuance of any license established pursuant to this section. The process may require a school district superintendent or school district board and the applicant to jointly submit an application requesting an emergency license. Within two working days after receiving a completed application the commission shall issue the emergency license. However, the commission may limit the number of applications for expedited service from a school district or education service district to not more than 100 applications in a period of two working days. For purposes of this subsection, the commission may not distinguish between a school district or education service district involved in a labor dispute and any other school district or education service district.

**SECTION 9. The amendments to ORS 342.125 by section 8 of this 2007 Act apply to applicants who apply for registration or renewal of a registration as a public charter school teacher on or after the effective date of this 2007 Act.**

**SECTION 10.** ORS 342.127 is amended to read:

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

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

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

(c) A fee not to exceed \$800 for a beginning teacher assessment conducted in lieu of an approved preparation program required for licensure.

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

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

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

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

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

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

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

(6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the commission shall collect a fee not to exceed \$100 for the issuance of any emergency license through an expedited process at the request of any school district or education service district that seeks to employ the applicant.

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

**SECTION 11.** ORS 342.143 is amended to read:

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

(2) The Teacher Standards and Practices Commission may *[also]* require an applicant for a teaching, personnel service or administrative license **or for registration as a public charter school teacher or administrator** to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as it may deem necessary to establish the applicant's fitness to serve as a teacher **or administrator**.

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

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

(A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445,

163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.012, 167.017, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087, 167.090, 475.848, 475.852, 475.858, 475.860, 475.862, 475.864 (4), 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906;

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

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

(b) The Teacher Standards and Practices Commission may refuse to issue a license or registration to any person who has been convicted of a crime involving the illegal use, sale or possession of controlled substances.

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

(5) The Department of Education shall provide school districts and public charter schools a copy of the list contained in subsection (3) of this section.

**SECTION 12.** ORS 342.175 is amended to read:

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

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

(b) Gross neglect of duty;

(c) Any gross unfitness;

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

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

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

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

(3) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (4) of this section, any person whose license or registration has been suspended or revoked or whose privilege to apply for a license or registration has been revoked may apply to the commission for reinstatement of the license or registration after one year from the date of the suspension or revocation. The commission may require an applicant for reinstatement to furnish evidence satisfactory to the commission of good moral character, mental and physical health and such other evidence as the commission may consider necessary to establish the applicant's fitness. The commission may impose a probationary period and such conditions as it considers necessary upon approving an application for reinstatement.

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

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

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

**SECTION 13.** ORS 342.176 is amended to read:

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

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

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

(a) The commission, meeting in executive session, at its next regular meeting following completion of the investigation; and

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

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

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

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

(b) The complainant; and

(c) The employing district **or public charter school**, if any.

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

(a) The person charged;

(b) The complainant; and

(c) The employing district **or public charter school**, if any.

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

**SECTION 14.** ORS 342.177 is amended to read:

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

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

(c) Any hearing conducted under this subsection shall be private unless the person against whom the charge is made requests a public hearing. Students attending school in the district [which] **that** employs the person [shall not be permitted to] **may not** attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. **Students attending a public charter school that employs the person may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made.** The person against whom the charge is made shall have the right to be represented by counsel and to present evidence and argument. The evidence must be confined to the charges.

(2) The Teacher Standards and Practices Commission or the person charged may have subpoenas issued to compel attendance at the hearing. The person charged may have subpoenas issued by an attorney of record subscribed by the signature of the attorney or by the executive director. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission or the person charged shall have the right to compel the attendance and obedience of witnesses in the same manner as provided under ORS 183.440 (2).



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

(a) Issue a public reprimand.

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

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

(d) Revoke the license **or registration** of the teacher or administrator.

(e) Revoke the privilege to apply for a license **or registration**.

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

(5) The commission shall notify in writing the person charged, the school district **or public charter school** by which the person is employed and the Superintendent of Public Instruction of the decision.

**SECTION 15.** ORS 181.539 is amended to read:

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

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

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

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

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

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

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

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

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

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

(j) A person who is applying for initial issuance of a registration as a public charter school teacher **or administrator** under ORS 342.125.

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

(3) Nothing in this section requires a person described in subsection (1)(d), (e) or (i) of this section to submit to fingerprinting until the person has been offered employment or a contract by

a school district or private school. Contractor employees shall not be required to submit to fingerprinting until the contractor has been offered a contract.

(4) As used in this section:

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

(b) "School district" means:

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

(B) The Oregon State School for the Blind.

(C) The Oregon State School for the Deaf.

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

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

(F) An education service district.

**SECTION 15a. If House Bill 2047 becomes law, section 15 of this 2007 Act (amending ORS 181.539) is repealed and ORS 342.223, as amended by section 2, chapter 35, Oregon Laws 2007 (Enrolled House Bill 2047), is amended to read:**

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

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

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

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

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

(e) A person who is applying for initial issuance of a registration as a public charter school teacher **or administrator** under ORS 342.125.

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

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

**SECTION 15b. If House Bill 2047 becomes law, the amendments to ORS 342.223 by section 15a of this 2007 Act become operative on January 1, 2008.**

**SECTION 16. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.**

**Passed by Senate February 12, 2007**

**Repassed by Senate June 13, 2007**

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Secretary of Senate

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President of Senate

**Passed by House June 8, 2007**

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Speaker of House

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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Secretary of State