

House Bill 3555

Sponsored by Representative PARRISH; Representatives CONGER, MCLANE, WEIDNER, WINGARD, Senator OLSEN

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**.

Allows person without administrative license to be superintendent, or assistant superintendent, of public school, public charter school or virtual public charter school. Allows person without administrative license to be superintendent of education service district.

A BILL FOR AN ACT

1
2 Relating to qualifications of school personnel; amending ORS 329.007, 329.788, 332.505, 332.544,
3 332.554, 334.225, 338.120, 338.135 and 342.121.

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

5 **SECTION 1.** ORS 342.121 is amended to read:

6 342.121. (1) The Teacher Standards and Practices Commission shall issue licenses to teachers
7 and administrators who possess the minimum competencies, knowledge and skills to teach and ad-
8 minister in the public schools of the state. **An administrative license is not required to be em-
9 ployed as a superintendent of schools or as an assistant superintendent in this state.**

10 (2) In addition to a teaching or administrative license, a person may obtain certification, indi-
11 cating a higher degree of competency, knowledge and skill based on work experience and advanced
12 study, from a professional organization of teachers or administrators, either on the state or national
13 level. [*However,*] A teaching certificate or administrative certificate [*shall not be*] **is not** required to
14 teach or administer in a public school of this state.

15 **SECTION 2.** ORS 332.505 is amended to read:

16 332.505. (1) A district school board may:

17 (a) Employ a superintendent of schools and necessary assistant superintendents for the
18 district, [*and*] fix the terms and conditions of employment and the compensation, **and establish the
19 qualifications for employment.** The district school board [*shall*] **may** not contract with a super-
20 intendent for more than a period of three years at a time. The contract shall automatically expire
21 at the end of its term. However, the district school board may elect to issue a subsequent contract
22 for an additional three years at any time.

23 (b) Employ personnel, including teachers and administrators, necessary to carry out the duties
24 and powers of the board and fix the duties, terms and conditions of employment and the compen-
25 sation.

26 (c) Compensate district employees in any form which may include, but shall not be limited to,
27 insurance, tuition reimbursement and salaries.

28 (d) Employ educational assistants and intern teachers subject to the rules of the State Board
29 of Education.

30 (2) The district school board shall maintain written personnel policies at least one copy of which

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 shall be placed in the library and one copy in the business office of every school in the district.
 2 Copies shall be available for inspection by any school employee or member of the public.

3 (3) The superintendent of the school district shall cause each employee to be specifically in-
 4 formed of the existence and availability of the personnel policies.

5 **SECTION 3.** ORS 329.007 is amended to read:

6 329.007. As used in this chapter, unless the context requires otherwise:

7 (1) "Academic content standards" means expectations of student knowledge and skills adopted
 8 by the State Board of Education under ORS 329.045.

9 (2) "Administrator" includes all persons whose duties require an administrative license **or who**
 10 **are employed as a superintendent or as an assistant superintendent.**

11 (3) "Board" or "state board" means the State Board of Education.

12 (4) "Community learning center" means a school-based or school-linked program providing in-
 13 formal meeting places and coordination for community activities, adult education, child care, infor-
 14 mation and referral and other services as described in ORS 329.157. "Community learning center"
 15 includes, but is not limited to, a community school program as defined in ORS 336.505, family re-
 16 source centers as described in ORS 417.725, full service schools, lighted schools and 21st century
 17 community learning centers.

18 (5) "Department" means the Department of Education.

19 (6) "English" includes, but is not limited to, reading and writing.

20 (7) "History, geography, economics and civics" includes, but is not limited to, Oregon Studies.

21 (8) "Oregon Studies" means history, geography, economics and civics specific to the State of
 22 Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal
 23 and state government, as well as the electoral and legislative processes.

24 (9) "Parents" means parents or guardians of students who are covered by this chapter.

25 (10) "Public charter school" has the meaning given that term in ORS 338.005.

26 (11) "School district" means a school district as defined in ORS 332.002, a state-operated school
 27 or any legally constituted combination of such entities.

28 (12) "Second languages" means any foreign language or American Sign Language.

29 (13)(a) "Teacher" means any licensed employee of a school district who has direct responsibility
 30 for instruction, coordination of educational programs or supervision of students and who is com-
 31 pensated for such services from public funds.

32 (b) "Teacher" does not include:

33 (A) A school nurse, as defined in ORS 342.455[*or*];

34 (B) A person whose duties require an administrative license[.]; **or**

35 (C) **A person employed as a superintendent or as an assistant superintendent.**

36 (14) "The arts" includes, but is not limited to, literary arts, performing arts and visual arts.

37 (15) "21st Century Schools Council" means a council established pursuant to ORS 329.704.

38 **SECTION 4.** ORS 329.788 is amended to read:

39 329.788. As used in ORS 329.788 to 329.820:

40 (1) "Beginning administrator" means a principal or superintendent who:

41 (a) Possesses an administrative license issued by the Teacher Standards and Practices Commis-
 42 sion **or otherwise meets the qualifications established under ORS 332.505 (1)(a);**

43 (b) Is employed as a principal or superintendent by a school district; and

44 (c) Has been assigned for fewer than two school years in the administrator's present position.

45 (2) "Beginning teacher" means a teacher who:

- 1 (a) Possesses a teaching license issued by the Teacher Standards and Practices Commission;
- 2 (b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and
- 3 (c) Has taught fewer than two school years as a licensed probationary teacher in any public,
- 4 private or state-operated school.

5 (3) “Mentor” means an individual who:

- 6 (a) Is an acting or retired teacher, principal or superintendent;
- 7 (b) Has met established best practice and researched-based criteria as defined by the State
- 8 Board of Education by rule;

9 (c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices

10 Commission **or otherwise meets the qualifications established under ORS 332.505 (1)(a);**

11 (d) Has successfully served for five or more years as a **superintendent or as a** licensed

12 teacher[,] **or** principal [*or superintendent*] in any public school; and

13 (e) Has been selected and trained as described in ORS 329.815.

14 (4) “Mentorship program” means a program provided by a mentor to a beginning teacher or

15 administrator that includes, but is not limited to, direct classroom observation and consultation,

16 assistance in instructional planning and preparation, support in implementation and delivery of

17 classroom instruction, development of school leadership skills and other assistance intended to assist

18 the beginning teacher or administrator to become a confident and competent professional educator

19 who makes a positive impact on student learning.

20 **SECTION 5.** ORS 332.544 is amended to read:

21 332.544. (1) As used in this section, “classified school employee” includes all employees of a

22 public school district except:

23 (a) Those for whom a teaching or administrative license is required as a basis for employment

24 in a public school district[.]; **or**

25 (b) **Those who meet the qualifications established under ORS 332.505 (1)(a) and who are**

26 **employed as a superintendent or as an assistant superintendent.**

27 (2) A classified school employee who has been demoted or dismissed shall be entitled to a

28 hearing before the school board if a written request is filed with the board within 15 days of the

29 dismissal or demotion.

30 (3) School district employees subject to the civil service provisions of ORS chapter 242 are ex-

31 empt from the provisions of this section.

32 **SECTION 6.** ORS 332.554 is amended to read:

33 332.554. (1) Each school district shall give an individual, written notice of reasonable assurance

34 of continued employment to all classified school employees who are to perform services in the same

35 or a similar capacity during a subsequent academic year or term or in the period immediately fol-

36 lowing a recess period. Such notice shall be given by May 30 of each year for employees employed

37 as of that date and as of the date of hire for employees employed subsequent to May 30.

38 (2) No liability shall accrue from failure to give the notice required by subsection (1) of this

39 section or from the timing or contents thereof on the part of the school district. However, the State

40 Board of Education shall enforce the provisions of subsection (1) of this section.

41 (3) As used in this section, “classified school employee” includes all employees of a public school

42 district except:

43 (a) Those for whom a teaching or administrative license is required as a basis for employment

44 in a public school district[.]; **and**

45 (b) **Those who meet the qualifications established under ORS 332.505 (1)(a) and who are**

1 **employed as a superintendent or as an assistant superintendent.**

2 **SECTION 7.** ORS 334.225 is amended to read:

3 334.225. (1) The education service district board shall employ a superintendent who *[must hold]*
 4 **holds** an administrative license as a superintendent **or who otherwise meets the qualifications**
 5 **for a superintendent that are established by the education service district board.** The super-
 6 intendent shall serve as the board's executive officer, give an official bond or an irrevocable letter
 7 of credit issued by an insured institution, as defined in ORS 706.008, and have the duties prescribed
 8 by the board and the laws of this state. The board shall fix the term and compensation of the su-
 9 perintendent, provide office room for the superintendent and allow all of the superintendent's nec-
 10 essary traveling expenses.

11 (2) The education service district board shall designate the superintendent as the district clerk.
 12 The board may appoint qualified persons as deputies to the superintendent to perform the duties
 13 required of the district clerk by law or by the board.

14 **SECTION 8.** ORS 338.120, as amended by section 1, chapter 72, Oregon Laws 2010, is amended
 15 to read:

16 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a
 17 virtual public charter school must have:

18 (a) A plan for academic achievement that addresses how the school will improve student learn-
 19 ing and meet academic content standards required by ORS 329.045.

20 (b) Performance criteria the school will use to measure the progress of the school in meeting
 21 the academic performance goals set by the school for its first five years of operation.

22 (c) A plan for implementing the proposed education program of the school by directly and sig-
 23 nificantly involving parents and guardians of students enrolled in the school and involving the pro-
 24 fessional employees of the school.

25 (d) A budget, business plan and governance plan for the operation of the school. The budget and
 26 accounting system of the school must be compatible with the budget and accounting system of the
 27 sponsor of the virtual public charter school and must comply with the requirements of the uniform
 28 budget and accounting system adopted by rule of the State Board of Education under ORS 327.511.

29 (e) In the charter of the school, a requirement that the school:

30 (A) Monitor and track student progress and attendance; and

31 (B) Provide student assessments in a manner that ensures that an individual student is being
 32 assessed and that the assessment is valid.

33 (f) Notwithstanding ORS 338.135 (7), a plan to ensure that:

34 (A) All *[superintendents, assistant superintendents and]* principals of the school are licensed to
 35 administer by the Teacher Standards and Practices Commission; and

36 (B) All teachers of the school are licensed to teach by the Teacher Standards and Practices
 37 Commission and are highly qualified as described in the federal No Child Left Behind Act of 2001
 38 (P.L. 107-110, 115 Stat. 1425).

39 (g) A plan for maintaining student records and school records, including financial records, at a
 40 designated central office of operations that is located:

41 (A) If the sponsor is a school district, within the school district that is the sponsor and as
 42 specified in the charter of the school; or

43 (B) If the sponsor is the State Board of Education, at a central office located in Oregon and as
 44 specified in the charter of the school.

45 (h) A plan to provide equitable access to the education program of the school by ensuring that

1 each student enrolled in the school:

2 (A) Has access to and use of computer and printer equipment as needed;

3 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-
4 imbursees the parent or guardian of the student, at a rate set by the school, for the costs of obtaining
5 Internet service at the minimum connection speed required to effectively access the education pro-
6 gram provided by the school; or

7 (C) Has access to and use of computer and printer equipment and is offered Internet service cost
8 reimbursement.

9 (i) A plan to provide access to computer and printer equipment and the Internet service cost
10 reimbursement as described in paragraph (h) of this subsection by students enrolled in the school
11 who are from families that qualify as low-income under Title I of the federal Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

13 (j) A plan to conduct school-sponsored optional educational events at least six times each school
14 year at locations selected to provide convenient access to all students enrolled in the school who
15 want to participate.

16 (k) A plan to conduct meetings at least twice a week between teachers and students enrolled
17 in the school, either in person or through the use of conference calls or other technology.

18 (L) A plan to provide opportunities for face-to-face meetings between teachers and students en-
19 rolled in the school at least six times each school year.

20 (m) A plan to provide, at the time of a student's enrollment, written notice to the student's
21 resident school district and to the sponsor. Notification must be provided within 10 days after en-
22 rollment and must include:

23 (A) The name, age and address of the student; and

24 (B) The name of the school in which the student was formerly enrolled.

25 (n) A plan to provide, at the time of a student's withdrawal, written notice to the student's
26 resident school district and to the sponsor. Notification must be provided within 10 days after
27 withdrawal and must include:

28 (A) The name, age and address of the student;

29 (B) The name of the school in which the student will enroll, if known to the virtual public
30 charter school; and

31 (C) The last day on which the student was enrolled at the virtual public charter school.

32 (o) An agreement to provide a student's education records to the student's resident school dis-
33 trict or to the sponsor, upon request of the resident school district or sponsor.

34 (2) If a virtual public charter school enters into a contract with a third-party entity to provide
35 educational services for the virtual public charter school, the virtual public charter school must
36 have on file the third-party entity's budget for the provision of educational services and that budget
37 must itemize:

38 (a) The salaries of supervisory and management personnel and consultants who are providing
39 educational or related services for a public charter school in this state; and

40 (b) The annual operating expenses and profit margin of the third-party entity for providing ed-
41 ucational services to a public charter school in this state.

42 (3)(a) The sponsor or a member of the public may request access to any of the documents de-
43 scribed in subsections (1) and (2) of this section that are public records, as provided by ORS 192.410
44 to 192.505.

45 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must

1 provide reasonable access to the documents described in subsections (1) and (2) of this section that
2 are public records, as provided by ORS 192.410 to 192.505. The documents may be provided elec-
3 tronically.

4 **SECTION 9.** ORS 338.135 is amended to read:

5 338.135. (1) Employee assignment to a public charter school shall be voluntary.

6 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
7 ployer of any employees of the public charter school. If a school district board is not the sponsor
8 of the public charter school, the school district board may not be the employer of the employees of
9 the public charter school and the school district board may not collectively bargain with the em-
10 ployees of the public charter school. The public charter school governing body shall control the
11 selection of employees at the public charter school.

12 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
13 with a for-profit entity to provide educational services through the virtual public charter school, the
14 for-profit entity may not be the employer of any employees of the virtual public charter school.

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

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

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

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

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

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

33 (7)(a) [Any] A person employed as an administrator in a public charter school [shall] **is not**
34 **required to** be licensed or registered to administer by the Teacher Standards and Practices Com-
35 mission.

36 (b) [Any] A person employed as a teacher in a public charter school [shall] **must** be licensed
37 or registered to teach by the commission.

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

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

1 may be part of the bargaining units of the sponsor or of the school district in which the public
2 charter school is located.

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

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